

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.834 of 2012

1. Sanjeev Ranjan Gupta
2. Ranjeet Ranjan Gupta
Both sons of Late Raj Kumar Prasad and Residents of Mohalla Jhingnagar, Town & P.S.- Biharsharif, District Nalanda at present Hariraj Complex at Corner of Rajendra Path and Justice B.N. Rai Path, P.S.-Kadamkuan, District- Patna

... .. Appellant/s

Versus

1. Bihar State Board of Religious Trusts Vidyapati Marg, Patna 800001, through its Administrator cum Special Executive Officer.
2. The Administrator cum Special Executive Officer, Bihar State Board of Religious Trusts, Vidyapati Marg, Patna.
3. Shri Thakur Govind Bihari Laljee Thakurbari Mohalla Jhingnagar, Town & P.S.- Biharsharif, District Nalanda through the Administrator cum Special Executive Officer, Bihar State Board of Religious trusts.
4. The District Magistrate, Nalanda at Bigharsharif.
5. The District Magistrate, Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajani Kant Mishra, Advocate Mr. Suresh Mishra, Advocate
For the Respondent/s	:	Mr. Shekhar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 16-01-2019

Heard learned counsel for the parties under
Order XLI Rule-11 of the Code of Civil Procedure.

2. A brief background of this case is that the appellants were trustees of “Shri Thakur Govind Bihari Laljee” Thakurbari, a public trust, situated in Mohalla Jhingnagar, in the town of Biharsharif. The appellants were removed from the post of Trustee by the Administrator, Bihar State Religious Trust Board, by order dated



07.02.2008, contained in Annexure-9. The Bihar State Religious Trust Board exercised power vested under Section 81B and 8(Ka) of the Bihar Hindu Religious Trust Act, 1950. By the same order the Board directed the District Magistrate of the district concerned to take over the custody of the trust property as temporary trustee.

3. The appellants challenged the aforesaid order in a civil writ application before this Court and thereafter by filing Case No. 7 of 2017, under Section 43B of the Bihar Hindu Religious Trust Act, 1950, before the Presiding Officer Bihar Hindu Religious Trust Tribunal. The prayer before the Tribunal was that after hearing the parties it be declared that apart from 15 Kathas of land mentioned in the Arpannama, dated 17.09.1905, no other property as claimed in the order dated 07.02.2008 belongs to the Trust. A copy of the petition, filed before the Bihar Religious Trust Tribunal, is enclosed with the second supplementary affidavit. In the said petition, the appellants nowhere stated that the other properties claimed by the Trust are properties of the appellants.

4. Section 43B of Bihar Hindu Religious Trust



Act, 1950 reads as follows:-

“43B.Decision of property disputes.- The Tribunal shall decide the following property disputes-

(i) Whether any immovable property is or is not a property of a particular trust.

(ii) Whether any particular property claimed by the Mahanth, Shebait, priest or a trustee is his personal property or the property of the temple or math.”

5. Since there is no reference of details of the property or of claim by the appellants before the Tribunal to be their personal property, the Tribunal refused to entertain the claim of the appellants by the impugned order dated 22.08.2012 passed in Case No. 7 of 2012 on the ground that the relief claimed cannot be decided by the Tribunal. In other words, Tribunal had no jurisdiction to entertain the challenge put forward by the appellants.

6. After hearing the parties and going through the records, it appears that the appellants are prosecuting the matter before wrong forum, which would be evident from other averments made in the petition filed before the Tribunal such as filing of civil suit for adjudication of



identical dispute in the matter of some other property.
Therefore, I do not find any merit in this appeal.

7. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2018
Transmission Date	

