

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13002 of 2022

Binod Kumar Singh Son of Late Bhupendra Singh, Resident of Village-
Rahmatpur, P.S.- Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary- Law Department-cum-Legal Remembrancer, Bihar State Government, Patna.
2. The Secretary-cum-Legal Remembrancer, Law Department, Bihar State Government.
3. the Commissioner, Munger Division
4. The Collector-cum-District Magistrate, Munger.
5. The Dy. Collector-Land Reforms(DCLR), Tarapur Subdivision, District-Munger.
6. The Circle Officer- Asarganj, District- Munger.
7. Bihar State Board of Religious Trust, through its President, Vidyapati Marg, Patna.- 800001
8. The President -Bihar State Board of Religious Trust, 01, Vidyapati Marg, Patna.- 800001
9. The Area Incharge-cum-Assistant Sueprintendent, Bihar State Board of Religious Trust, Vidyapati Marf, Patna-1.
10. Dr. Rakesh Kumar Son of Mahendra Prasad Mandal, present Mukhiya of Asarganj Village Panchayat, Resident of Hatinath (near girls middle School) P.O. and P.S.- Asarganj, District Munger, Piin- 813201

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrignak Mauli, Advocate Mr. Dev Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy (GP-18) Ms. Surekha Kumari, AC to GP-18
For the Trust Board	:	Mr. Shekhar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-08-2023 Heard Mr. Mrigank Mauli, learned Senior Counsel

for the petitioner and Mr. Shekhar Singh who represent the

Bihar State Board of Religious Trust, Patna.

This application has been filed for issuance of an



appropriate writ or writs, order or orders, direction or directions commanding upon the respondents for grant of the following reliefs:

A. for setting aside the order dated 30-6-2022 as contained in Annexure P/6 herein, passed by the respondent President of the Bihar State Board of Religious Trust, whereby and where under the property as purchased by the present petitioner in Mauza- Asarganj (Bazar) of Tarapur Subdivision of Munger district has been declared as a Public Dharmshala and the same has been directed to be registered as a Public Religious Trust as defined under section 2 (1) of the Bihar Hindu Religious Trust Act 1950 and where under the said respondent also held that the ownership rights and title having been conveyed to the petitioner (through registered sale deed) becomes nullity and ineffective for the reason that the person who transferred the property (through constituted Attorney) had no right of the transfer of such property as purchased by the petitioner and as such the respondent number 8 through this impugned order has also exceeded his jurisdictions. by assuming the power of a competent civil court and deciding a complex question of title that too without granting any opportunity of hearing to the petitioner;

B. for setting aside the entire proceedings and hearing which had been



conducted by the respondent Bihar State Board of Religious Trust, with serious material and procedural irregularities by holding that the purchased property of the petitioner is a public Dharmshala, on the basis of conjectural interpretation of a deed of dedication executed as far back as in 1942 by the predecessors of the seller of the property in question wherein the donee has been mentioned simply as Dharmshala, Asarganj, without any land survey identification ie. Khata and Khesra (survey plots) and the boundary specifications thereof, and held the same Dharmshala identical to the property purchased by the petitioner in contradiction to all the revenue and public documents which has negated any entry therein on the name or manager of Dharmshala, with respect to the petitioner's purchased property and further which has been passed in violation of the principles of natural justice;

C. for setting impugned proceeding, with utter violation of the principles of natural justice decided the nature of Trust in question if any, as Public Trust without issuing any notices to the seller of the property in question who had sold the same through registered sale deed by claiming the same as their family property and also without issuing any notice to either of the three purchasers who had allegedly purchased the trust property in question;

D. for setting aside the impugned spot



inspection report dated 06- 4-2016, which was prepared behind the back of the petitioner as well as the sellers/transferrer of the property in question and which conjecturally held the property in question as an 80 year old Public Dharmshala constructed for the religious purposes.

Learned Senior Counsel submits that so far as the declaration of Motiram Paliram Dharmshala at Asarganj, Munger as a place for lodging and fooding of people and accordingly, to get it registered has not been objected by the petitioner. The objection is to the earlier paragraph by which ‘the Board’ travelled beyond its jurisdiction by observing that the person holding Power of Attorney had no authority to transfer the land and which ‘the Board’ has observed to be nullity. He submits that a Title Suit no. 205 of 2015 is pending in which the petitioner is a defendant and this observation may hamper his case before the Title Court.

Mr. Shekher Singh, learned counsel appearing on behalf of the Trust Board submits that the purpose behind the order was to declare the Motiram Paliram Dharmshala at Asarganj, Munger to be a public place for fooding and lodging and a passing of remark cannot be the basis for challenging the order in writ Court and as such, the same is not maintainable.



This Court finds force in the submission put forward by Mr. Shekher Singh, learned counsel for the Trust Board, the order finally comes down to declaring the aforesaid Dharmshala as a public place. However, even the President of 'the Trust Board' could have refrained from observing, what is the domain of the title Court .

It goes without saying that any observation will not come in the way of the petitioner defending his case in the Title Suit no. 205 of 2015 and/or any appeal against the order in question.

If the appeal is preferred within four weeks from today, the status-quo as existing today, shall be maintained and will merge with any order filed by the concerned Court in the appeal so preferred.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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