

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8406 of 2023

Vikash Kumar S/o Shambhu Prasad Singh, R/o Ayodhya, Nagar Panchayat
Teghra, Teghra, Begusarai, Bihar- 851133.

... .. Petitioner/s

Versus

1. The Bihar State Board of Religious Trusts Vidyapati Marg, P.S. Budha Colony, District-Patna through its President.
2. The President, Bihar State Board of Religious Trusts, Vidyapati Marg, P.S. Budha Colony, District-Patna through its President.
3. Shri Rajendra Prasad, s/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
4. Shri Ramnarayan Das, S/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
5. Shri Mahamandaleshwar Maharaj Ramsewak Maharaj, S/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.-Teghra, District- Begusarai, Bihar.
6. Shri Bhagwan Ram alias Balak Baba, S/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
7. Shri Vishwamohan Das, S/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
8. Shri Sunil Das, S/o not known, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
9. Shri Pramod Singh, S/o Late Shahi Babu, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.-T eghra, District- Begusarai, Bihar.
10. Shri Rajendra Prasad Singh, S/o Late Harinandan Singh, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
11. Shri Rambali Singh, S/o Late Baldev Singh, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
12. Shri Shiv Kumar Kejriwal, S/o Late Laxmichand Kejriwal, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.
13. Shri Suresh Raushan, S/o Shiv Prasad Agrawal, R/o Shri Ram Janki Mandir, Gram- Ayodhya, P.O. and P.S.- Teghra, District- Begusarai, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J. S. Arora, Sr. Advocate Mr. Kumar Shanu, Advocate
For the Respondent/s	:	Mr. Ganpati Trivedi, Sr. Advocate Ms. Aishwarya, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT



Date : 29-08-2023

Heard Mr. J. S. Arora, learned senior counsel, duly assisted by Mr. Kumar Sahu, learned counsel for the petitioner. Mr. Ganpati Trivedi, learned senior counsel, duly assisted by Ms. Aishwarya, learned counsel representing the Bihar State Board of Religious Trust.

2. The petitioner, who claimed himself to be former Secretary of Shri Ram Janki Mandir preferred the present writ application seeking quashing of the order dated 24.11.2022 passed by the President of Bihar State Board of Religious Trust, Patna (hereinafter referred to as 'the Board') whereby the President of the Board without providing any opportunity to the petitioner passed the impugned order affirming the order of the Committee and removed the petitioner from the post of Secretary of Shri Ram Janki Mandir Gram Ayodhya, Teghra, Begusarai. The petitioner further prays for a direction commanding upon the respondents, particularly, respondent no.2, restraining the private respondents from interfering in the management of Mandir, in question. He further seeks a direction that no other temple is built on the land, in question, in any name, other than 'Shri Ram Janki'.



3. The short matrix of the case, in chronologically, is that in the year 2006 Shri Ram Janki Mandir, Ayodhya, Begusarai got registered under the Bihar Hindu Religious Trusts Act, 1950 bearing registration no. 3676 of 2006. Since the establishment of the temple, one Mahanth Nilamber Das had been looking after the prayer and rituals in the temple till his last breath. After his death, the said responsibility has been bestowed upon one Vishambher Das and thereafter the same was shifted to the hands of Nyasdhari Ram Narayan Das.

4. It is the case of the petitioner that on account of misdeeds, at the hands of Ram Narayan Das, the matter was brought to the knowledge of the President of the Board and the petitioner was also one of the person, who made protest of the immoral and illegal activities of said Ram Narayan Das by filing several complaints. The petitioner also complained about the encroachment of the trust land to the Sub-divisional Officer, Teghra and in response thereto the S.D.O., Teghra called upon all the members of the Trust and finally they arrived on a settlement on 15.05.2018, duly signed by all the members, with the undertaking that the land of Ram Janki Mandir, Ayodhya will not be either occupied or sold by any one and the same would be the part of the Bihar State Board of Religious Trust



and will also remain under the control and possession of the Board.

