

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5588 of 2016

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Pujari Jagdish Das son of Late Bhola Chaudhary resident of village + P.O.-
Mahanth Maniyari, P.S.- Maniyari, Circle Office- Kudhani, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Land & Revenue Department, Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The Sr. Superintendent of Police, Muzaffarpur
5. The Sub-Divisional Officer, East Muzaffarpur
6. The Circle Officer, Barha, Kudhni
7. The Officer-in-Charge Police Station, Maniyari
8. The Bihar State Board of Religious Trust, Vidyapati Marg, Patna through it's
Chairman

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Sanjay Pandey- GP21
For Res. No.8	:	Mr. Ganpati Trivedi, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2018 Heard learned Counsels appearing on behalf of the

petitioner, respondent-State and the Bihar State Board of

Religious Trust (hereinafter referred to as the 'Religious

Board').

The present Writ application has been filed for a direction
to the respondent authorities for removal of encroachment from
the land of Maniyari Math situated at Village – Mahanth
Maniyari, P.S.- Maniyari, District-Muzaffarpur, the details of the
land has been given in paragraph no.1 of the Writ application.



Further prayer has been made for a direction to respondent authorities to constitute a Managing Committee for Maniyari Math.

It is submitted by learned Counsel appearing on behalf of the petitioner that the petitioner had earlier filed Public Interest Litigation, i.e. CWJC No. 20571 of 2014, which was disposed by a Division Bench of this Court with a liberty to the petitioner to approach this Court with appropriate application, if so advised.

Mr. Ganpati Trivedi, learned Sr. Counsel appearing on behalf of the Bihar State Board of Religious Trust has submitted that Section 43D of the Bihar Hindu Religious Trusts Act, 1950 (herein after referred to as the 'Act') prescribes the procedure for removal of encroachment on the trust properties, wherein, any trustee or any two persons interested in the religious affairs of the trust with the permission of the Board may file an application with the Tribunal for removal of the encroachment on the trust property. The tribunal has already been constituted and the same is functional.

In that view of the aforesaid, learned Counsel for the petitioner seeks permission to withdraw the Writ application to seek alternative remedy before the Tribunal, under the



provisions of the Act and for constitution of the Managing Committee, the petitioner is at liberty to file appropriate application before the Religious Board.

Permission is accorded.

The Writ application is, accordingly, permitted to be withdrawn with the liberty aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

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