

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5714 of 2019

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1. Meera Devi, aged about 56 years (Female) W/o Late Brahmanand Goswami
 2. Manoj Kumar Goswami, aged about 40 years (male) S/o Late Brahmanand Goswami
 3. Prem Ranjan Goswami, aged about 20 years (male) S/o Late Brahmanand Goswami
All are resident of village – Marangi, Ghosi Tola, P.S. - Mansahi, District – Katihar.
 4. Niru Kumari, aged about 30 years (Female), W/o Rakesh Kumar Mishra D/o Late Brahmanand Goswami, Resident of Quarter No. 110/2B Amna, S.P.Street, P.s.- Amna, Kolkata-700009
 5. Nisha Kumari, aged about 31 years (Female), W/o Rahul Goswami D/o Late Brahmanand Goswami, Resident of Vill.- Bhramarpur, P.s.- Bihpur, Distt.- Bhagalpur
 6. Anju Kumari, aged about 29 years (Female), D/o Late Brahmanand Goswami Resident of Vill.- Marangi, Ghosi Tola, P.s.- Mansahi, Distt.- Katihar

... .. Petitioner

Versus

1. The State of Bihar through the D.M. Katihar
2. The District Magistrate Katihar
3. The Additional Collector Katihar
4. The Sub-Divisional Magistrate Katihar
5. The Anchal Adhikari Mansahi, Distt.- Katihar
6. The Bihar State Board of Religious Trust Vidyapati Marg, Patna-1 through its Secretary
7. The Superintendent Bihar State Board of Religious Trust, Vidyapati Marg, Patna-1

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC-25)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-11-2019 Petitioners, in the present case, are seeking a direction to the respondent Bihar State Board of Religious Trust (hereinafter referred to as the ‘Board’) not to interfere in the management of private temple namely, Shri Shiv Mandir Ghati



Tola, Marangi, Katihar which the petitioners claims to be a private temple.

It is the case of the petitioners that earlier being aggrieved by the appointment of a committee for management of the property of the temple by the Board, the petitioners filed a Title Suit No. 01/1989 for a declaration that the orders issued by the Board are illegal and inoperative. The said Title Suit was decreed and it was held therein that the order constituting the Committee are not legal and operative as the property in question were not of a public trust.

It is submitted that the judgment and decree passed in the said Title Suit is under appeal which is pending consideration. This court has vide order dated 27.07.2017 passed in the said appeal on an Interlocutory Application directed status quo to be maintained till disposal of the appeal.

It is submitted that at this stage on 21.08.2018, the District Magistrate, Katihar has been directed by the Superintendent of the Board to make an inquiry about the management of the property of the temple in question and furnish name of 11 Hindu members for constitution of trust committee for management of the property in question. A consequential letter has been issued by the District Magistrate to



the Circle Officer, Mansahi to make an enquiry and the Circle Officer has directed the Panchayat vide letter dated 22.01.2019 (Annexure '5') to conduct a meeting in the panchayat for furnishing the name of 11 Hindu members.

The petitioners have represented to the District Magistrate, Katihar stating that Board has no jurisdiction to interfere in the matter in view of the judgment of the Civil court. The representation of the petitioner is Annexure '6' to the writ application

Mr. Ganpati Trivedi, learned Senior Counsel representing the Board submits that in the given facts and circumstances of the case it would only be just and proper if the President of the Board is directed to look into the grievance of the petitioners and for that purpose the petitioners may file a representation before the President of the Board within a stipulated period.

Having heard learned counsel for the petitioners and learned Senior Counsel representing the Board, in the facts and circumstances of the case, this court grants liberty to the petitioners to file a representation before the President of the Board within a period of three weeks from today and on filing of such representation the President of the Board (respondent



no. 6) shall consider the grievance of the petitioner, examine the same and keeping in view the materials placed by the petitioners an appropriate decision shall be taken which will be communicated to the petitioners within a period of three months from the date of submission of the representation.

Till then, no further action towards constitution of the Committee shall be taken by the Board.

This Writ Application stands disposed off with the aforesaid liberty.

(Rajeev Ranjan Prasad, J)

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