5. Submission has been made by the learned senior counsel appearing on behalf of the petitioner that on 06.10.2021 a committee was formed by the Board for the temple Trust vide Memo No. 3519 and Mahanth Ram Narayan Das was appointed as the President of the Trust and one Bhagwan Ram @ Balak Baba made the Treasurer of the Trust. The petitioner was appointed as the Secretary of the Trust for a period of one year. The said notification also stated that the Trust Committee/ Officers/Members would not have the right to transfer/sell the land of the trust by any modes and misuse of the Trust property in any way would be illegal and attract legal action against the persons/Trustee responsible.

6. It is next submitted that as the newly appointed Treasurer Bhagwan Ram @ Balak Baba is a man of having suspicious character and has been found indulge in causing interference in the administration of justice, which fact has also been noted and affirmed by one of the successful President/Administrator of the Board (Shri Kishore Kunal) vide his letter dated 30.05.2022.



7. The petitioner on several occasions informed the Board about the problems faced by Trust Committee as well as misconduct of the various committee members and requested to take proper action so that he can discharge his responsibility properly in the welfare of the Trust. However, instead of taking any appropriate action against the persons responsible for misconduct, the members of the committee convened so-called meeting on 25.09.2022 under the guidance of said Bhagwan Ram @ Balak Baba, Treasurer, and removed the petitioner from the post of Secretary and the Committee appointed Rajendra Prasad in his place. It is the case of the petitioner that he was not even present in the said meeting nor he was even informed about the so-called meeting. The aforesaid decision of the Committee has further been approved by the President of the Board on 24.11.2022, without considering the fact that the petitioner has neither been noticed nor any show-cause be served, withal the Board while passing the impugned order has not given any opportunity to him.

8. Mr. Arora, learned senior counsel, vehemently submitted that Section 28(2)(h) of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as 'the Act, 1950') empowers the Board to remove a trustee from his office,



whereas Section 28(3) of the Act, 1950 mandates issuance of notice to the trustee communicating to him, the ground of his proposed removal and provide him a reasonable time for reply.

9. He further submits that the Board has removed the petitioner from the post of Secretary, but allowed him to continue as a member of the trust committee implied that the petitioner is still a trustee, hence the instant case is not covered by Section 28(2)(h) of the Act, 1950. Even if it is assumed that the Board was using its power under Section 28(2)(h) of the Act, 1950 no procedure prescribed under Section 28(3) of the Act, 1950 was complied with, neither any cause to be shown to the petitioner nor he was provided any opportunity to be heard before the impugned order was passed and on this score alone the impugned order of the Board is fit to be quashed and cancelled. He also submits that the so-called meeting dated 25.09.2022 wherein after illegally removing the petitioner, Shri Rajendra Prasad was appointed as the Secretary of the Trust, is manifestly without any authority or jurisdiction under the Act, 1950. He also submits that from the resolution of the meeting, it appears that the petitioner was neither present in the meeting nor he was informed, irrespective of the aforesaid fact the President of the Board affirmed the proposal of the so-called meeting of



the Trust and passed the impugned order.

10. Per contra, Mr. Ganpati Trivedi, learned senior counsel representing the Board submits that it is not a case that the very constitution of the Trust has been interfered with, rather it is the case where internal arrangement made for the purposes of looking into the affairs of the Trust has been set at right by the Committee and affirmed by the Board. He further submits that admittedly, the present is not a case of removal of a Trustee from his office and as such it has been rightly submitted on behalf of the learned senior counsel for the petitioner that the case will not fall under Section 28(2)(h) of the Act, 1950. thus in the present case statutory compliance of Section 28(3) of the Act, 1950 does not arise. He further drew the attention of this Court to the impugned order (Annexure-1 to the writ petition) and submits that the meeting of the committee was convened on 25.09.2022 in the presence of the Board Members, however, irrespective of the fact that the registered notice was given to the petitioner to participate in the meeting, the same was returned with the report that “addressee refused to accept/receive the notice”. Thereafter, a proposal has been passed unanimously by the committee appointing one Shri Rajendra Prasad, as Secretary of the Committee. The Board has also taken note of



