

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1373 of 2021

Sanjay Kumar Mishra Son of Late Yamunadhar Mishra resident of Village-
Dawath, Police Station- Dawath, District- Rohtas and Sewait/ Trustee
Panchmandir, Dawath, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Hindu Religious Trust Board Vidyapati Marg, Patna-1 through its Chairman.
2. The Chairman, Bihar State Religious Trust Board Vidyapati Marg, Patna- 1.
3. The Assistant Superintendent, Bihar State Religious Trust Board Vidyapati Marg, Patna- 1.
4. The District Magistrate, Rohtas at Sasaram.
5. The Sub Divisional Officer, Sasaram, District- Rohtas.
6. The Circle Officer, Dawath, District- Rohtas at Sasaram.
7. The Superintendent of Police, Dehri (Rohtas) at Sasaram.
8. The Station House Officer, Dawath Police Station, District- Rohtas at Sasaram.
9. Sri Shambhunath Mishra Son of Late Gangadhar Mishra Ex- Chairman of Dawath Panch Mandir Trust Committee.
10. Sri Jagarnath Ram Son of Late Rajpati Ram Ex- Secretary, Dawath Panch Mandir Trust Committee.
11. Smt. Sushma Devi Wife of Sri Dharmendra Singh Ex- Member of Dawath Panch Mandir Trust Committee.
12. Sri Sita Ram Yadav Son of Late Motilal Yadav Ex- Member of Dawath Panch Mandir Trust Committee.
13. Sri Ramdhyan Paswan, Son of Late Hari Ram, Member of Dawath Panch Mandir Trust Committee.
14. Sri Manoj Kumar Son of Late Kamalnath Yadav Ex- Member of Dawath Panch Mandir Trust Committee.
15. Sri Shesh Nath Ram Son of Late Saryu Ram Ex- Member of Dawath Panch Mandir Trust Committee.
16. Sri Sant Pal Son of Late Gariba Pal Ex- Member of Dawath Panch Mandir Trust Committee, Dawath.
17. Sri Sanjay Dubey Son of Late Mahendra Dubey Ex- Member of Dawath Panch Mandir Trust Committee.
18. Sri Banshidhar Singh Son of Late Ramadhar Singh Ex- Member of Dawath Panch Mandir Trust Committee. Sl. 10 to 19 are Performa respondents and are residents of Village, P.O. and P.S.- Dawath, District- Rohtas (Bihar).

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr. Satish Chandra Mishra, Adv
For the Respondent/s : Mr. Ganpati Trivedi, Sr. Adv
Md. Raisul Haque (SC-10)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 20-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Following are the reliefs which the petitioner has sought in the writ application:

(i) For issuance of an appropriate writ/writs in the nature of certiorari for quashing the order dated 09.06.2020 (Annexure-1) passed by Respondent No.2 i.e. the Chairman, Bihar State Religious Trust Board, Patna and the proceeding pending before Respondent No.2 to the extent that the Petitioner has been prevented/stopped from settling, cultivating or to rent out the lands of the Panch Mandir, Village- Dawath, P.S.-Dawath, District-Rohtas (Commonly known as Dawath Panch Mandir) till further order which is wrong, arbitrary and erroneous as well as without jurisdiction in view of the Judgment dated 21.12.2019 passed by the learned Additional District Judge-VII, Rahtas at Sasaram vide Judgment dated 21.12.2019 in Civil Misc. No.28/2015 (CIS No.28/2015) which was filed on behalf of the Petitioner U/S 32 (3) of the Bihar Hindu Religious Trust Act, 1950 dated 12.09.2014



passed by the President i.e. the against the order Chairman, Bihar Hindu Religious Trust Board, Patna.

(ii) For further for Issuance of an appropriate writ/writs in the nature of mandamus directing/commanding the concerned Respondent Authorities to continue the Petitioner as Trustee of the trust of Panch Mandir at Dawath in pursuance of the Judgment dated 21.12.2019 passed by the learned Additional District Judge-VII, Rahtas at Sasaram in Civil Misc. No 28/2015 (CIS No.28/2015) as the petitioner has been working as Trustee/Mutawalli/ Sewait after having been appointed as Sewait by his father.

(iii) This Hon'ble Court be pleased to take Judicial Notice as to how Respondent No.2 is sitting over the Judgment dated 21.12.2019 passed by the learned Additional District Judge-VII, Rahtas at Sasaram in Petitioner's Civil Misc. No.28/2015 (CIS No.28/2015) without any authority of law and in the facts and circumstances of the case putting the petitioner in immense trouble.

(iv) Any other appropriate relief/reliefs may also be granted to the petitioner for which he is found entitled in the facts and circumstances of the case.

Mr. Ganpati Trivedi, learned senior counsel appearing on behalf of the Bihar Board of Religious Trust, does not dispute about declaration made by learned Additional District Judge- VII, Rohtas at Sasaram, in his judgment dated 21.12.2019 in Civil Miscellaneous No. 28/2015, in exercise of power under Section 32(3) of the Bihar Hindu Religious Trust



Act, 1950. He however submits that Miscellaneous Appeal has been filed against the said judgement registered as M.A. No. 399/2021.

The said appeal is admittedly time barred and till date limitation has not been condoned, let alone any stay order passed by this Court in the said Miscellaneous Appeal against the judgement and order dated 28.12.2019.

In such view of the matter, we dispose of this writ application with a direction that let the Trust act upon the decision of the court dated 21.12.2019 passed in Civil Miscellaneous No. 28/2015 till the same is modified, varied or stayed by any order passed by a court of jurisdiction.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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