

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4944 of 2020

Abhay Kumar Singh S/o Dukhit Singh Resident of Village and Post-Mishrauliya, P.S.-Chiraiya, District-East Champaran, Presently resident of Village Dhaka, P.O.-Ramdhandra, P.S.-Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Revenue and Land Reforms Department Govt. of Bihar, Patna.
2. The District Magistrate Cum Collector, East Champaran.
3. The Sub-Divisional Officer, Sikarhana, East Champran.
4. The Circle Officer, Dhaka, East Champaran.
5. The, President Hindu Religious Trust Board, Bidyapati Marg. Patna.800001.
6. Kishore (Secretary Trust Committee Sri Ramjanki Temple) S/o Ramchandra Prasad Choudhary, Resident of Village and Post and P.S.-Dhaka Ramchandra, District-East Champaran.
7. Rajmangal Raut (Member Trust Committee Sri Ramjanki Temple) S/o Late Lakshman Raut, Resident of Village-Patilnagar, Post and P.S.-Dhaka Ramchandra, District-East Champaran.
8. Bhagirath Prasad (Member Trust Committee Sri Ramjanki Temple) S/o Late Lakshmi Raut, Resident of Village and Post and P.S.-Dhaka Ramchandra, District-East Champaran.
9. Maharaja Ram (member Trust Committee Sri Ramjanki Temple) S/o Late Chulhai Ram Resident of Village-Shyam Bakhari, Post and P.S.-Dhaka Ramchandra, District-East Champaran.
10. Pandit Umakant Tiwary (member Trust Committee Sri Ramjanki Temple) S/o Late Raghunath Tiwary, Resident of Village-Kaswa, P.O.-Ba. La. Sen, Dhaka, East Champaran.
11. Shambhu Singh (member Trust Committee Sri Ramjanki Temple) S/o Late Gagandeo Singh, resident of Village-Bakrihari, P.O.-Karsahiya, Dhaka, District East Champaran.
12. Surendra Jha Suman (member Trust Committee Sri Ramjanki Temple) S/o Late Krishna Kumar Jha, Resident of Sorpaniya, Post-Pachpakadi, District-East Champaran.
13. Birendra Patel (member Trust Committee Sri Ramjanki Temple) S/o Late Jaleswar raut, Resident of Village-Gandhi Chouk, Dhaka, P.O. and P.S.-Dhaka, District-East Champaran.
14. Ramakant Sharma (member Trust Committee Sri Ramjanki Temple) S/o Late Nand Kishore Sharma, Resident of Village-Saratha, P.O. and P.S.-Dhaka, District-East Champaran.
15. Lalan Prasad Singh (member Trust Committee Sri Ramjanki Temple) S/o Rameshwar Singh, Resident of Village-Mathiya Mohan, P.O. and P.S.-Dhaka, District-East Champaran.



16. Rinki Devi (member Trust Committee Sri Ramjanki Temple) W/o Ajit Kumar Resident of Village-Mathiya Mohan, P.O. and P.S.-Dhaka, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the State : Mrs. Surekha Kumari, AC to GP 18
For the Trust Board : Mr. Ganpati Trivedi, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2023 Heard Mr. Ranjan Kumar Dubey, learned Counsel
for the petitioners and Mr. Ganpati Trivedi, learned Senior
Counsel who represent the Trust Board.

2. The writ petition has been filed for the following
reliefs:-

*(i) for issuance of writ in the nature of
certiorari for hing the order dated 23.12.2019
passed by respondent no. 5 by which at one hand
he has directed the office to obtained the certified
copy of Title Suit and take necessary step to recall
that order etc and on the other hand he has
restrained the parties from selling, transferring,
rehan, mortgage etc without permission of the
Board. He further restrain from making any
construction and order has been passed to
maintain status quo over the land in question.*



(ii) for issuance of writ in the nature of certiorari for quashing the office letter no. 1118 dated 11.10.2019 (notification) issued under the signature of respondent no. 5 by which he has constituted a trust committee (consisting of eleven members) to look after the management of Sri Ramjanki Temple, Dhaka;

(iii) For issuance of letter no. 05/2019 dated 05.12.2019 issued under the signature of secretary co called Sri Ram Janki Temple Trust Committee, Dhaka (Patel Nagar) East Champaran in favour of tenant of petitioners asking them to pay rent to him contrary to the fact even those shops are even not situated over the land of Sri Ramjanki Temple rather same is situated over the private land of petitioner.

3. It is the case of the learned Counsel for the petitioner that on 11.10.1947, the gift deed was executed by the family members of the petitioner. It was purely a private Trust and nothing to do with the Bihar State Religious Trust Board (henceforth for short 'the Trust Board').

4. It is his further case that they never came to know



that the same has been registered with 'the Trust Board' and when the dispute arose, they promptly filed Title Suit No. 125 of 2016. It same was decided in their favour on 25.08.2017 (Annexure 4 to the writ petition).

5. It is his case that thereafter, the petitioner had complete authority over it but was surprised to receive notice dated 04.12.2019 by 'the Trust Board' by which he was asked to submit his show cause fixing the date for 23.12.2019 (Annexure 6 to the writ petition).

6. The further case of the petitioner is that he appeared and replied on 23.12.2019 whereafter on the same day, an order came to be passed (Annexure-1 to the writ petition).

7. Learned Counsel for the petitioner has taken this Court to the order passed by the President of 'the Trust Board' on 23.12.2019, a perusal of the same shows that he acknowledges that there is an order dated 25.08.2017 passed in Title Suit No. 125 of 2016 by the learned Sub-Judge, Sikarhana, Dhaka, East Champaran treating the temple to be a private property of the petitioner.

8. However, taking the order on a different line and after observing that process is/are being taken up to file appeal against the said order, an order was passed to maintain *status*



quo with respect to the said land.

9. Learned Counsel submits that it is for the Writ Court to decide whether the President of 'the Trust Board' is above law and/or whether he can deliberately violate the order passed by the Title Court in Title Suit No. 125 of 2016 disposed of on 25.08.2017 by passing an order of *status quo* with respect to the temple/land in question.

10. Learned Senior Counsel appearing for 'the Trust Board' is unable to defend the action of the President. When the petitioner provided the order sheet of Title Suit No. 125 of 2016 dated 25.08.2017 by which the temple was declared as private property, unless an order against it comes in appeal, can President pass an order of *status quo*?

11. This Court has time without number got occasion to go through the orders passed by the President of 'the Trust Board'. It seems once in chamber, no law of the land matters to him. He acts according to his whims and caprices and passes order as reflects from this case where despite the fact that an order dated 25.08.2017 passed in Title Suit No. 125 of 2016 by the learned Sub-Judge, Sikarhana, Dhaka, East Champaran was on his table, he passed the order.

12. Such act of the President is deprecable to say the



least. It is hard to believe that despite an order of Title Court, he passed the order in question despite the fact that the order sheet boasts of its President as an ex-Judicial Officer.

13. In the aforesaid background, this Court has no option but to quash the order dated 23.12.2019 passed by the President, Hindu Religious Trust Board, Bihar, Patna (Annexure 1 to the writ petition). Any order and/or the observation made in pursuance of the said order will have no effect, the order dated 23.12.2019 having been already quashed.

14. The petitioner will be entitled to a cost of Rs. 10,000/- for having gone through the mental trauma for last four years as also cost for filing writ petition for defending an order which was already there in his favour by the Title Court in 2017. The said amount has to be paid by the President of 'the Trust Board' within a period of four weeks from today and receipt thereof has to be submitted with the office of Patna High Court.

15. The writ petition stands disposed of.

(Rajiv Roy, J)

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