

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 492 of 2020

Arvind Dadhich, S/o. Late Hanuman Prasad, aged about 42 years, R/o. Sadar Bazar, Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : The Collector, Balodabazar-Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
2. Sub-Divisional Officer-Cum-Registrar (Public Trust) Balodabazar-Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh.
3. Vinod Kumar Agrawal, S/o. Banshilal Agrawal, aged about 55 years, at Present President, Shri Gopalji Panchayati Mandir, R/o. Civil Lines, K.K. Ward, Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
4. Sandeep Bhattar, S/o. Nandkishore Bhattar, aged about 50 years, at Present Secretary, Shri Gopalji Panchayati Mandir, R/o. in front of Jain Mandir, Sadar Bazar, Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
5. Satya Narayan Joshi, S/o. Radhe Mohan Joshi, aged about 58 years, at present Treasurer, Shri Gopalji Panchayati Mandir, R/o. Sanjay Ward, Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.

-----Respondents

For Petitioner : Mr. Vishnu Koshta, Advocate with
Mr. Shobhit Koshta, Advocate

For State-respondent No.1 & 2. : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2021

1. This petition under Article 227 of the Constitution of India has been brought praying for issuance of direction to the respondent No.2 to decide the representation made by the petitioner vide Annexure P-5 within a reasonable time limit.

2. It is submitted by the learned counsel for the petitioner that Shri Gopalji Panchayati Mandir was constructed by his great grand father late Prahalad Das between year 1890 to 1900. This temple has been registered as public trust in the year 1955. The petitioner believes that private respondents, who are working trustee of the public trust are engaged in financial irregularities and mismanagement of the trust and trust property, therefore, the petitioner made a representation to the respondent No.2, the Registrar, Public Trust vide Annexure P-5, which has been received on 21.08.2019 but the respondent No.2 has not taken cognizance on the compliant given and no enquiry has been made.
3. It is further submitted that the petitioner is a person interested in the public trust, therefore, he has a right to make such representation under Section 26 of the C.G. Public Trust Act, 1951 on this basis the Registrar is also obliged to proceed accordingly. Hence, it is prayed that a direction be issued to the respondent No.2 for considering and deciding on the representation made by the petitioner.
4. Learned State counsel appearing for the respondent no.1 and 2 makes formal objection on the petition.
5. Notice has not been issued to the other private respondents.
6. Considered on the submissions made.
7. Section 26 of the C.G. Public Trust Act, 1951 is reproduced as under :-

26. Application to Court for directions. (1) If the Registrar on the application of any person interested in the public trust or otherwise is satisfied that –

- (a) the original object of the public trust has failed;
- (b) the trust property is not being properly managed or administered; or
- (c) the direction of the court is necessary for the administration of the public trust;

he may, after giving the working trustee an opportunity to be heard direct such trustee to apply to court for directions within the time specified by the Registrar.

(2) If the trustee so directed fails to make an application as required, or if there is no trustee of the public trust or if for any other reason, the Registrar considers it expedient to do so, he shall himself make an application to the court.”

8. The person interested in public trust is not defined in the Act itself, therefore, this word has wide meaning. Firstly the person interested shall not necessarily be a trustee or office bearer. The interest of any person in the trust may be of any kind or nature. The petitioner has mentioned in his petition and made submissions, that Gopalji Panchayati Mandir, which is now a public trust was founded by his great grand father, therefore, the petitioner being a person in the line of succession of late Prahalad Das can certainly deemed to be a person interested in the public trust. Hence, he has entitlement to file an application under Section 26 of the Act, 1951 and he has filed that application accordingly.
9. After filing of such application, it was the duty of the respondent No.2 to set into motion on that application and take a decision accordingly. Hence, I am of this opinion that prayer for issuance of direction made by the petitioner in this case is justified, therefore,

this petition is disposed off at motion stage. The respondent No.2 is directed to consider and decide the representation made by the petitioner as early as possible preferably within a period of two months from the date this order is passed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram