

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15118 of 2019

1. Rangnath Gupta S/o Late Nageshwar Prasad Gupta Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
2. Jawahar Prasad Gupta S/o Late Mahesh Ram Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
3. Bhuneshwar Gupta S/o Late Rameshwar Prasad Gupta @ Rameshwar Gupta Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
4. Bihari Prasad Jhunjhunwala S/o Late Sant Lal Jhunjhunwala Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
5. Heera Prasad @ Heera Prasad Gupta S/o Late Mahesh Ram Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
6. Sunil Kumar S/o Jawahar Prasad Gupta Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
7. Ratnesh Prasad @ Ratnesh Kumar S/o Rangnath Gupta Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran
8. Rajendra Prasad Gupta S/o Late Bansi Prasad Gupta Vill.- Purani Bazar, P.s.- Ram Nagar, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue Department, Patna
2. The Bihar State Board of Religious Trusts Vidyapatti Marg, Patna
3. The Chairman Bihar State Board of Religious Trusts Vidyapatti Marg, Patna
4. The Sub Divisional Magistrate Bagaha, West Champaran
5. The Regional Incharge Tirhut Region, Bihar State Board of Religious Trusts
6. Administrative Assistant Superintendent, Bihar Religious Trust Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr.Raj Kishore Roy,G.P-18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023

I.A. No. 01of 2022:

With reference to the aforesaid interlocutory



application, Mr. Bimlesh Kumar Pandey, learned counsel for the petitioner submits that during the pendency of the present writ petition, the petitioner no.2 Jawahar Prasad Gupta died and as such his name be deleted in the writ petition.

I.A. No. 01 of 2022 is allowed.

Let the name of the petitioner no.2 be deleted from the writ petition.

I.A. No. 03 of 2022:

The aforesaid interlocutory application has been preferred for adding Administrative Assistant Superintendent, Bihar Religious Trust Board, Patna, respondent no.6 as the party respondent.

Learned counsel for the Board do not have any objection.

The I.A. No. 03 of 2022 is allowed.

Let the name of Administrative Assistance Superintendent, Bihar Religious Trust Board, Patna be added as respondent no.6.

I.A. No. 02 of 2022:

The aforesaid interlocutory application has been preferred for quashing of the letter no. 2688 dated 18.8.2021



passed by the newly added respondent no.6.

In view of the averment made in the petition, the I.A.
No. 02 of 2022 is allowed.

C.W.J.C. No. 15118 of 2019:

Heard the parties.

In the instant petition, the petitioners have prayed for
the following relief(s):-

(i) for quashing of the order dated 22.01.2016
passed by the Chairman, Bihar Religious Trust
Board, Patna whereby and where under the 'Laxmi
Narayan Mandeer Miskar Tola' Ramnagar, District
of West Champaran, which is a private trust was
declared to be a public trust;

(ii) for directing the respondent authorities to
publish the scheme in official Gazette as per
Section 32 of the Bihar Hindu Religious Trust
Act, 1950, so that, the petitioners can challenge
the same before the appropriate forum as
prescribed in the said Act;

(iii) for the quashing of the order dated 03.12.2018
contained in latter No. 1810 dated 31.01.2019,



issued by the Regional incharge of Tirhut Region, Bihar State Board of Religious Trusts Board, whereby and where under the petitioner No. 2 (secretary of Laxmi Narayan Mandir) has been asked to submit the detail of income, expenditure,---budget and audit report and to pay the tax payable to the Bihar State Board of Religious Trusts Withm 15 days from the said order;

(iv) for the restraining the respondents from taking any coercive steps against the petitioners or against Laxmi Narayan Mandir.

The example of cat and mouse game will be appropriate in the present writ petition. Under challenge is the order dated 22.1.2016 passed by the respondent no.3, the Chairman, Bihar Religious Trust Board, Patna (henceforth for short 'the Trust') by which while constituting a committee, it hold that the same to be a public temple.

Learned counsel for the petitioner Mr. Pandey submits that it had never been a public temple rather a private temple of the petitioners herein and earlier also pursuant to the memo no. 841 dated 19.2.1998 issued by 'the Trust' asking the petitioners



to name the person for constituting a committee, the same was challenged in C.W.J.C. No. 4607 of 1999 (Annexure-3 to the petition).

The said writ petition was finally decided on 26.2.2015 and the relevant part is incorporated hereinbelow:

"For the convenience of the parties, as agreed, let the petitioners appear before the Board on 27th March 2015. If the petitioners remain present on the aforesaid date, the Board is directed to hear them and decide the issue within a period of three months from the 1st day of the sitting. It goes without saying that if the petitioners fail to appear, the Board will be at liberty to decide the issue even ex parte.

With the above observation/direction, this petition is disposed of".

He submits that in compliance of the said order, the petitioners approached 'the Trust' and during the pendency of the



hearing, for the proper maintenance of the temple, a request was made to constitute a committee on 27.3.2015 (Annexure-4 to the petition).

It is his contention that to their surprise, while accepting the said prayer for constitution of a committee, the respondent Chairman Board held that the petitioner has accepted that this is a public temple. It is his categorical statement that no such averment was ever made nor there was any document before the respondents to allow them to hold that this is a public temple.

He further submits that in complete defiance of earlier order passed by the writ Court 26.2.2015, no such reasoned decision has been taken and/or communicated to the petitioners herein.

Although the copies were served upon the counsel for 'the Trust' in 2019 itself, the reply is missing.

Taking into account the version put forward by the learned counsel for the petitioners that neither any such statement was made nor there was any document on record to prove it to be public trust, the order dated 22.1.2016 passed by the respondent Chairman, Bihar Religious Trust Board, Patna



stands quashed.

The respondent no.2 is duty bound to take decision on the simple point ; whether the temple in question is private or a public one in line with the earlier order passed in C.W.J.C. No. 4607 of 1999 [decided on 26.02.2015 by a coordinate bench of this Court Hon'ble Mr. Justice Shivaji Pandey, as his lordships then was].

The petitioner shall submit the present order before 'the Trust' within four weeks from today.

It is expected that a decision will be taken in accordance with law and communicated within three months from the receipt of the present order after putting all the concerned parties on notice.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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