

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21640 of 2014

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Jata Shankar Upadhyay @ Jaya Shankar Upadhyay S/o Late Deenanath Upadhyay
Resident of Parsurampur, P.S. Krishnagadh, (Barhara) District Bhojpur, present
resident of Village & P.O. Babura, P.S. Barhara, District Bhojpur (Ara).

.... Petitioner/s

Versus

1. The Bihar State Hindu Religious Trust Board, Patna, Bihar through the Chairman Bihar State Hindu Religious Trust Board, Patna, Bihar.
2. The Chairman, Bihar Hindu Religious Trust Board, Patna, Bihar.
3. Sri Ram Janki Mandir through its Shewait Shri Bhutan Pathak S/o Late Sidheshwar Pathak Resident of Village and P.O. Birampur, P.S. Koilwar, District Bhojpur, Ara.
4. Suresh Singh S/o Late Balbhadra Singh Secretary Sri Ram Janki Mandir Trust Committee, Babura, P.O. Barahara, Circle Barahara, District Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishor Verma with
Mr. Birendra Kumar Tiwary,
Mr. Anjani Kumar and
Mr. Abhishek Anand, Advocates

For the Board : Mr. Ganpati Trivedi, Sr. Advocate with
Mr. Shekhar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioner and Bihar State
Board of Religious Trusts (hereinafter referred to as the 'Board').

2. The petitioner has moved the Court for the following
reliefs:

*“ That this application is being filed for issuance of
an appropriate writ or writs/order or*



orders/direction or directions for grant of following reliefs:

(A) For setting aside order dated 08/09/2009 as contained in annexure-4 whereby the alleged private trust created by Ram Swaroop Upadhyay has been registered as public trust bearing registration no. 4060 dated 08/09/2009.

(B) For restraining the Religious Trust Board and its authorities and Tribunal constituted there under from interfering with the properties of alleged trust in any manner whatsoever.

(C) Any other relief or reliefs as deemed fit and proper in the facts and circumstances of the petitioner's case."

3. At the very outset, learned counsel for the Board submitted that the petitioner has a statutory forum for agitating his grievance under Section 28 (2) (u) of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the 'Act').

4. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to approach the said forum.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. If an application is filed before the Competent Authority, under Section 28 (2) (u) of the Act, within one month from



today, the same shall be considered on merits, expeditiously, and latest within a period of six months from the date of such filing.

7. The disposal of the present writ application with liberty to the petitioner to move before the statutory forum is limited to the *lis* involved in the present writ application and shall have no bearing on any other *lis*/personal right of the parties concerned relating to the properties in question.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
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