

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13559 of 2021

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Nawal Kishore Sureka, S/o Late Murlidhar Sureka, Resident of - Henry Bazar, Loharpatti, Police Station - Motihari Town, District - East Champaran, at present Sureka Sadan - Sutapati, Police Station - Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Bihar State Board of Religious Trust, through its Chairman, Vidyapati Marg, Police Station - Budha Colony, Patna-1.
2. The Chairman, Bihar State Board of Religious Trust, Vidyapati Marg, Police Station - Budha Colony, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mahasweta Chatterjee, Adv
		Mr. Madan Mohan, Adv
		Ms. Pallavi Pandey, Adv
For the Respondent/s	:	Mr. Ganpati Trivedi, Sr. Adv

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 11-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner has put to challenge a notice dated 16.06.2021 issued by the Bihar State Board of Religious Trust asking him to appear before the Board for hearing on 07.08.2021 to decide the nature of *Manbhari Kaur Dharamshala*. It further transpires that the petitioner has been asked by the Board by letter dated 07.04.2021 to appear in the



light of direction of this Court's order dated 22.03.2021 passed in C.W.J.C. No. 8562 of 2020 for hearing of the dispute under Section 28(2)(u) of the Bihar Hindu Religious Trust Act, 1950. It is the petitioner's case that a Title Suit No. 176/2020 for the same relief is pending.

It has been vehemently argued on behalf of the petitioner that the Board does not have any jurisdiction to proceed *suo motu* in exercise of said power under Section 28(2)(u) of the Bihar Hindu Religious Trust Act, 1950. She contends that since the proceeding before the Board is incompetent, this Court should interfere in the present proceeding under Article 226 of the Constitution of India. She has drawn our attention to a petition filed on behalf of the petitioner dated 07.08.2021 brought on record by way of Annexure 23 to the supplementary affidavit, raising a preliminary objection before the Board as regards the very maintainability of the proceeding. She has submitted that instead of deciding the petitioner's preliminary objection over maintainability of the proceeding before the Board, the Board is proceeding to decide the dispute on merits.

Mr. Ganpati Trivedi, learned senior counsel appearing on behalf of the Board, on the other hand, has submitted that the Board shall decide the petitioner's



preliminary objection first before proceeding into the merits of the case. He has further informed this Court that 10.01.2022 was the date fixed for hearing on the question of maintainability by the Board but because of the pandemic situation, the hearing could not be held. It has also been informed that 09.03.2022 is the next date fixed by the Board for hearing of the matter.

Considering the facts and circumstances of the case emerging from the pleadings on record and submissions advanced on behalf of the parties as noted above, this application is disposed of with an observation that the Board shall proceed to decide the dispute before it on merits after deciding the petitioner's preliminary objection as taken in his petition dated 07.08.2021.

This application stands disposed of accordingly.

This disposes of all Interlocutory Applications.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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