

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.246 of 2020

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Mahant Maheshwar Das, Male aged about 70 years, Chela Late Mahant Rameshwar Das, Resident of Madhuban Kabirpanthi Math, Village-Madhuban, PO- Gopalpur, PS- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. Bihar State Religious Trust Board, through the Executive Officer-cum-Administrator, Vidyapati Marg, Patna.
2. The Executive Officer-cum- Administrator, Bihar State Religious Trust Board, Vidyapati Marg, Patna.
3. The Collector, Samastipur.
4. The Circle Officer, Kalyanpur, Samastipur.
5. Mahant Ramraji @ Surendra Das, Chela Late Mahant Rameshwar Das, Resident of Ward no. 17, Madhuban, Kishunpur, Kishanpur, PS- Kalyanpur, District- Samastipur.
6. Sidhapeeth Kabirchaura Math, Moolgadi, Kabirchaura, Varanasi, Uttar Pradesh through the Pramukh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra and Mrs. Archana Jha, Advocates
For the Trust	:	Mr. Ganpati Trivedi, Sr. Advocate Ms. Aishwarya Shree, Advocate
For the State	:	Ms. Prakritita Sharma, AC to SC 25

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-01-2020

Heard learned counsel for the petitioner; learned AC to SC 25 for the State and learned counsel for the Bihar State Board of Religious Trusts (hereinafter referred to as the 'Board').

2. The petitioner has moved the Court for the following reliefs:



“(1) For quashing of the order dated 10.10.2019 passed by the Chairman, Bihar State Religious Trust Board, Patna whereby and whereunder Respondent no. 5 namely Mahant Ramraji @ Surendra Das has been arbitrarily and illegally declared as the Mahant of Madhuban Kabirpanthi Math, Madhuban, District-Samastipur.

(ii) For a direction to the Respondent no. 2, the Chairman, Bihar State Religious Trust Board, Patna to declare the petitioner as the Mahant of Madhuban Kabirpanthi Math, Madhuban, District- Samastipur being the Legal Chela/Successor of Late Mahant Remeshwar Das.

(III). For any other appropriate relief/reliefs to which the petitioners are found entitled in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the Board submitted that there is a statutory forum of appeal before the District Judge of the concerned district under Section 48 of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the ‘Act’).

4. Learned counsel for the Board submitted that since permission has to be sought by the petitioner, the same shall be granted to move before the District Judge under Section 48 of the Act.

5. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to approach the said forum.



6. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move under Section 48 of the Act, before the District Judge, Samastipur in the matter.

7. If the petitioner seeks such permission from the Board within two weeks from today, the Board shall grant the same within one week from the date of filing such application by the petitioner. Thereafter, from the date the Board grants permission, the petitioner shall file appropriate application before the District Judge, Samastipur under Section 48 of the Act within three weeks from the date of grant of permission by the Board. Thereafter, the District Judge, Samastipur shall ensure that the matter is taken to its logical conclusion expeditiously and latest within a period of four months from the date of filing of such application, in accordance with law, after giving opportunity of hearing to all concerned.

(Ahsanuddin Amanullah, J.)

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