

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4966 of 2022

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Mahanth Kaushal Kishore Das Chela Mahanth Late Ram Khelavan Das
Resident of Ram Janki Temple, Punaura Dham, P.S. and District Sitamarhi.
Presently Sebait of Ram Janki Temple Punaura Dham.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Tourism, Govt. of Bihar.
3. The President, Bihar State Religious Trust Board through the Superintendent, Vidyapati Marg, Patna.
4. The Superintendent, Bihar State Religious Trust Board, Vidyapati Marg, Patna.
5. The District Magistrate, Sitamarhi.
6. The Sub-Divisional Officer, Sitamarhi.
7. The Circle Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate Mr. Nagdeo Choubey, Advocate
For the Respondent/s	:	Mr. Kapileshwar Prasad Yadav (GP-11) Mr. Santosh Chandra Bhaskar, AC to GP-11
For the Resp no. 3 & 4	:	Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. Parth Gaurav, learned counsel appearing on behalf of the petitioner and Mr. Ganpati Trivedi, learned senior counsel represented the Bihar State Religious Trust Board. Mr. Santosh Chandra Bhaskar, learned counsel for the State is also present.



2. The petitioner claimed to be Mahanth of Punaura Dham Temple, situated at Punaura in the district of Sitamarhi, preferred the present writ petition for seeking the following relief(s):-

“A) Directing the Respondent Authorities to not make any further construction over the personal property of the Petitioner namely Khata No. 1276, Plot No. 5209 & 5223 having area of 1.62 Decimals situated at village- Punaura, District- Sitamarhi.

B) Directing the Respondent Authorities to restore status quo ante over the land in question as was existing before they started construction over it.

C) Directing the Respondent Authorities to maintain the status quo over the land in question during the pendency of instant writ application.

D) Any other relief for which the petitioner is deemed entitled for.”

3. At the outset, it is submitted that earlier the petitioner on being aggrieved by the action of the State, making encroachment over the land of the Temple as well as his personal property, filed C.W.J.C. No. 22037 of 2019, which application came to be disposed of *vide* order dated 22.11.2019, by a bench of this Court, which reads as under:-

“with a direction to the President of the Trust/Board to take cognizance of the facts stated in the writ application and if so required, he may himself proceed to bring an appropriate action in accordance with law. In case any application is preferred by the petitioner, seeking permission from the Trust/Board, the same shall also be considered and an appropriate decision thereon shall be taken within statutory period of 8 weeks from the date of filing of such application by the petitioner.”



4. It is submitted on behalf of the petitioner that in terms of the order of this Court dated 22.11.2019, the petitioner approached before the Board by filing the appropriate application before the Tribunal seeking permission with respect to the property of the Temple in question as well as his personal property, but neither any permission nor any action has taken with respect to the property, which is claimed to be acquired or owned by the petitioner. Thus, having found no way out, the petitioner again approached before this court by filing the present writ petition.

5. At this stage, learned senior counsel representing the Bihar State Religious Trust Board drew the attention of this Court to the order dated 22.11.2019 passed in C.W.J.C. No. 22037 of 2019, and submitted that the claim which is being raised before this Court has already been brought in earlier round of litigation, and thus there is no need of any fresh order by this Court on the issue, which has already been dealt with in the earlier order.

6. Having gone through the order of this Court, passed in earlier round of litigation, *prima facie*, this Court finds merit in the submissions made on behalf of the learned senior counsel.

7. In view of the aforesaid facts, the present writ



petition stands disposed with an observation that, if still the grievance with regard to the alleged personal property of the petitioner has not been taken care of by the president of the Board, he has a remedy under Section 43(A) of Bihar Hindu Religious Act, 1950 to take proper permission and approach before the Tribunal for resolving the dispute with regard to the self acquired or personal property.

(Harish Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2023.
Transmission Date	NA

