

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7867 of 2014

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Suresh Singh, son of Late Mukhdev Singh, resident of village - Khairaha, P.S.
Dehri, District - Rohtas

.... Petitioner

Versus

1. Bihar State Board of Religious Trust, Patna Through its Chairman
2. The Chairman, Bihar State Board of Religious Trust, Bihar
3. Amarnath Ojha son of Late Kailash Ojha Resident of Village - Ojhawalia, P.O.
Pahaleja, P.S. Dehri, District - Rohtas

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Advocate

For the Respondent/s : Mr. Shekhar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner and learned
counsel for the Bihar State Board of Religious Trust.

2. The petitioner has filed this writ petition challenging
the order dated 12.11.2013 which has been passed by the Bihar
State Board of Religious Trust whereby Sri Shivji Mandir in village
Khairaha has been declared as a public trust.

3. It is well settled that the issue relating to nature of
trust is mixed question law and fact which cannot be decided in



plenary jurisdiction under Article 226 of the Constitution of India. The statute itself provides for remedy of appeal under Section 28 (2)(u) of the Bihar Hindu Religious Trust Act, 1950 against the order of the Board before the competent court, i.e, the court of District Judge.

4. In view of an equally efficacious statutory remedy being available to the petitioner, I am not inclined to entertain the instant writ petition. It is disposed of accordingly with liberty to the petitioner to assail the order impugned before the competent court.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.06.2018
Transmission Date	NA

