

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9039 of 2023

Shiv Shankar Pandey Son of Late Vidya Sagar Pandey Resident of Village
and PO and PS Brahampur, District-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through The District Magistrate Cum Collector, Buxar.
2. The District Magistrate Cum Collector, Buxar.
3. The Superintendent of Police, Buxar.
4. The Deputy Superintendent of Police, Dumaraon, Buxar.
5. The Sub-Divisional Officer, Dumraon, Buxar.
6. The Bihar State Board of Religious Trust through its Chairman, Vidyapati
Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Ms. Ekta Rani, Advocate Mr. Akash Kumar, Advocate
For the State	:	Mr. Raj Kishore Roy (GP-18) Mr. Navnit Kumar, AC to GP-18
For Intervener Petitioner :		Mr. Atal Bihari Pandey, Advocate
For Religious Trust Board:		Mr. Shekhar Singh, Advocate Mr. Avinash Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-11-2023

This matter is being heard in “Virtual Hybrid
Mode”.

2. Heard Mr. Gautam Kumar Kejriwal, learned



counsel appearing on behalf of the petitioner; Mr. Raj Kishore Roy, learned GP-18 assisted by Mr. Navnit Kumar, learned AC to learned GP-18 appearing on behalf of the State; Mr. Atal Bihari Pandey, learned counsel appearing on behalf of the Intervenor Petitioner and Mr. Shekhar Singh (through virtual mode), learned counsel assisted by Mr. Avinash Kumar Singh (who is present in the Court), learned counsel for the Bihar State Board of Religious Trust through virtual mode.

3. Office is directed to place the hard copy of the counter affidavit filed on behalf of respondent no. 6 in the Court today on record.

4. Petitioner, namely, Shiv Shankar Pandey, who has claimed himself to be one of the *Pujaris* (after the death of his father) of the Mandir, namely, Baba Bramheshwar Nath Mahadev Mandir, Brahampur, Buxar, has approached this Court for the following relief(s):

“(i) For issuance of an appropriate writ or order or direction upon the respondents to take appropriate action upon the complaint dated 02.05.2023 submitted by the petitioner before the respondent Bihar State Board Of Religious Trust, Patna (hereinafter referred to as “the board” for short) against the malpractice, corruption and nepotism prevalent in Baba Bramheshwar Nath Mahadev Mandir, Brahampur, Buxar;

(ii) For further issuance of an appropriate writ or order or direction upon the respondents to take appropriate action against all such persons and agencies responsible for disorderly state



of affairs in Baba Bramheshwar Nath Mahadev Mandir, Brahampur, Buxar specially in the matter of distribution of offerings given by the visitors in gross violation of the assurance made by the internal committee of the said temple before the respondent board;

(iii) For further issuance of an appropriate writ or order or direction upon the respondents to ensure compliance of the order dated 07.10.2021 passed by the respondent board and also to obey and execute the assurance given to the board as regards manner of distribution of offerings among the families of pandas attached to the temple namely Baba Bramheshwar Nath Mahadev Mandir, Brahampur, Buxar;

(iv) For any other relief/(s) to which the petitioner is found entitled in the facts and circumstances of the case.”

5. This Court finds that the petitioner is aggrieved by the action of the Sub-Divisional Officer, Dumrao, Buxar, who is the president of the internal committee duly constituted by the Bihar State Board of Religious Trust (hereinafter referred to as “the Board”)

6. The dispute relates to distribution of offering among the three *pujaris* of the said Mandir. The petitioner, being one of the *pujaris*, has claimed that he is also the rightful holder of share in the offering given by the visitors in the temple. Before filing the present writ petition, the petitioner had approached District Legal Services Authority, Buxar, for redressal of his grievance as prayed for in the present writ petition. The petitioner has made specific statement in paragraph



no. 17 that the parties had entered appearance before the District Legal Services Authority, Buxar and wanted the matter to be decided through mediation. However, the District Legal Services Authority, Buxar, vide order dated 24.05.2023 had disposed of the mediation case with a direction to the office to remit the complaint of the petitioner to the appropriate authorities at local level for consideration of the case of the petitioner. The order was communicated to the District Magistrate, Buxar; the Superintendent of Police, Buxar, and the Sub-Divisional Officer, Dumraon, Buxar, who is the president of the committee. The communication has been brought on record by way of 'Annexure-6' to the writ petition. It is stated on behalf of the petitioner that the grievance of the petitioner has not been redressed. The Chairman of the internal committee is still committing wrong and the petitioner is being denied his due share in the offering.

7. Mr. Navnit Kumar, learned counsel appearing on behalf of the State submitted that the Sub-Divisional Officer, Dumraon, Buxar, has conducted the affairs of the Mandir in a proper manner and the allegation, as made by the petitioner in the present writ petition, is under consideration by the Board and no interference is required by this Court at this stage till the



Board takes final decision with respect to the affairs of the Mandir in question.

8. A counter affidavit has been filed by the Board and certain documents have been brought by way of 'Annexures C/1 and C/2', which primarily is informatory in nature but no action appears to have been taken by the Board or the Chairman. On perusal of records also it appears that no cognizance of the alleged irregularity has been taken in absence of any evidence in this regard. A writ petition is also pending before this Court being CWJC No. 9260 of 2022.

9. Having heard the rival submissions of the parties, as well as, the relief(s) sought for in the present writ petition and the pleadings made in the writ petition, it is also not clear as to whether the trust is a public trust or private trust and even no reference to the registration number of the trust has been given by the writ petitioner by way of information before this Court and certain allegations are there which primarily have been alleged against the two *Pattis* of the Panda, who are accepting the offering and the petitioner is aggrieved that he is not given the equal share in the offering. I am of the opinion that the dispute primarily relates to private distribution of the share among the three *Pattis* of the Pandas and the matter relating to



the said distribution is pending before the Chairman of the Board.

10. At this stage, Mr. Gautam Kumar Kejriwal, learned counsel appearing on behalf of the petitioner, submits that he seeks to withdraw the present writ petition and will pursue appropriate remedy before the Board where the complaint petition is pending.

11. Considering the aforesaid submissions made on behalf of the petitioner, the present writ petition is dismissed as withdrawn with a liberty to the petitioner to approach the Board to raise all his grievance.

12. It is expected by the President of the Board to take appropriate legal action against all the concerned within a period of six weeks from the date of communication of this order. The President must direct the District Magistrate, Buxar, so that he may ensure to collect all the documents relating to the affairs of the trust, as well as, details of daily offering and its distribution, ledger etc. and the audit held from time to time with respect to the Mandir concerned. The developmental work carried by the Committee.

13. In case it is found that allegation against the Chairman/S.D.O and the *Pujaris* of the two pattis are, *prima*



facie, true, appropriate action be taken. President is also required to verify, as to whether, petitioner is entitled for any share in the offering after the death of his father or the *Pujaris* of the *Mandir* are entitled for payment of fixed salary.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	30.11.2023
Transmission Date	N/A

