

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11756 of 2021

1. Maharaja Kuer Roop Narayan Singh Trust situated at Diwan Mohalla, Ramjanki Chawraha, P.S.- Khajekalan, District - Patna, Pin - 800008, Bihar, represented through its Secretary.
2. Sanjay Kumar Sinha, S/o Late Ram Nandan Prasad, Secretary, Maharaja Kuer Roop Narayan Singh Trust, Diwan Mohalla, Ramjanki Chawraha, P.S.- Khajekalan, District - Patna - 800008 (Bihar).

... .. Petitioners

Versus

1. The Chairman, Bihar School Examination Board, Patna - 800017.
2. The Additional Chief Secretary, Human Resource Department, Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Bihar, Patna.
4. The Divisional Commissioner, Patna.
5. The District Magistrate, Patna.
6. The Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
7. The Circle Officer, Patna Sadar, Patna.
8. The Bihar State Board of Hindu Religious Trust, Vidyapati Marg, Patna - 800001.
9. The Administrator cum O.S.D., Bihar State Board of Hindu Religious Trust, Vidyapaati Marg, Patna - 800001.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Pramod Bahadur Mathur, Advocate Mr. Lakmesh Marvind, Advocate
For the Respondent State:		Mr. Dhurjati Kumar Prasad, GP-14 Mr. Ram Shankar Prasad, AC to GP-14
For the Respondent BSEB :		Mr. Arshad Alam, Advocate
For the Respondent BSBRT :		Mr. Ganpati Trivedi, Senior Advocate
For the Intervenor-respondents:		Mr. Yogesh Chandra Verma, Senior Advocate Mr. Daya Shankar Prasad Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 04-04-2022 The petitioners have filed the present writ application seeking following reliefs: -



“(i) For directing the respondents concerned to immediately stop the construction of building for the purposes of examination hall campus of the Bihar School Examination Board, Patna from the private land of the petitioners situated at mauza – Sandalpur bearing thana no.11 , Khata no.850 , khasra no. 2210 area 0.02 acre, khasra no. 2211 area 0.01 acre, khasra no. 2213 area 0.02 acre, and khata no.848, khasra no. 2215 area 4.85 acre, total 4.90 acre.

(ii) For further removing the raw materials which was deposited on the aforesaid plots of the petitioners for the purposes of using it for the construction of the said building.

(iii) For directing the respondents concerned to immediately remove the plaque standing on the private land of the petitioners and hand over the aforesaid plots to the petitioners trust after removing the illegally semi constructed structure thereon.”

(Underlined for emphasis)

Maharaja Kuer Roop Narayan Singh Trust (petitioner No.1) is claiming to be a private Religious Trust of which petitioner No.2 is said to be the Secretary.

We have heard Mr. Pramod Bahadur Mathur, learned



counsel appearing on behalf of the petitioners, Mr. Dhurjati Kumar Prasad, learned GP-14 for the State of Bihar, Mr. Arshad Alam, learned counsel for the Bihar School Examination Board and Mr. Ganpati Trivedi, learned Senior Counsel representing the Bihar State Board of Religious Trust. Mr. Yogesh Chandra Verma, learned Senior Counsel has represented the intervenor applicants, who are said to have filed a title suit registered as T.S. No. 67/1995, which is pending before learned Sub-Judge-I, Patna City.

Mr. Yogesh Chandra Verma, learned Senior Counsel has raised a preliminary objection over maintainability of the writ petition on the ground that the same Plot No. 2215 admeasuring 4.85 acres is subject matter of the aforementioned title suit in which the petitioners are defendants and have entered appearance. For that this writ application is not maintainable.

In response to a query made by this Court as to whether pendency of the said suit is within the petitioners' knowledge or not, learned counsel for the petitioners has answered in affirmative. He has, however, submitted that whereas the said title suit relates to only one plot, i.e., Khesra No. 2215 admeasuring 4.85 acres, the dispute in the present writ



application relates to altogether four plots (4.95 Acres) including the said plot.

On perusal of the pleadings on record, we find that the petitioners have not disclosed about the pendency of the aforementioned title suit. The petitioners have, thus, concealed a relevant material fact about pendency of a suit in respect of a plot which has been made a subject matter of the present writ application.

In such view of the matter, on the ground of concealment of material facts, in our opinion, this writ application deserves to be dismissed and is dismissed accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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