

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22864 of 2018

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Mahanth Ram Mohan Das, Chela of Late Mahanth Ram Sundar Das, Resident of Sri Ram Janaki Math, Paktola, Tole Bhatouliya, Ward No. 1, P.S. Dumra, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary (Home), Bihar, Patna.
2. District Magistrate, Sitamarhi
3. Additional Collector, Sitamarhi
4. Deputy Collector, Sitamarhi
5. Circle Officer, Sitamarhi
6. The Bihar State Hindu Religious Trust Board, Vidyapati Marg, Patna-8000001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Sr. Adv. Mr. Arvind Kumar Jha, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj- Gp5.
For BSBRT	:	Mr. Ganpati Trivedi, Sr. Adv. Mr. Madan Mohan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-01-2019 **Re: Interlocutory Application No.1 of 2019**

Interlocutory Application No.1 of 2019 insofar as it relates to challenge to Annexure '4' is dismissed. The prayer for impleadment of the Bihar State Hindu Religious Trust Board is allowed.

Let the Bihar State Hindu Religious Trust Board be added as Respondent No.6 in course of the day.

Re: Civil Writ Jurisdiction Case No.22864 of 2018

Heard learned counsel for the petitioner and learned counsel representing the Bihar State Hindu Religious Trust



Board (hereinafter referred to as the Board) as also learned counsel for the State.

It appears that initially the writ application was preferred on the basis of newspaper report wherefrom the petitioner came to know that the District Magistrate, Sitamarhi had written a letter to the President of the Board in the matter of illegal sale of the land belonging to Sri Ram Janaki Math Trust. During pendency of the writ application petitioner has got a copy of Letter No. 3156 dated 15.12.2018 by which the District Magistrate, Sitamarhi has referred an inquiry report submitted to him by the Deputy Collector Land Reforms, Sitamarhi, to the President of the Board. The report made available to the Collector states that Mahanth Ram Mohan Das was not recognized as a trustee by the Board. Regarding illegal sale of Math land, Mahanth Ram Mohan Das (petitioner) informed that he had not sold the land and that the land were sold by one Pankaj Singh a land Mafia. On this Board had sent letter to District Magistrate, Sitamarhi and S.P, Sitamarhi to take actions. The Collector has been informed that the properties of the 'Math' are not being managed properly and the Land Mafias are illegally taking possession of the land and are using the same.



This letter has now been challenged by way of Annexure '4' to the Interlocutory Application No.1 of 2019.

Mr. Mishra, learned Advocate representing the petitioner submits that no doubt the Board can on receipt of a complaint with regard to the illegal sale of the land, constitute an inquiry and take a decision in accordance with law but the Collector, Sitamarhi has no authority in law to write a letter such as letter contained in Annexure '4' to the Interlocutory Application No.1 of 2019. Learned counsel thus submits that the action of the Collector, Sitamarhi in writing the letter vide Annexure '4' to the Interlocutory Application for Appointment of a fresh Committee of the 'Mahanth' for proper management of the 'Math' property is without authority and has got no sanction of law.

On the other hand, learned Senior Counsel representing the Board submits that Annexure '4' to the Interlocutory Application is in the nature of an information to the President of the Board and on getting such information and those being serious in nature, the Board would independently examine the entire allegations and shall take an appropriate decision in accordance with law after giving an opportunity of hearing to the petitioner. Learned counsel thus submits that there



is no occasion for the petitioner to approach this Court in such a haste. It is submitted that whatever be the contention of the petitioner, he may place the same before the Board. It is further submitted that any observation of this Court or adjudication at this stage of the issues raised by the petitioner would only be affecting the likely proceeding which are to be taken by the Board.

Learned counsel for the State has also supported the contention of the learned Senior Counsel representing the Board.

In the given facts and circumstances of the case, on going through the contents of Annexure '4' to the Interlocutory Application, this Court finds that the Collector, Sitamarhi has informed the President of the Board about the report which had come to him through the Deputy Collector Land Reforms, Sitamarhi. The Collector, Sitamarhi has requested the Board to constitute a new Committee of the 'Mahanth' who can take care of the properties of the 'Math'. This Court does not find any reason to adjudicate the question of authority on the part of the Collector, Sitamarhi in writing such a letter particularly when the learned Senior Advocate made a categorical statement that the letter contained in Annexure 4 to the Interlocutory



Application shall be taken as an information to the Board and the same shall be considered independently after giving an appropriate hearing to the petitioner.

The writ application as well as the Interlocutory Application are thus dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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