

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1654 of 2016

In
Civil Writ Jurisdiction Case No. 8252 of 2015

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1. The Bihar State Board of Religious Trust through the Administrator,
Vidyapati Marg, Patna-1.

.... Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate, Kishanganj.
3. The Deputy Development Commissioner-cum-Nodal Officer, Zila Jan Shikayat, Kishanganj.
4. The Sub-Divisional Magistrate, Kishanganj.
5. Abhinav Modi, President, District Unit of Bhartiya Janta Party, Kishanganj.
6. M/s Bol Bum Developers having its office at Mohalla- Dharmganj, P.S., Town & District- Kishanganj through its partner namely, Pramod Baid, S/o Sri Surajmal Baid, resident of Saugarpatti Road, Kishanganj, P.S. & District- Kishanganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shekhar Singh, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha- AAG7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

53 14-07-2017

Having heard learned counsels for the parties, we find that at the instance of respondent No. 6, the President of the Board, namely, Bihar State Religious Trust Board, entertained an application, Annexure-11 to the writ petition submitted by respondent No. 6, made endorsement therein that the plot No. described therein and the temple in question be registered with the Board. However, while doing so the fact remains that the



President did not issue notice to all concerned, cause an enquiry as required under the rule, and then on this ground alone the order contained in Annexure-11 passed by the President stands vitiated. That apart, we find that the learned Writ Court has gone into various questions and one of which is as to whether the provisions of Section 43(E) of the Bihar Hindu Religious Trust (unamended) Act would apply in the present case or not. Once, we are of the considered view that the impugned order, Annexure-11 stands vitiated due to the manner in which the President of the Board exercised the power, it is not necessary for us now to go into various issues which can be considered at appropriate stage and finding no error in the order of the learned Writ Court quashing Annexure-11, we dismiss the appeal and dispose it of.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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