

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8776 of 2017

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Md. Akbar Ali, Son of Md. Afsar Ali, Resident of Line Mohalla, Rehman Medical Hall Subhash Palli, Post Office-Kishanganj Town, Police Station-Kishanganj Town, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar.
3. The I.G. Registration, Government of Bihar, Patna.
4. The District Magistrate, Kishanganj.
5. The Superintendent of Police, Kishanganj.
6. Md. Motiur Rehman, Son of Late Matin Salfi, Resident of Khankah Chauk, Police Station-Kishanganj Town, District-Kishanganj.
7. Md. Abdul Rashid, Son of not Known to the Petitioner, Working as Treasurer, Tauheed Educational Trust, Mahdabad, Police Office-Khagra, District-Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh
Mr. Rabindra Kumar Priyadarshi
For the State : Mr. Manish Kumar, AC to AAG 6
For Respondent No. 6 : Mr. Y V Giri, Sr. Advocate
Mr. Anish Akhtar
For Respondent No. 7 : Mr. Sanjay Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-01-2018



This writ petition under Article 226 of the Constitution of India has been filed in public interest and the grievance of the petitioner is that various illegal activities are being carried out by the Tauheed Educational Trust, Kishanganj, and contending that action be initiated against the Trust by issuing a mandamus.

Further prayer made is that one Md. Motiur Rehman is functioning as Chairman of the Trust in an illegal manner and he should be ousted from the post of Chairman.

From the material available on record it is seen that the Trust in question is a private trust not amenable to writ jurisdiction of this Court. It has already been granted registration under the statutory provision and, therefore, in a Public Interest Litigation we are not inclined to interfere into the matter. The petitioner if aggrieved by any action may take recourse to the statutory remedy, if any, available or file a suit and seek indulgence by resorting to any law available in the matter.

In the facts and circumstances of the case, with regard to managing the affairs of the private Trust we are not inclined to exercise our extra-ordinary prerogative of writ jurisdiction under Article 226 of the Constitution and that also in a Public Interest Litigation.



The petitioner is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr.l./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.02.2018
Transmission Date	

