

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1882 of 2018

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Jata Shankar Upadhyay Son of late Dina Nath Upadhyay, Resident of Village-Parashurampur, P.S. Krishnagadh Barhara, District Bhojpur.

... .. Petitioner/s

Versus

1. Murti Sri Gopal Jee Son of late Daroga Pathak, Resident of Village and P.O. Birampur, P.S. Koilwar, District Bhojpur.
2. Suresh Singh, Son of Late Balbhadra Singh, Secretary, Sri Ram Janki Mandir Trust Committee, Babura, P.O. Barhara,
3. Nagendra Tiwary, Son of Late Awadh Bihari Tiwari
4. Sunil Singh, Son of Late Birendra Singh.
5. Singeshwar Singh, Son of Late Sukhdev Singh.
6. Ram Lakhan Singh Son of late Nayan Singh.
7. Raghunandan Singh, Son of late Nayan Singh.
8. Yadu Nandan Singh, Son of late Nayan Singh
9. Hari Nandan Singh, Son of late Nayan Singh.
10. Ram Jeewan Ray, Son of late Rampati Ray.
11. Ajay Kumar Ray, Son of Ram Jeewan Rai.
12. Rameshwar Singh, Son of late Nasib Singh
13. Bihari Ray, Son of Late Sibali Ray.
14. Sudeshwar Sao Son of Sanmukh Sao.
15. Ram Kumar Mahto, Son of Late Rangdas Mahto.
16. Prabhu Prasad Son of Late Sutor Prasad Respondents 3 to 16 Resident of Village-Babura, P.S. Barhara, District Bhojpur.
17. Ram Chandra Singh, Son of Late Raghunath Singh, Resident of Village-Kutukpur Dera, P.O. Babura, P.S. Barhara, District Bhojpur.
18. The Presuding Officer, Bihar Hindu Religious trust Tribunal, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate
For the Respondent/s : Mr.Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 23-06-2023

I.A. No. 1 of 2023

Heard the parties.



I.A. No. 1 of 2023 has been preferred for substituting the legal heirs of the petitioner who is since dead.

Since there is no opposition from the respondents, I.A. No. 1 of 2023 is allowed.

C.W.J.C. No. 1882 of 2018

Heard learned counsel for the petitioner as also learned Senior Counsel who represent the Trust Board.

This application has been preferred for quashing the order dated 29.11.2017 passed by the Presiding Officer, Bihar Hindu religious Trust Tribunal, Patna in Case No. 10/2010 (Annexure-2) rejecting the petition dated 16.05.2016 under order 1 Rule 10 C.P.C. read with section 151 C.P.C. filed by the petitioner holding it as not maintainable.

At the outset, learned Senior Counsel took this Court to Section 43A(4) of the Bihar Hindu Religious Trust Act, 1950 which read as follows:

“Any party aggrieved by an order of the Tribunal made under this Act may within ninety days from the date of the order, file an appeal before the High Court whose decision shall be final.”

In view of the said facts, learned counsel for the petitioner submits that he may be permitted to withdraw the



petition and to file appeal, as envisaged in the Act.

Accordingly, the writ petition stands disposed of with the observation that if an appeal is filed, it may be taken into account that the petitioner was pursuing the remedy by filing writ petition while considering the limitation petition.

(Rajiv Roy, J)

Jagdish/kiran/-

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