

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3763 of 2016

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Ramanand Shastri @ Mahanth Ramanand Shastri, Chella of Late Mahanth Thakur
Das Kabir Math Laxmipur Bagicha, Rosera, P.S.- Rosera, District- Samastipur.

.... Petitioner

Versus

1. Bihar State Board of Religious Trust through Superintendent, Vidyapati Marg,
Patna- 1.
2. President of Bihar State Board of Religious Trust, Vidyapati Marg, Patna-1,
3. District Magistrate, Samastipur.
4. Sub-Divisional Magistrate, Rosera, Samastipur.
5. Circle Officer, Rosera, Samastipur.
6. Deep Narayan Mandal @ Deep Narayan Das alleged Chella of Late Mahanath
Thakur Das, presently appointed as alleged Mahanth of Kabirpur, Laxmipur
Bagicha, rosera, P.S.- Rosera, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Respondent Nos.1 and 2 : Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-07-2018

The instant writ petition has been filed by the petitioner
for commanding respondent authorities to remove respondent no. 6
from the post of Mahanth of Kabir Panthi Math Laxmipur Bagicha,
Rosera and to restrain him from interfering in the management of the
Math. The petitioner has made a further prayer for directing the



respondents to permit him to perform *Puja-Path*, *Rag-Bhog* and management of aforesaid Math.

2. The power to appoint trustee for managing a Hindu Religious Trust lies under the Bihar Hindu Religious Trusts Act, 1950 (for short 'the Act') with the District Judge having jurisdiction under Section 48 of the Act, which reads as under:-

“48. Power of District Judge to remove trustee or appoint trustee. - (1) The Board, or with the previous sanction of the Board, any person interested in a religious trust may make an application to the District Judge for an order-

(a) removing the trustee of such religious trust, if such trustee.-

(i) acts in a manner prejudicial to the interest of the said trust; or

(ii) defaults on three or more occasions in the payment of any amount payable under any law for the time being in force in respect of the property or income of the said trust or any other statutory charge on such property or income; or

(iii) defaults on three or more occasions in the payment of any sum payable to any beneficiary under the said trust or in discharging any other duty imposed upon him under it; or

(iv) is guilty of a breach of trust;

(b) appointing a new trustee;

(c) vesting any property in a trustee;

(d) directing accounts and inquiries; or

(e) granting such further or other relief as the nature of the case may require.

(2) The order of the District Judge under sub-section

(1) shall be final.”



3. Since the Bihar State Board of Religious Trust has appointed respondent no. 6 as trustee of Kabir Panthi Math Laxipur Bagicha, Rosera, in case the petitioner wants his removal and his own appointment as trustee of the said Math, he has a statutory remedy under Section 48 of the Act, which is equally efficacious.

4. In that view of the matter, I am not inclined to entertain this writ petition in extra-ordinary jurisdiction under Article 226 of the constitution of India. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2018
Transmission Date	NA

