

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20381 of 2021

=====

Krishna Kumar Bhagat @ Krishna Kumar Chela Late Lakshmi Bhagat
Resident of Village - Ghibahi, P.S. Hatauri, (O.P. Shivajee Nagar), District-
Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue of Land Reforms Department, Government of Bihar, Patna.
2. The Bihar State, Board of Religious Trust, Vidyapati Marg, Patna through its President, Patna.
3. The President, Bihar State, Board of Religious Trust, Vidyapati Marg, Patna.
4. The S.D.O. Samastipur.
5. The Circle Officer, Shivajee Nagar, Samastipur.
6. Gyan Swaroop Goswami @ Yogesh Gyan Swaroop Tapaswi S/o Late Mukh Swaroop Goswami @ Gyan Swaroop Goswami Resident of Village - Ghibahi, P.S. Hatauri, (O.P. Shivajee Nagar), District- Samastipur.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Vijay Anand, Advocate
For the Board	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Madan Mohan, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (GP-18) Ms. Perna Anand, AC to GP-18

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

- 3 12-05-2022 Mr. P.N. Shahi, learned Senior Counsel appearing on behalf of the petitioner has submitted that a supplementary affidavit has been filed on behalf of the petitioner online. The said affidavit is not there on record. He has filed physical copy of the said affidavit, which has been taken on record.



The petitioner has put to challenge an order dated 29.10.2021, passed by the President of the Bihar State Board of Religious Trust (the Board, in short), whereby the petitioner's claim of being the Trustee of the Religious Trust, viz. Ghibahi Math in the district of Samastipur has been rejected and steps have been initiated to settle a scheme, apparently in exercise of power under Section 32 of the Bihar Hindu Religious Trust Act, 1950 (The Act, for brevity) for proper administration of the said Religious Trust.

It is the petitioner's case that he has been appointed as a Trustee of the said Religious Trust by a registered deed dated 12.09.2016 executed by the erstwhile Trustee, Ramroop Goswami. It appears that earlier in 2018, a dispute had arisen in respect of Trustee of the said Trust. By an order dated 20.09.2018 passed by the Administrator of the Board, Gyan Swaroop Goswami (respondent No. 6) was appointed temporarily as Trustee in exercise of power under Section 33(1) of the Act. From the said order dated 20.09.2018, it is evident that there existed a dispute on the point of appointment of Trustee of the said Religious Trust. The Administrator, taking into account the materials available before him had considered it apt to appoint respondent No. 6 as temporary Trustee of the



Math for a term of one year. The petitioner's claim of his appointment as Trustee was turned down.

It is admitted by the petitioner that a writ application against the said order dated 20.09.2018 has been filed before this Court giving rise to CWJC No. 23692 of 2018 which is pending.

The President of the Board by the impugned order dated 29.10.2021, has refused to entertain the petitioner's claim of his appointment as the Trustee of the Religious Trust on the ground that if such claim was to be accepted, the same would amount to reviewing the order dated 20.09.2018, whereby and whereunder, his claim based on the same registered deed dated 12.09.2016 was rejected, which is impermissible there being no provision for review under the provisions of the Act.

Sections 33(3) of the Act empowers the Board to settle scheme for the Trust under Section 32 of the Act if during the period of one year, the dispute over the *bona fide* trustee is not decided by a competent authority. The petitioner cannot deny that there exists a dispute over *bona fide* Trustee of the said Trust.

Mr. Ganpati Trivedi, learned Senior Counsel appearing on behalf of the board has drawn our attention to



Section 48 of the Act which confers power upon the District Judge to remove a Trustee or to appoint a Trustee.

The petitioner appears to have not taken any step to invoke the said provision under Section 48 of the Act for resolution of such *bona fide* dispute, if any, on the point of appointment of a Trustee.

In such view of the matter, we decline to entertain this writ application. This writ application is accordingly dismissed. The petitioner shall, however, be at liberty to invoke Section 48 of the Act for resolution of dispute on the point of appointment of the Trustee of the Religious Trust.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

