

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9088 of 2015

=====

Shree Ram Janaki Mandir null At Village- Jalwar , P.O.- Kamrauli, P.S.-
Simari, District- Darbhanga Through Pawan Kumar Thakur, S/o - Late Tej
Narain Thakur , R/o Village- Jalwar, P.O.- Kamrauli, P.S.- Simari, District-
Darbhanga.

... .. Petitioners

Versus

1. The Bihar State Board of Religious Trusts Vidyapati Marg , Patna through it's
Chairman,
2. Sri Panduit Hemchandra Thakur, S/o - Late Ram Thakur.
3. Sri Ramesh Thakur S/o - Late Baikuntha Thakur
4. Sri Kashi Nath Thakur S/o - Late Ram Adhin Thakur
5. Sri Laxman Jha S/o - Late Rajkant Jha
6. Sri Mangal Kahar S/o - Late Ganga Kahar.
7. Sri Dilip Thakur S/o Sri Jiwachh Thakur
8. Sri Satish Kumar S/o Late Pashupati Thakur.
9. Sri Hasinath Thakur S/o Late Shrikant Thakur
10. Sri Surya Kumar Thakur S/o Late Shaukat Thakur
11. Sri Nityanand Jha S/o Late Sangam Lal Jha
12. Sri Surendra Thakur S/o Late Ratnesh Thakur All Resident of Village- Jalwar,
P.O.- Kamrauli, P.S.- Simari, District- Darbhanga.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Uma Shankar Singh, Advocate
For the Respondent	:	Mr. Sanjay Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 26-11-2018

By way of the present writ petition, the petitioner has
challenged the notification and resolution dated 24.03.2015 issued
by the Chairman, Bihar State Board of Religious Trust, Patna



declaring Shri Ram Janaki Mandir at village- Jalwar, P.O.- Kamrauli, P.S.- Simari, District- Darbhanga as public trust.

2. A preliminary objection has been raised by Mr. Ganpati Trivedi, learned Senior Counsel appearing for the Bihar State Board of Religious Trust regarding maintainability of the writ petition in view of the provisions prescribed under Section 32(3) of the Bihar Hindu Religious Trust Act, 1950 (for short 'the Act of 1950').

3. He submitted that in view of the provision prescribed under Section 32(3) of the Act of 1950, any person interested in a trust may, within three months from the date of publication in the official gazette of the scheme so settled, modified or substituted, as the case may be, make an application to the District Judge for varying, modifying or setting aside the scheme.

4. Though, initially, learned counsel for the petitioner tried to justify the maintainability of the writ petition before this Court, after going through the provisions prescribed under Section 32(3) of the Act of 1950, realizing his difficulty he submitted that the writ petition may be disposed of with liberty to the petitioner to file an application under Section 32(3) of the Act of 1950 before the District Judge against notification and



resolution dated 24.03.2017. However, he submitted that under such circumstances, the limitation caused in preferring the application be condoned.

5. Mr. Ganpati Trivedi, learned Senior Counsel appearing for the Board submitted that the Board has no objection if the limitation is condoned and the petitioner is allowed to prefer an application within a reasonable period before the District Judge under Section 32(3) of the Act of 1950.

6. In view of the submissions made on behalf of the parties, the writ petition is disposed of with liberty to the petitioner to challenge the notification and resolution dated 24.03.2015 issued by the Chairman, Bihar State Board of Religious Trust, Patna before the District Judge, Patna under the provisions of Section 32(3) of the Act of 1950.

7. It is made clear that if such an application is filed within a period of four weeks from today, the same shall be considered by the learned District Judge on merits in accordance with law and not on limitation.

(Ashwani Kumar Singh, J.)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	30.11.2018
Uploading Date	NA
Transmission Date	NA

