

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5536 of 2019

1. Mahanth Ram Mohan Das Chela of Late Ram Sundar Das Pakhtola Tole Bhatolia Math, Police Station- Dumra, District- Sitamarhi
2. Shri Ram Janki Math (Dieties) stand in Pakhtola Tole Bhatolia Math, Police Station- Dumra, District- Sitamarhi through its Sebait Mahanth Ram Mohan Das (Petitioner no.1)

... .. Petitioner

Versus

1. Bihar State Hindu Religious Trust Board Vidyapati Marg, Patna through its Adhyaksh
2. Dr. Ranjeet Kumar Singh, Presently posted as District Magistrate, Sitamarhi
3. Sub-Divisional Officer, Sitamarhi
4. Cricle Officer, Dumra, Sitamarhi
5. Braj Bhushan Kumar Son of Ashok Kumar Singh Resident of Paktola Tole Bhatauliya (Ward No.1), Police Station- Dumra, District- Sitamarhi
6. Smt. Shashi Singh Widow of Late Shambhu Singh Resident of Mohalla- Kailashpuri, Ward No.9, Police Station- Dumra, District- Sitamarhi
7. Pachchu Ram Son of Late Kisun Ram Resident of Paktola Tolw Bhatauliya (Ward No.1), Police Station- Dumra, District- Sitamarhi
8. Vijay Prasad Yadav Son of Late Ram Yatan Rai Resident of Hanuman Nagar, Post- Paktola, P.S.- Dumra, District- Sitamarhi
9. Naresh Mishra Son of Late Shiv Kumar Mishra Resident of Village- Rikhauli, P.S.- Dumra, District- Sitamarhi
10. Sitaram Bhagat Son of Late Rudal Bhagat Resident of Village- Gosainpur, P.S.- Dumra, District- Sitamarhi
11. Hari Narayan Rai Son of Late Ram Sabuj Rai Resident of Village- Rasalpur, P.S.- Dumra, District- Sitamarhi
12. Paro Devi Wife of Mahendra Das Resident of Village- Arifpur Dharambana, P.S.- Dumra, District- Sitamarhi
13. Rabindra Rai Son of Rajdeo Rai Resident of Gosainpur, Post- Paktola, P.S.- Dumra, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. V.R.P. Singh, Advocate
For the Respondent/s	:	Ms. Prakritika Sharma, AC to SC 25
For the Bihar Hindu R. T. Board:		Mr. Ganpati Trivedi, Sr. Advocate
For Res. No. 8	:	Mr. Waliur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT



Date : 22-11-2019

Heard learned counsel for the petitioners and learned counsel for the State, learned Senior Counsel for the Bihar State Religious Trust Board as also learned counsel for the contesting respondent no. 8.

This writ application has been preferred seeking quashing of the letter No. 429 dated 09.02.2019 written by respondent no. '2' as contained in Annexure '9' to the writ application by which he has requested respondent no. '1' Bihar State Religious Trust Board (hereinafter referred to as the 'Trust/Board') to constitute a Trust Committee consisting the name of respondent second set.

It is the stand of the respondent no. '1' that till date no committee has been constituted and the recommendation of respondent no. '2' is still under consideration. It has also been stated that the petitioners have been called upon to participate in the hearing before the Trust/Board where the recommendation of the respondent no. '2' is being considered but instead of participating in the hearing before respondent no. '1', the petitioners have rushed to this Court for quashing of the recommendation letter.



Learned Senior Counsel for the respondent no. '1', therefore, submits that a mere recommendation as contained in Annexure '9' to the writ application does not give a cause of action to the petitioners and the present writ application is fit to be dismissed on this ground alone.

Learned counsel for the petitioners has drawn attention of this court towards Annexure '10' attached to the Interlocutory Application bearing no. 01 of 2019. It is submitted that vide Annexure '10', at the instance of the contesting respondents particularly respondent no. '8', the Circle Officer has directed the Officer Incharge, Dumra to depute a Chaukidar to protect the properties of the Math. It is his submission that pursuant to the said direction, the Officer Incharge of Dumra Police Station has deputed a Chaukidar who is interfering with the management of the properties of the Math and because of his interference, it has not become possible to harvest the paddy crops.

In response to the submission of learned counsel for the petitioner, learned Senior Counsel for respondent no. '1' has drawn the attention of this court towards Annexure '16' to the supplementary affidavit filed on behalf of the petitioners. Annexure '16' is a letter contained in Memo No. 1219 dated 23.10.2019 by which the Assistant Superintendent of the



Trust/Board has written to the District Magistrate, Sitamarhi to interfere into the directions issued by the Circle Officer by exceeding his authority. The District Magistrate, Sitamarhi has also been requested to issue necessary direction to the Circle Officer, Dumra not to interfere with the affairs of the Trust.

It is submitted that in view of the directions already sent to the District Magistrate, Sitamarhi, now the writ application has become infructuous and at this stage, it is not required to proceed.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that since the Trust/Board is already in the midst of hearing of the matter and the recommendation of respondent no. '2' which is yet to be accepted by the Trust/Board, the petitioners cannot have a cause of action to challenge the recommendation alone.

Since the petitioners have called upon to participate in the hearing, they can very well place their stand before the Trust/Board which will be considered and an appropriate decision thereon shall be taken by the Trust/Board.

In case the petitioners find themselves aggrieved by the decision of the Trust/Board, it will be open for them to seek their remedy in accordance with law.



So far as the grievance of the petitioners with respect to the deputation of Chaukidar is concerned, the District Magistrate, Sitamarhi is directed to act in terms of the letter as contained in Memo No. 1219 dated 23.10.2019 issued by the Trust/Board and he should ensure that the Chaukidar deputed by the Circle Officer, Dumra should not interfere with the orders of the Trust/Board. Such directions will be issued by the District Magistrate, Sitamarhi within a period of one week from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2019
Transmission Date	

