

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2039 of 2020

1. Mahanth Sudama Das, Chela of Late Mahanth Shyamdas, At P.O. and P.S.-Ghorasahan, District-East Champaran (Motihari) duly appointed Mahanth of Ram Janki Math, At, P.O. and P.S. Ghorasahan, District East Champaran (Motihari).
2. Sri Ram Janki Math and Idols situated in the Math through Mahanth Ramawtar Das, Sevayat At, P.O. and P.S. Ghorasahan, District East Champaran (Motihari).

... .. Petitioners

Versus

1. Krishna Chandra Prasad Gupta, Son of Ganesh Prasad Gupta, Resident of Village-Ghorasahan, Police Station-Ghorasahan, District-East Champaran.
2. Ramdeni Devi, Wife of Krishna Chandra Prasad Gupta, Resident of Village-Ghorasahan, P.S. and P.O.-Ghorasahan, District-East Champaran.
3. Vijay Prasad, Son of Ganesh Prasad, Resident of Village-Ghorasahan, P.S. and P.O.-Ghorasahan, District-East Champaran.
4. Mohan Prasad, Son of Krishna Chandra Prasad Gupta, Resident of Village-Ghorasahan, P.S. and P.O.-Ghorasahan, District-East Champaran.
5. Harendra Prasad, Son of Krishna Chandra Prasad Gupta, Resident of Village-Ghorasahan, P.S. and P.O.-Ghorasahan, District-East Champaran.
6. Indra, Daughter of Krishna Chandar Prasad Gupta, Resident of Village-Ghorasahan, P.S. and P.O.-Ghorasahan, District-East Champaran.
7. Bihar State Religious Trust Board, Patna through its Special Officer, Bidyapati Marg, P.S. Kotwali, District-Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Narayan Singh, Senior Advocate Mr.Subodh Kumar, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-02-2020 The present writ application has been filed under

Article 227 of the Constitution of India seeking following
relief : -



“That this petition is directed against the judgment and order dated 3.12.2019 passed by Hon’ble Mr. Justice Sanjay Karol, the Chief Justice and Hon’ble Mr. Justice Anil Kumar Upadhyay whereby and where under the case of the petitioners was rejected merely on technical ground that L.P.A. is not maintainable whereas nothing has been said on merit of the case. The petitioners make prayer for the following reliefs :

a. This petition be allowed with cost setting aside the order of withdrawal dated 17.2.92 at annexure-2 and S.A. No. 73 of 1986 may kindly be restored.

b. Any other relief/reliefs may also be awarded to the petitioners which this Hon’ble Court finds fit and reasonable.”

The registry had pointed out certain defects including the defect of maintainability of the application. However, on the insistence of learned counsel for the petitioner, the matter has been listed with office note, before this bench, pointing out the said defect of maintainability. In view of the nature of relief sought, as has been noted above, in my opinion, this application is thoroughly, rather outrageously, misconceived and not at all maintainable. The defect as pointed out by the registry is sustainable. This application is accordingly dismissed

After the Court dictated the order to the aforesaid effect, Mr. Narayan Singh, learned Senior Counsel appearing on behalf of the petitioners, with full vehemence and certitude



attempted to canvass in favour of maintainability and asserted that this application should be entertained by this Court and should be heard on merits.

The Court strongly deprecates the conduct of Mr. Singh, learned Senior Counsel. No sane lawyer could have filed nor pressed an application seeking such relief under Article 227 of the Constitution of India. I have restrained myself from making further observations, considering the high position which a Senior Counsel of the Court holds under the scheme the Advocates Act, 1961. I, however, issue a note of caution to Mr. Singh, learned Senior Counsel, that any recurrence of such conduct or behaviour on his part in future may have serious consequences.

(Chakradhari Sharan Singh, J)

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