

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22037 of 2019

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Mahanth Kaushal Kishore Das @ Kaushal Kishore Das Chela Mahanth Late
Ram Khelwan Das, Resident of Ram Janki Dham, Punaura, P.S. and District
Sitamarhi, Presently Sebait of Ram Janki Temple Punaura Dham

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Tourism, Govt. of Bihar, Patna.
3. The President , Bihar State Religious Trust Board through the
Superintendent, Vidyapati Marg, Patna.
4. The Superintendent, Bihar State Religious Trust Board, Vidyapati Marg,
Patna.
5. The District Magistrate, Sitamarhi.
6. The Sub-Divisional Officer, Sitamarhi.
7. The Circle Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s	:	Mr.Sita Ram Yadav GP16
For Bihar Reli. Trust B.	:	Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2019 Let the delayed filing be condoned.

The writ application has been heard with the consent
of learned counsel for the petitioner, learned Senior Counsel for
the Bihar State Religious Trust Board as also learned counsel for
the State.

It is the grievance of the petitioner that the State
respondents are raising construction over plot no. 5209 and
5223 of Khata No. 1276 which is recorded in the name of
Mahanth Late Ram Khelawan Das and the petitioner has



succeeded to the said property. It is his further grievance that the respondent Tourism Department is making construction over Plot No. 5224 and 5207 without permission of Bihar Religious Trust Board (hereinafter referred to as the 'Trust/Board'). These two plots are still recorded in the name of Ram Janki Temple Punaura Dham which is said to be registered as a Public Trust with the Trust Board.

Learned Senior Counsel for the Trust/Board has drawn attention of this Court towards Section 43(A) of the Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as the 'Act of 1950'). It is submitted that in case the petitioner wants to bring any action against the State-respondents to restrain them from proceeding with the construction over those land, he may file an appropriate application in terms of Section 43(1) of the Act of 1950 and upon obtaining permission from the Trust Board, he can bring an action before the Tribunal constituted under Section 43(1) of the Act of 1950.

In the aforesaid view of the matter, learned counsel for the petitioner submits that he may be granted liberty to file an appropriate application before the Trust/Board and once the petitioner files such an application, the same should be considered and be disposed of within a reasonable period.



Having heard learned counsel for the parties, in the facts and circumstances of the case, this Court directs the President of the Trust/Board (respondent no. 3) to take cognizance of the facts stated in the writ application and if so required, he may himself proceed to bring an appropriate action in accordance with law.

In case any application is preferred by the petitioner seeking permission from the Trust/Board, the same shall also be considered and an appropriate decision thereon shall be taken within statutory period of 8 weeks from the date of filling of the such application by the petitioner.

This writ application stands disposed of in the aforesaid terms.

(Rajeev Ranjan Prasad, J)

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