the fact that on 24.08.2022 when the petitioner was called upon to attend the meeting he did not turn up without any justified reason and thereafter when the next meeting was held on 25.09.2022, he again refused to participate, hence considering the fact that the petitioner has not been cooperating with the committee, the committee has rightly proposed to remove the petitioner from the post of Secretary and allowed Shri Rajendra Prasad to work as the Secretary of the Committee. Despite the petitioner was knowing very well about the on going proceedings/meeting held by the Trust committee, he did not appear and refused to accept/receive the registered notice, thus, the committee has rightly proposes for his removal in the interest of the Trust committee, which was duly affirmed by the Board.

11. Having heard the parties and going through the averments and the materials available on record, this Court comes to the conclusion that the appointment of the petitioner, as a Secretary to look into the affairs of Trust is nothing but an internal arrangement of the Trust committee made by the Board. Any change of the office bearer by the Committee does not attract Section Section 28(2)(h) of the Act, 1950, as the order does not relate to removal of the trustees. Further more, it is the



admitted case of the petitioner that the Trust Committee was temporarily constituted only for one year with the object to give complete effect to the proposed scheme/plans for the welfare of temple/trust. The notification contained in Memo No. 3519 dated 06.10.2021 stipulating the aforesaid terms is part of the writ petition, as Annexure-5.

12. The very object of the Trust Committee is to supervise the Trust and look into its welfare and in absence of any rule or regulation the petitioner has no statutory right to continue as a Secretary of the committee or his removal warrants any interference by invoking discretionary writ jurisdiction.

13. The Court time without number in catena of judgments held that the principles of natural justice cannot be put into straitjacket formula and its application will depend upon the facts situation obtaining therein. It cannot be applied in a vacuum without reference to the relevant facts and circumstances of the case. This is what has been held by the Supreme Court in **K.L. Tripathi v. State Bank of India, AIR 1984 SC 273; (1984) 1 SCC 43; N.K. Prasada v. Govt. of India, (2004) 6 SCC 299; JT 2004 Supp (1) SC 326; State of**



Punjab v. Jagir Singh, (2004) 8 SCC 129: AIR 2004 SC 4757; Karnataka SRTC v. S.G. Kotturappa, (2005) 3 SCC 409: 2005 AIR SCW 1370; and Vivekanand Sethi v. Chairman, J&K Bank Ltd., (2005) 5 SCC 337.

14. In **Chairman, Board of Mining Examination and Chief Inspector of Mines V. Ramjee, AIR 1977 SC 965: (1977) 2 SCC 256** the Court has observed that “**natural justice is not an unruly horse, no lurking landmine, nor a judicial cure- all.** If fairness is shown by the decision-maker to the man proceeded against, the form, features and the fundamentals of such essential processual propriety being conditioned by the facts and circumstances of each situation, no breach of natural justice can be complained of. Unnatural expansion of natural justice, without reference of the administrative realities and other factors of a given case, can be exasperating. The Courts cannot look at law in the abstract or natural justice as a mere artefact. Nor can they fit into a rigid mould the concept of reasonable opportunity. If the totality of circumstances satisfies the Court that the party visited with adverse order has not suffered from denial of reasonable opportunity, the Court will decline to be punctilious or fanatical as if the rules of natural justice sacred scriptures.”



15. This Court also finds some substance in the submission of the petitioner that the petitioner being active member of the trust committee, cannot be said to unacquainted with the proceeding of meetings and refusal to accept the registered notice make his case more worsen, and his plea of violation of natural justice would not be available to him in the facts of the present case.

16. In view of the aforesaid discussion, this Court does not find any reason to interfere in the impugned order. Thus, the present writ application sans any merit stands dismissed.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2023
Transmission Date	NA

