

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22682 of 2011

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Mahanth Shyam Nandan Bhagat Chela Late Girija Nandan Bhagat Kabir Math
Turki, Village and Post Turki, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Bihar State Hindu Religious Trust Board, Patna, through its President,
Vidyapati Marg, Patna.
3. Sri Kishore Kunal, President Hindu Religious Trust Board, Vidyapati Marg,
Patna.
4. Sub- Divisional Officer, Muzaffarpur, (West).
5. Dr. Sundar Das Shastri, Kabir Ashram Bahorwa, P.O. Maripur, District-Deoria
(Uttar Pradesh)

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Ravindra Kumar Shukla, Advocate
For the State	:	Mr. Dev Kumar Pandey, AC to G.P.-2
For the B.S.B.R.T.	:	Mr. Shekhar Singh, Advocate
For the Respondent No. 5	:	Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the petitioner; the State; learned
counsel for the Bihar State Board of Religious Trusts (hereinafter
referred to as the 'Board') and learned counsel for the respondent no.
5.

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

“(i) *For issuance of a writ in the nature of certiorari
for quashing the order contained in Memo No.
1170 dated 19.10.2011 issued under the seal and
signature of Sri Kishore Kunal, President, Bihar
State Board of Hindu Religious Trust, Vidyapati*



Marg, Patna whereby and whereunder the present trustee namely Mahanth Shyam Nandan Bhagat the petitioner has been ordered to be removed from the trusteeship of Kabir Math Turki (Muzza Harpur) in the garb of section 28(2) (ऋ) (iii) & (vi) and for the stop gap arrangement the S.D.O. Muzaffarpur (West) has been appointed as temporary trustee.

- (ii) For issuance of the writ in the nature of mandamus directly commanding the concerned respondents to allow the petitioners to perform his religious duty in the Math being the only legal successor / chela of late Mahant Girjanandan Bhagar in whose life time a Vasiyatnama was executed by him treating the petitioner as his only chela (disciple).*
- (iii) For issuance of an appropriate writ in the nature of mandamus directing/commanding the concerned respondents to treat the details of income and expenditures furnished by way of annual budget as legal and bonafide.*
- (iv) This Hon'ble Court is further prayed to adjudicate and hold that annual return submitted by the petitioner is in accordance with law and there is any absurdity with the details of income and expenditure unless and until the said return is proved wrong and illegal after giving proper opportunity to the petitioner.*
- (v) This Hon'ble Court be further pleased to adjudicate and hold that the petitioner has been already and illegally removed in a most unceremonious manner*



withhold following the principle of Audi Alteram partem on the nonest and baseless ground.

- (vi) For issuance of an appropriate Writ directing/commanding the concerned respondents for restitution of petitioners right of Governance & Maintaining ruling the Math in question strictly as per the Kabir Panthi cult and customary.*
- (vii) This Hon'ble Court is further prayed to adjudicate and hold that the petitioner who is full fledged Mahanth of Kabir Math Turki cannot be terminated on nonest and baseless ground and specially when on each and every occasion the petitioner had responded over the notices in the form of show cause.*
- (viii) Any other appropriate writ/writs be issued order/orders be passed, direction/directions be given in the facts and circumstances of the instant case."*

3. In sum and substance, the grievance of the petitioner is that though he was the duly appointed Mahanth of Kabir Math in the district of Muzaffarpur, he has been removed on false charges including that of having alienated the land of the trust.

4. Consequential act of the Board has also been challenged by which the respondent no. 5 has been made the President.

5. Leaned counsel submitted that the defence of the petitioner has not been considered by the Board as he has documentary evidence to show that whatever land is said to have



been alienated, has been taken by the State of Bihar for establishing various institutions including a hospital. It was submitted that no other land has been alienated to any private person by the petitioner. It was submitted that such fact has not been taken into consideration by the Board as no adequate opportunity was given to him to satisfy the Board and the Board in a hurried manner has taken a decision, which is erroneous.

6. Learned counsel for the Board submitted that opportunity was given but the petitioner could not satisfy the Board with regard to him not being involved in any illegal alienation of the trust land. However, he further submitted that if at all the petitioner feels aggrieved, he has the option of moving before the District Judge, Muzaffarpur under Section 28(3) of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the 'Act'), where all issues raised by him and documents produced in support thereof, can be properly appreciated after adducing evidence on the same.

7. Learned counsel for the respondent no. 5 also submitted that the petitioner may approach the District Judge, Muzaffarpur.

8. Faced with the situation, learned counsel for the petitioner agrees to the proposal for moving before the District Judge, Muzaffarpur, in the matter.

9. In view thereof, with consent, the writ petition stands disposed off with liberty to the petitioner to move, with regard to him



having been removed / not appointed as *Mahanth* of the Trust in question, before the District Judge, Muzaffarpur. If such a petition is filed within three weeks from today, the same shall be heard on merits and disposed off expeditiously and in any case within four months from the date of its filing.

10. The petitioner shall serve a copy of the application in the office of the Board indicating the next date fixed in the case upon which the Board shall enter appearance and shall ensure that the time limit fixed by this Court for disposal of the case is strictly adhered to.

11. It would be open to respondent no. 5 to be party to such proceeding.

12. If the petitioner is aggrieved by any illegal act(s) of any of the Committee Members, including respondent no. 5, he shall have liberty to file an appropriate application before the Board which shall be dealt with on its own merit.

(Ahsanuddin Amanullah, J)

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