

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15271 of 2021

Shankar Kumar Das Son of Late Shiv Narayan Das, Resident of Village - Haribanshpur, Post - Chhatrahar, P.S.- Shambhuganj, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Bihar State Board of Religious Trust, Vidyapati Marg, Patna through its Chairman.
3. The Chairman, Bihar State Board of Religious Trust.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. P.N.Shahi, Senior Advocate Mr. Alok Kumar @ Alok Kr Shahi, Advocate Mr. Ranjan Kumar Jha, Advocate Mr. Mritunjay Kumar Mishra, Advocate
For the Respondents	:	Mr. Ganpati Trivedi, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 25-04-2022 The petitioner claims to be one of the heirs of the original founder of the temple late Harballabh Das. He has put to challenge a notification dated 26.03.2021 issued by the Bihar State Board of Religious Trust under the signature of the President of the Board, whereby a scheme has been settled in exercise of the power under Section 32 of the Bihar Hindu Religious Trust Act, 1950, for proper administration of the said trust.

Mr. Pushkar Narain Shahi, learned Senior Counsel appearing on behalf of the petitioner has drawn the Court's



attention to the observation made in the said notification to the effect that the Board has maintained a tradition of not including more than one member of the same family in the trust committee. He contends that during the course of settlement of scheme under Section 32 of the Act, deviating from the said long standing tradition, two full brothers of the same family have been included in the trust committee. He has further submitted that though animal sacrifice is a traditionally accepted ritual in the temple, the notification has erroneously mentioned, without any basis that it being a Hindu Religious Temple, no such ritual is permissible in the premises in question. He has accordingly submitted that because of the said observation in the notification in relation to the ritual of animal sacrifice, the devotees are being restrained from performing the said ritual.

On the question of constitution of the trust committee, Mr. Shahi, learned Senior Counsel, has not been able to point out breach of any statutory provision inasmuch as it has not been demonstrated before this Court that more than one member of the same family cannot be nominated as members of the committee. In such view of the matter, the impugned notification does not require interference on the said ground.

So far as the second aspect relating to religious



practice of animal sacrifice is concerned, there is no pleading in the writ petition that any person has been in fact stopped from performing the said ritual.

In such view of the matter, without interfering with the impugned notification, this writ application is disposed of with a liberty to the petitioner to approach appropriate forum if any situation in future so warrants on the point of animal sacrifice, which, according to him, is an important ritual in the concerned temple.

This application stands disposed of accordingly, with the aforesaid observation.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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