

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8430 of 2017

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Mahanth Bhikhari Das, Chela of Late Mahanth Ram Chandra Das Jee, Resident of
Village- Madhopur, P.S. Barauli, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Gopalganj at Gopalganj.
2. The SDM, Gopalganj at Gopalganj.
3. The State Board of Religious Trusts Bihar, through its administrator, Vidyapati Marge, Patna.
4. The Circle Officer Barauli, Distt. Gopalganj-cum- Chairman, of the illegally constituted trust committee of the so-caller Ram- Janki- Vaishnav- Bairagee Math (Madhopur), P.S. Barauli, District- Gopalganj.
5. The Secretary through the Circle Officer, Barauli cum Chairman of the illegally constituted trust committee of the so-called Ram- Janki- Vaishnav- Bairage Math (Madhopur), P.S.- Barauli, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Singh with Mrs. Kumari Rashmi, Advocates
For the State	:	Mr. Gyan Prakash Ojha, GA 7
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate with Mr. Madan Mohan and Mrs. Pallavi Pandey, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-08-2017

Heard learned counsel for the petitioner, State and Bihar

State Board of Religious Trusts (hereinafter referred to as the



‘Board’).

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

“ (i) For issuance of an appropriate writ/s, order/s and direction/s commanding the respondents particularly the respondent no. 3 to 5 not to interfere with affairs of the private math the petitioner known as Madhopur Math and further to direct the Respondent no. 1 provide adequate protection to the petitioner with an order to immediately for refund of the entire mean profit deposited with the Respondent no. 4 & 5 by making illegal auction of the properties of the said private math, as now the TS no. 114 of 1988 filed by the petitioner for declaration that properties of Madhopur Math is the private properties of petitioner, and the defendants state of Bihar of the Bihar state religious trusts Board had no authority to interfere with its affairs, which has been decreed vide judgment/decreed passed by the learned Sub-Judge-1, Gopalganj on 10.10.2015/09.11.2015 has allowed suit in favour of the petitioner, consequently the notification if any issued for constitution of trust committee is automatically nullified, however even the Respondent no. 3 filed Title Appeal against the said judgment and also filed an application Under Order 39 Rule 1 C.P.C. which too had been dismissed on dated 08.02.2016 by the court below, finding no case for stay or balance of convenience in favour of the Respondent/appellant, even then the Respondent no. 1



has not restrained Respondent no. 3 to 5 from making illegal auction and not directed to pay the entire mean profit to the petitioner despite repeated representation, and allowed their interference for which the Respondent may be commanded by the Hon'ble court to protect valuable rights of the petitioner.

(ii) For issuance of show cause on the respondent no. 1 against his no action upon the repeated representation/reminders made by the petitioner and still according undue favour to respondent no. 3 to 5, and not providing any legal assistance to the petitioner under ulterior motives, though he is duty bound to grant protection against any illegal acts and to ensure enforcement of the mandates the courts, hence further an order in nature of prohibition may be issued commanding the respondents from making any interference with affairs of the math in question.

(iii) For holding and declaring any act of the respondents in making interference in the enjoyment of the properties in question by the petitioner to be bad, without jurisdiction, as once against they are trying to dispossess the petitioner and auction the properties involved in the suit, which has necessitated to move before the Hon'ble court.

(iv) For quashing the auction if any made by the Respondent no. 4 and 5 to be void, illegal and without jurisdiction, and further also to restore possession of the petitioner if dispossessed.

(v) For declaring the action of the respondent no. 3 to



constitute illegal committee of a group of local and grabbers/antisocial elements for grabbing the property of the petitioner to be without jurisdiction.

(vi) For granting any other relief/relives for which the petitioner is found entitled in the eye of law.”

3. The petitioner claims to be the *Mahanth* of Madhopur *Math* in the district of Gopalganj and by judgment dated 10.10.2015 in Title Suit No. 114 of 1988 passed by the Sub-Judge-1, Gopalganj it has been declared that the *Math* is a private *Math* and the petitioner its *Mahanth* and it has also been held that the constitution of another Committee by the Board is without jurisdiction. Thereafter, developments have taken place by which the respondents no. 4 and 5 are involved in the management of the said *Math* and also dealing with its properties, which the petitioner claims is illegal, moreso, in view of the fact that Title Appeal filed by the respondent no. 3 is pending in the court below and prayer for injunction in the same having been rejected, the respondent no. 3 has moved before this Court in Miscellaneous Appeal No. 234 of 2016, which is also pending.

4. Having heard the matter at length and considering the factual background, the Court would only clear the position that till the time there is any order/judgment of any court of competent jurisdiction and the same is either not stayed or set aside, all



authorities, including official and private, are required to respect the said order/judgment and not act contrary to the same and if the same is done, it shall necessarily be without jurisdiction and void. The law would take its own course depending on the result of the Title Appeal and Miscellaneous Appeal filed by the respondent no. 3 or in any other proceeding before the competent court on the issue in future but till the time, any order/judgment is in force, all persons concerned both private and public cannot act beyond or contrary to such order/judgment of the court.

5. It is clarified that any observation or even passing of the present order will have no effect on any *lis* pending on the issue before any authority/forum/court and the same shall be decided on its own merits after giving opportunity of hearing to all concerned.

6. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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