

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24051 of 2019

Mahanth Parmanand Sahab @ Acharya Mahant Parmanand Das Son of
Ramchandra Das, R/o Village- Kabir Math, Dariyapur, P.S. Fatuha, District-
Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through Law Secretary, Govt. of Bihar.
2. The Bihar State Religious Trust Board, Patna through its Chairman.
3. The Chairman, Bihar State Religious Trust Board, Vidyapati Marg, Patna-800001
4. The Administrator, Bihar State Religious Trust Board, Vidyapati Marg, Patna-800001
5. The District Magistrate, Patna, Bihar.
6. The Sub Divisional Officer, Patna City, Patna.
7. The Officer in Charge, Fatuha Police Station, Fatuha, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9415 of 2022

Gopal Das Chela Shyam Sunder Das, Resident of Dariyapur, P.S.- Fatuha,
Dist.- Patna.

... .. Petitioner/s

Versus

1. The Chairman, Bihar State Board of Religious Trusts Vidyapati Marg, Patna- 800001.
2. Brajesh Muni Chela of Baleshwar Das Resident of Dariyapur, Kabir Math, P.S.- Fatuha, Dist.- Patna.
3. Shivanand Das Chela Naresh Das Resident of Dariyapur, Kabir Math, P.S.- Fatuha, Dist.- Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 24051 of 2019)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Md. Raisul Haque (SC-10)
For the Trust Board : Mr. Ganpati Trivedi, Sr. Advocate

(In Civil Writ Jurisdiction Case No. 9415 of 2022)

For the Petitioner/s : Mr. Nagendra Kumar, Advocate
For the State : Mr. Nandkishor Singh, AC to SC-10
For the Trust Board : Mr. Ganpati Trivedi, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 07-08-2023

Learned Senior Counsel has provided the order dated



21.04.2022 passed by the Chairman, Bihar State Religious Trust Board, Patna, let the same be kept on record.

2. Heard Mr. Sanjay Kumar, learned counsel for the petitioner in CWJC No. 24051 of 2019, Mr. Nagendra Kumar, learned counsel for the petitioner in CWJC No. 9415 of 2022, Mr. Ganpati Trivedi, learned Senior Counsel for the Trust Board as also the State Counsels.

3. The two writ petitions have been tagged because it arises out of same Kabir Math, Dariyapur, Fatuha, Patna.

4. In CWJC No. 24051 of 2019, the petitioner challenged the order dated 23.09.2019 passed by the Chairman, Bihar State Religious Trust Board, Patna (henceforth, for short, 'the Trust Board') by which a Committee was constituted for temporary period with the Collector, Patna as its Chairman and request was also made to the Sub-Divisional Officer, Patna City to forward the names of eleven persons with impeccable integrity so that a (permanent) Committee can be constituted.

5. On 03.07.2023, the case was adjourned allowing 'the Trust Board' to file its counter-affidavit which as usual has not come. Though 'the Board' is liable to pay cost for that, considering that new facts has come to light, this Court refrains from imposing cost.



6. In CWJC No. 9415 of 2022, the challenge has been made to the order passed on 21.04.2022 by the Chairman of 'the Trust Board' followed by notification vide letter no. 524 dated 11.05.2022 by which once again, a temporary Committee has been constituted.

7. A perusal of the same would show that the Chairman, is pleased to constitute temporary Committee after Committee for the reasons best known to him. It has never been his endeavour either to constitute any Trust Board Committee which can visit the concerned 'Math', ask for the names from prominent citizen of the locality, seek objection and thereafter, with the consent of all the parties, constitute a permanent Committee for a particular period so that ultimately, the 'Temple/Math' can be developed.

8. It is also not the case of the Chairman, after going through the successive orders, particularly in these two cases that he has any concern and/or seek report and/or financial report of what the earlier Committee did for the period he/she/it was functioning.

9. This Court is under the impression that the Chairman acts according to his whims and caprices; he is more interested in rotating the people attached to 'the Math' and least



interested in ensuring permanent solution of any 'Temple/Math'.

10. The CWJC 24051 of 2019 was filed four years ago, on the last occasion i.e. on 03.07.2023, request was made and time was granted for filing counter-affidavit. No reply is on record. Even in CWJC No. 9415 of 2022, two copies of the writ petition were provided to learned Senior Counsel for 'the Trust Board' in June, 2022, but still in that case also, no reply is on record.

11. A preliminary objection has been made by the learned Senior Counsel that the constitution of the Committee made by the Chairman can be challenged under Section 32(3) of the Bihar Hindu Religious Trust Act, 1950. He has taken this Court to Section 32(3) which read as follows:

(3) The trustee of, or any other person interested in, such trust may within three months from the date of the publication in the Official Gazette of the scheme so settled, modified or substituted instead of another scheme, as the case may be make an application to the District



Judge for varying, modifying or setting aside the scheme; but subject to the result of such application, the order of the Board under sub-sections (1) and (2) shall be final and binding upon the trustee of the religious trust and upon every other person interested in such religious trust.

12. This Court has observed how the Chairman of ‘the Trust Board’ is functioning and in that case, when it is rotating the Committee every now and then, for his every cause of action inasmuch as whenever he decide to constitute a temporary Committee for a limited period according to his own whims and caprices, this Court cannot direct the petitioners to keep challenging the same before the appropriate Court. It is important to note that in most of the cases, the Chairman alone passes the order. Further, there are orders constituting temporary Committees and not any gazette notification, the said plea cannot be accepted. The preliminary objection is thus rejected.

13. ‘The Trust Board’ is directed to take immediate steps for finding permanent solution to the concerned ‘Math’, seek names from the Collector, Patna as also the Sub-Divisional



Officer, Patna City, issue an 'Aam Soochna' (general notice) in the locality/area/newspaper where the 'Math' is situated so that the prominent and respected citizen's names having no criminal antecedent is/are presented before it and a permanent Committee is constituted under the Chairmanship of the Collector, Patna. The Trust Board will ensure that no person with criminal antecedent and/or against whom financial embezzlement allegation to 'Math' has been made be part of the permanent Committee. The Committee so constituted must be approved/notified by the Board Members.

14. The said exercise has to be completed within a period of three months from today. The orders dated 23.09.2019 (CWJC No. 24051 of 2019) and 11.05.2022 (CWJC No. 9415 of 2022) passed by 'the Trust Board' shall remain in abeyance and will merge with the final order relating to constitution of permanent Committee.

15. The two writ petitions stand disposed of with the aforesaid observations.

(Rajiv Roy, J)

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