

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.594 of 2018

In
Miscellaneous Appeal No.522 of 2017

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Mahant Ravishankar Giri, Chela of late Mahant Shivanand Giri of Areraj
Math, PO and PS ?Areraj, District- East Champaran at Motihari

... .. Petitioner/s

Versus

1. Bihar State Board Of Religious Trust Vidhayapathi Mkarg, P.S. Budha
Colony, District- Patna through its Administrator
2.The Superintendent, Bihar State Board of Religious Trust, Vidhayapathi
Marg, P.S. Budha Colony, District-Patna

..... Appellant- Opp-Party first set

3.The State of Bihar
4. The Collector, East Champaran at Motihari
5. The Anchal Adhikari, Areraj, PO and PS Areraj, District-East Champaran
at Motihari

..... Respondents- Opp-party second set

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate with Mr. Vikas Ratan Bharti, Advocate
For the Respondent/s	:	Mr.Ganpati Trivedi, Sr. Advocate with R.K. Sinha-2, Mr. Madan Mohan and Mrs. Pallavi Pandey, Advocates

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 27-03-2018 Heard learned counsel for the parties.

2. An application has been filed seeking modification of
the order, dated 01.02.2018, passed in Misc. Appeal No. 522 of
2017.

3. The Miscellaneous Appeal was filed by the Bihar State
Board of Religious Trust, Patna (in short ‘the Board’) against an
order, dated 11.05.2017, passed by the learned 8th Additional
District and Session Judge, East Champaran at Motihari, in Title



Appeal No. 84 of 2016, whereby the Board had been restrained from exercise of its power of supervision, control and also constituting a Committee for the purpose of managing the trust of Areraj Math and the Temples situated therein, namely, Someshwar Nath Mahadeo Temple, Areraj.

4. In view of the facts and circumstances, it was found expedient, in the interest of justice, to direct the appellate Court below to dispose of the appeal itself on merits; instead of entering into the question of correctness of the interim order, dated 11.05.2017. While issuing the said direction, the Court also issued following directions in paragraph 4 (c) of the said order, which reads thus:-

“4(c). In view of the apprehension of financial mismanagement by the present Mahanth, it is directed that the Sub-Divisional Officer, Areraj shall monitor day to day receipts and expenses in respect of the Math and Temples. For the said purpose, the Sub-Divisional Officer, Areraj will be at liberty to decide his own way in which he will proceed to ensure proper maintenance of accounts in relation to the receipts and expenses etc.”

5. The petitioner is seeking modification of the said order, dated 01.02.2018, on two grounds. It is firstly contended that the Sub-Divisional Officer, Areraj has usurped all the powers of Mahanth of the petitioner in the matter of management of the



Math and the Temples and, therefore, he should be replaced by any Judicial Officer to ensure that there is no financial mismanagement of the fund of the Temples and the Math.

6. Another grievance, which the petitioner has is that the Sub-Divisional Officer, Areraj in the garb of the order under paragraph 4(c) as noted above, has started interfering with the other properties, which are not the suit property.

7. So far as the question of replacing the Sub-Divisional Officer, Areraj is concerned, in my view, no case is made out for such modification since there is no allegation against him of any financial impropriety. However, in view of the contentions raised, it is directed that the District Judge, East Champaran at Motihari, shall supervise the functioning of the Sub-Divisional Officer, Areraj under paragraph 4(c) of the order, dated 01.02.2018.

7. On the other plea that the Sub-Divisional Officer, Areraj is interfering with the other properties not being the suit property is concerned, Mr. Trivedi, learned Senior counsel appearing on behalf of the Board, has submitted that the Board has jurisdiction to constitute a Committee. I need not go into that aspect of the matter for the purpose of the present application.



8. The Misc. Appeal No. 552 of 2017 arises out of Title Suit No. 39 of 1994, which is pending in the Court below. The proceedings are confined to the suit property and accordingly, it is clarified that the said part of the order, dated 01.02.2018 in paragraph 4(c) is also confined to the suit property.

9. It goes without saying that the petitioner's claim too, in the present proceeding is confined to the suit property.

10. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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