

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11050 of 2022

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Sudarshanacharya Son of Late Damodaracharya, Resident of Village- Bad,
P.S.- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Circle Officer, Karakat (Rohtas).
4. Bihar State Religious Trust Board, Patna, through the President, Vidyapati Marg, Patna- 1.
5. The President, Bihar State Religious Trust Board, Vidyapati Marg, Patna- 1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC-19
For the Board	:	Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-10-2023

Heard Mr. Sudama Singh, learned counsel appearing on behalf of the petitioner, Mr. Ganpati Trivedi, learned senior counsel for the Bihar State Religious Trust Board and Mr. Manoj Kumar Sinha, learned AC to SC-19.

2. The petitioner claimed to be holder of probate certificate under judgment dated 27.02.2023 passed in Civil Misc. (Probate) Case No. 33 of 2007, being aggrieved by the general notice (Aam Suchna) issued by the Circle Officer, Karakat (Rohtas) published on 10.06.2022, filed the present writ applications seeking quashing of the same, whereby the lands belonging to the petitioner has proposed to be settled for agriculture purpose by the Bihar State Religious Trust Board.

3. It is submitted that by the impugned order, the



Circle Officer Karakat (Rohtas) has been pleased to announce that open auction for settlement of land, in question, will take place on 21.06.2022 for cultivation of Kharif and Rabi crops for the year 2022, on certain conditions mentioned, therein. The impugned notice also suggests that the land, in question, has been taken over by the Board and a proposal has been sent for cancellation of Jamabandi. It is the case of the petitioner that as per the revenue record, Khatiyani Raiyat of the land, in question, was Late Madhusudancharya and C. S. Khatiyani was also recorded in the name of Madhusudancharya and he had been coming in peaceful and exclusive cultivating possession. After death of Mahant Madhusudancharya, his *chela* Mahant Damodaracharya became his legal heir and had been coming in peaceful and cultivating possession over the disputed land without any interference and they were paying the Malguzari to Ex-landlord as per the fixed rent. After vesting of Jamindari, the Ex-landlord submitted return in favour of Mahant Damodaracharya. He next submitted that Late Mahant Damodaracharya, who was Guru of the petitioner executed a registered Deed of Will on 01.06.2006 in favour of the petitioner. After the death of Mahant Damodaracharya, the petitioner filed Probate Case No. 33 of 2007 and finally probate



was granted vide order dated 27.02.2013 by the learned 1st Additional District Judge, Rohtas at Sasaram, the copy of which has been brought on record by way of Annexure – 2. It is also submitted on the basis of the probate as noted above, the land, in question, was mutated in favour of the petitioner and Jamabandi was also created in his favour.

4. On this backdrop, the petitioner being aggrieved by the general notice causing interference in the peaceful possession of the petitioner, filed a representation before the Circle Officer on 02.07.2022, narrating the facts and also prayed for supply of certified copy of the order, on the basis of which the impugned notice has been issued, but his request has not been acceded to, compelling the petitioner to approach before this Court.

5. On the other hand, Mr. Ganpati Trivedi, learned counsel for the Bihar State Religious Trust Board drew the attention of this Court to the Aam Suchna dated 10.06.2022, as also the schedule (क) appended to the notice, suggesting the name of the raiyait as Shree Ram Lakhan Janaki Shewayat Damodaracharya shri Maksudan Das. He further submits that the notice clearly suggests that the land, in question, has already been taken over by the Board vide Memo No. 708 dated



08.08.2020, but the same has not been questioned. However, as the matter is pending before the Circle Officer, Karakat (Rohtas) the petitioner is at liberty to file his objection along with supporting documents/papers in support of his claim.

6. Considering the submissions made on behalf of the parties and taking note of the dispute raised before this Court, which is only confine to the legality of the impugned Notice/Aam Suchna, it would be apt and proper to direct the petitioner to file a detailed representation before the Circle Officer, Karakat (Rohtas) along with the documents in support of his claim, within a period of four weeks. If such a representation is filed within the aforementioned period, the Circle Officer, Karakat (Rohtas) shall provide opportunity of hearing to the petitioner and pass reasoned and speaking order, preferably within a further period of eight weeks, thereafter.

7. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.10.2023.
Transmission Date	NA

