

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3797 of 2023

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Soni Kumari, Daughter of Dilip Kumar Singh, Resident of Village-Jagai Majhauri, P.S. Bochaha, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna .
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-Cum-Collector, Muzaffarpur District-Muzaffarpur.
5. The Additional Collector, Muzaffarpur, District-Muzaffarpur.
6. The Circle Officer, Bochahan, District-Muzaffarpur
7. The Bihar State Religious Trust Board, Vidyapati Marg, Patna Through the President.
8. The Superintendent The Bihar State Religious Trust Board, Vidyapati Marg, Patna.
9. The Assistant Superintendent, The Bihar State Religious Trust Board, Vidyapati Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 09-05-2023

1. The writ application has been filed as a Public Interest Litigation (PIL) alleging illegal transfer of lands by a *Math*, which has not been impleaded as a party respondent to the writ application. There is also allegations of certain lands allegedly belonging to the *Math* being illegally mutated in the



name of certain “influential person” who also has not been made a party to the instant proceedings. The petitioner has also emphasised the need to make appointment of a new *Mahanth* for the *Math* in question.

2. It is apparent from the averments made in the writ petition and Annexures that the petitioner has been pursuing the issue before the authorities including the Bihar State Board of Religious Trust. The petitioner’s efforts have finally culminated in to a report being submitted by the Circle Officer, Bochaha, Muzaffarpur (Annexure-P6). It is apparent from the averments in the writ petition as well as the report (Anneuxre-P6) that the petitioner’s complaint has been found to be baseless. Thereafter, the petitioner claims to have represented before the Chief Secretary, Government of Bihar, Divisional Commissioner, Tirhut Division as well as the Bihar State Board of Religious Trust.

3. Learned counsel for the State, however, submits that the Tribunal constituted under Section 43 of the Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as “Act”) is the appropriate authority for looking into the nature of grievance in the instant writ proceedings.

4. However, there is no averment in the writ petition



that the petitioner has exhausted the remedy available to her under Section 43 of the Act.

5. Considering the rival submissions, this Court is not inclined to proceed with the instant proceedings as a Public Interest Litigation. The petitioner was required to invoke remedy as provided under Section 43 of the Act wherein only after hearing the parties concerned, the Tribunal would have taken a decision on the petitioner’s grievance.

6. For the above noted reasons, we find no reason to continue with the instant writ proceedings as a PIL and close the proceedings.

7. The writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.05.2023
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