

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21312 of 2013

=====

Nand Kishore Singh S/o Bhagirath Singh Resident of Village Pagra, P.S-
Dalsinghsarai, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chairman, Bihar State Religious Trust Board, Patna.
3. The Anchal Adhikari- Cum- Circle Officer, Dalsinghsarai, Samastipur.
4. Paras Nath Singh S/O Radhey Shyam Singh Resident of Village- Pagra, P.S-
Dalsinghsarai, District- Samastipur.
5. The District Magistrate, Samastipur.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Binod Kumar Amhastha, Advocate

For the Respondents No. 1 & 3 : Mr. Pratik Sinha, AC to GA-V

For the Respondent No. 2 : Mr. Shekhar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the petitioner; the State and Bihar

State Board of Religious Trusts.

The petitioner has moved the Court for the following
reliefs:-

“That this writ application is filed for issuance of a writ in the nature of Certiorari for quashing the order dated 26.6.2004 passed by the Respondent no. 2, the Chairman, Bihar State Religious Trust Board, Patna as letter communicated to the petitioner on 09.07.2004 of the said order as contained in Annexure-6 by which he has appointed the Respondent no. 4, Paras Nath Singh as temporary trustee of Kali Mandir, Situate at village-Pagra within Dalsinghsarai Anchal under the District-Samastipur under the provisions of Section 33 of the Bihar Hindu



Religious Trust Act, which is wholly illegal as said Kali Mandir being private area Trust Property Bihar Hindu Religious Trust area and the petitioner has been trustee of the said Mandir since last several years and the Respondent no. 2 has passed the impugned order of appointment of temporary trustee without satisfying the requirement of Section 28(2) (h) of the Act. The writ application is also filed for issuance of writ in the nature of writ of Mandamus directing the Respondent no. 4, Paras Nath Singh of village-Pagra, P.S. Dalsinghsarai under the District-Samastipur not to interfere in the management of the temple.”

From the pleadings it is apparent that the same order which is impugned in the present writ petition was also impugned in CWJC No. 969 of 2005, which was dismissed for non-prosecution on 22.6.2012.

In view of the aforesaid, once, for the same cause, when the petitioner has moved the Court and the writ petition stands dismissed, the present writ petition for the same cause is not maintainable.

Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

