

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14616 of 2021

1. Bindeshwar Mahto, S/o Late Hardeo Mahto, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
2. Ram Lakhindar Mahto, S/o Late Bhagwat Mahto, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
3. Ram Vilash Chaupal, S/o Late Lochan Chaupal, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
4. Smt. Parmila Devi, W/o Yogeshwar Chaupal, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
5. Shri Jagarnath Singh, S/o Late Kishore Singh, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
6. Baldeo Mahto, S/o Late Hari Kishan Mahto, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
7. Md. Lal Babu, S/o Md. Unush, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
8. Smr. Rekha Devi, W/o Jitan Kamti, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.
9. Shri Ashok Mahto, S/o Late Hari Kishun Mahto, Resident of Village - Balaha, Police Station - Kusheswar Sthan, West, District - Darbhanga.

... .. Petitioners

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.
3. The Managing Committee of Ram Janki Thakurbari, Balaha through its Secretary Sri Ramakant Singh, S/o Ram Swarup Singh, R/o Village - Balaha, Police Station - Kusheshwar Asthan, District - Darbhanga.

... .. Respondents

Appearance :

For the Petitioners	:	Ms. Mahasweta Chatterjee, Advocate
For the Respondents	:	Mr. Shekhar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 04-04-2022 The petitioners claim to be the transferees of certain lands based on sale deeds executed by one Mahanth Awadhesh Das. It is manifest from the pleadings on record that the petitioners are raising in the present writ petition an issue that the lands purchased by them were inherited by Mahanth Awadhesh Das, consequent upon the death of his father Janardan Das. The petitioners have put to challenge certain communications issued by the Chairman of Bihar State Board of Religious Trust treating the petitioners to be encroachers over the aforesaid lands on the ground that the disputed lands are properties of Sri Ram Janki Thakurbari, Balaha, which is a public religious trust. The petitioners have been asked to pay rent for occupying the premises in question. From Annexure-17 of the writ application, it appears that the petitioners have been informed about the fact that the said Awadhesh Das was never appointed Mahanth of the said public trust nor he was granted any kind of recognition by the Board. The petitioners have thus been informed by the Board about the incapacity of Awadhesh Das to execute the said sale deeds and accordingly they have been advised to make an enquiry about the genuineness of the



sale deeds said to have been executed in their favour. The petitioners have also been asked to appear before the Board with all relevant documents. The said communication dated 06.03.2021 at Annexure-17 is under challenge in the present writ application.

Ms. Mahashweta Chatterjee, learned counsel appearing on behalf of the petitioners has reiterated the contention that said Awadhesh Das had executed the sale deeds in favour of these petitioners not in his capacity as Mahanth of the Trust in question, rather in his individual capacity in respect of the lands which he had inherited from his father late Janardan Das.

The said submission, in our opinion, appears to be *prima facie* unsustainable in view of the documents, which have been brought on record particularly the rent receipt, a copy of which is available at page 38 of the writ petition that is part of Annexure-3, wherein Awadhesh Das had been described as a *Chela* of Janardan Das.

Be that as it may, considering the nature of communications issued by the Board to the petitioners, we are not inclined to entertain this writ application as, in our view, the petitioners have not been able to make out a case for this Court's



interference as it involves disputed issues of facts. The petitioners shall, however, be at liberty to appear before the Board or avail any other remedy as may be available to them, if they are aggrieved by any action of the Board.

This writ application stands dismissed accordingly with the aforementioned observation.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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