

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.405 of 2023

1. Smt. Poonam Devi @ Punam Devi Wife of Uma Shankar Prasad Resident of Mangla Gauri Road, P.O.- Chand Chaura, P.S.- Vishnupad, District- Gaya.
2. Smt. Laxmi Devi Wife of Sri Jai Shankar Prasad Resident of At and P.O.- Chand Chaura, P.S.- Vishupad, District- Gaya and at present resident of Mohalla- Pan Dariba Gaya, P.S.- Kotwali, District- Gaya.
3. Smt. Babita Devi Wife of Sri Ambika Raut Resident of At and P.O.- Chand Chaura, P.S.- Vishnupad, District-Gaya.
4. Smt. Shalini Verma @ Shalini Sinha Wife of Manish Kumar Sinha Resident of At and P.O. Chand Chaura, P.S.- Vishnupad, District-Gaya.
5. Smt. Archana Kumari Wife of Sanjay Kumar Resident of Village-Bakraur, P.O. and P.S.- Bodh Gaya, District- Gaya and at present resident at Hari Bagicha, near P.N.B., Dakshin Dawarwaja, P.S. Vishnupad, District-Gaya.
6. Smt. Rita Devi Wife of Shaligram Prasad Resident of Laxmi Niwas, Shankar Sonar Lane, Mohalla- Nai Godown, P.S.- Kotwali, District-Gaya and at present resident of Aryan Niwas, Laxmi Complex, Chand Chaura, Godawari Road, P.O.- Chand Chaura, P.S. -Vishnupad, District-Gaya.

... .. Appellant/s

Versus

1. Bihar State Board of Religious Trusts Vidyapati Marg, Patna.
2. Bahuar Chaura Sarvajanik Nyas, through Baijnath Sharma (Secretary), Son of Late Saryu Sharma, Resident of Mohalla and P.O.- Chand Chaura, P.S.- Vishnupad, District- Gaya, Secretary, Trust Committee.
3. Smt. Namita Akhauri, W/o Akhauri Niranjan Prasad Resident of Mohalla and P.O.- Chand Chaura, P.S.- Civil Lines, District- Gaya, Pin Code- 823001.
4. Smt. Rakhi Kumari, W/o Sri Ranjit Prasad Resident of Dakhin Darwaza, Chand Chaura, P.O.- Chand Choura, P.S.- Civil Lines, District- Gaya, Pin Code- 823001.
5. Smt. Rakhi Kumari @ Sunita Sinha, D/o Sri Jay Prakash Narain Resident of Dakhin Darwaza, Chand Chaura, P.O.- Chand Chaura, P.S.- Civil Lines, District- Gaya, Pin Code- 823001.
6. Smt. Vinita Sinha, W/o Sri Dinesh Kumar Resident of Near Mangla Gauri Mandir, P.O.- Chand Chaura, P.S.- Civil Lines, District- Gaya, Pin Code- 823001.
7. Smt. Premlata Sinha, W/o Sri Rajeshwar Resident of Vill. and P.O.- Kalpa, P.S. and District- Jahanabad, Pin Code- 804417.
8. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
9. The Commissioner, Magadh Division, Gaya, District- Gaya.
10. The District Magistrate, Gaya, District- Gaya.
11. The Superintendent of Police, Gaya, District- Gaya.



12. The Anchal Adhikari, Nagar (Town), Gaya, District- Gaya.
13. The Officer-in- Charge, P.S.- Vishnupad, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. K. N. Choubey, Sr. Adv., Mr. Nityanand Mishra, Adv. Mr. Alok Abhinav, Adv.
For the State	:	Mr. Rishi Raj Sinha (Sc19), Mr. Birendra Prasad Singh, AC to SC-19,
For Religious Trust	:	Mr. Ganpati Trivedi, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

8 10-10-2023 Heard the parties.

2. Both the parties have agreed to dispose of the matter at this stage without going to the merit of the case.

3. I am also of the view that the matter should be heard on merit.

4. This Miscellaneous Appeal has been preferred against the ex-parte Judgment dated 29.09.2016, passed by the Bihar Hindu Religious Trust Tribunal, Patna in Case No. 11 of 2013 and also ex-parte order dated 12.01.2017, passed by the Bihar Hindu Religious Trust Tribunal, Patna, in Miscellaneous Case No. 01 of 2017, whereby District Administration was directed to remove the encroachment made by the appellants.

5. It appears that against the same ex-parte impugned Judgment dated 29.09.2016, Miscellaneous Appeal No. 404 of 2023 was filed, which has been disposed of vide order dated 24.08.2023, wherein the impugned order/ Judgment was set



aside and the Tribunal was directed to decide the matter afresh.

6. This Court is of the view that the learned Tribunal was clearly unjustified in deciding the Case No. 11 of 2013, without giving proper opportunity to the appellants. As such, the order impugned is clearly vitiated due to violation of principles of natural justice.

7. In such view of the matter, the impugned order dated 29.09.2016, passed in Case No. 11 of 2013, by the Bihar Hindu Religious Trusts Tribunal, Patna, is hereby set aside and the Tribunal is directed to decide the matter afresh within six months from the date of receipt / production of a copy of the order after giving proper opportunity to the appellants without granting any unnecessary adjournments.

8. This appeal is, accordingly, allowed.

9. Pending application(s), if any, stands disposed of.

(Khatim Reza, J)

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