

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13897 of 2014

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Rajendra Prasad S/O Nanhku Prasad, resident of village- Mahasai, P.S.-
Rajauli, District- Nawadah, at present Mukhiya of Takua Tand Gram
Panchayat, Under Block- Rajauli, District- Nawadah

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Nawadah.
2. The District Magistrate, Nawadah
3. The Sub-Divisional Officer, Rajauli, Nawadah
4. The Circle Officer, Rajauli Block, District- Nawadah
5. The Bihar State Board of Religious Trusts, through its Chairman, Vidyapati Marg, Patna
6. The Chairman, Bihar State Board of Religious Trusts, Vidyapati Marg, Patna
7. The Secretary, Bihar State Board of Religious Trusts, Vidyapati Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Advocate Mr. Raj Kumar, Advocate Mr. Anjani Singh, Advocate
For the State	:	Mr. Jaishankar Barnawal, GA-5 Mr. Apurva Kumar, Advocate
For the Intervenor	:	Mr. J.S.Arora, Sr. Advocate Mr. Manoj Kumar, Advocate Mr. Kushagra Kush, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2023

The petitioner is a people's representative of
Takua Tank Gram Panchayat of Rajauli Block, District- Nawada
and also its Mukhiya. The petitioner, purportedly in public
interest, has filed the writ petition to preserve the valuable lands



of 'Rajauli Sangat', asserted to be a public trust. It is stated that the trust is a historical one traced to Gurunanak Dev Jee having large tracts of land and the last Mahanth was Krishan Bux Das. The lands of the trust have been recorded in the Khatiyani in the name of Mahanth Krishna Bux Das. After his death, one Ram Ratan Bux Das took charge. The said Ram Ratan Bux Das and his son Bhola Pandey is said to have indulged in illegal alienation of the properties of the trust. It is also averred that the Bihar State Board of Hindu Religious Trusts, Patna (hereinafter referred to as the 'Board') has taken over the trust but, still the alienations are going on without any let or restrain. It has been alleged that one Sonam Devi obtained settlement of such lands and again alienated the same to Kapil Yadav and Bijay Yadav for consideration. Further, it is alleged that Ram Ratan Bux Das and his son Bhola Pandey sold the properties to five other persons named in paragraph-12. The petitioner had filed representations before many authorities, which has not evoked any response. The Board which along with its Chairman and Secretary are impleaded as Respondent Nos. 5 to 7, have also not taken any effective action to protect the assets of the trust.

2. At the outset, it has to be noticed that the petitioner, if interested in the trust has to take appropriate



remedies, as provided in the Indian Trust Act or under Section 92 of the Code of Civil Procedure, depending upon whether the trust is a public one or a private trust. It has also to be noticed that none of the persons against whom allegations were raised were impleaded in the writ petition. Later on, an interlocutory application, being I.A. No. 2064 of 2015, was filed wherein only five persons, out of the many against whom allegations were raised, was sought to be impleaded.

3. Be that as it may, we see from the affidavit filed by the Board dated 19.03.2015 that there was dispute raised as to the management of the trust, upon which proceedings were initiated long back. One Mahanth Nepal Bux Das had moved CWJC No. 8847 of 1991 regarding the dispute of Mahanthship in which by order dated 31.07.1992, a direction was issued to the Board to adjudicate the same. The matter was prolonged by non-cooperation of the parties and ultimately hearing was concluded on 02.04.2005. However, before a final order could be passed by the earlier Board, the same was superseded under the Bihar Hindu Religious Trust Act, 1950. The 'Rajauli Sangat' is registered with the Board from 1955-56 having registration No. 426. It is also stated that with consensus, Mahanth Ram Ratan Bux Das and Mahanth



Awadesh Bux Das were appointed as temporary trustees. When report of alienation of properties of the trust was brought to the notice of the Board, the temporary trustees were issued with show cause notices. Later, Mahanth Ram Ratan Bux Das expired and the fact of his death was never brought to the notice of the Board. It is also stated that since Mahanth Ram Ratan Bux Das was appointed as a temporary trustee, the office was not heritable and he did not have any authority to appoint his son as a trustee. It is also submitted that Bhola Pandey, son of the deceased trustee had arrogated to himself the authority to carry on the management of the trust. The District Magistrate, Nawada was intimated about the unauthorized transactions carried out by the imposter. Ultimately, the Board carried out an enquiry, report of which is produced as Annexure-F, which revealed illegal alienation of the properties.

4. The learned Standing Counsel for the trust also informed us that appropriate steps are being taken up by the Board to get back the properties of the trust and also to have proper management of the trust. We also see that two intervening applications have been filed. Mahanth Bhola Bux Das is one such intervener, alleging that he is trustee entitled to carry on the affairs of the trust since the possession is heritable.



Reliance is also placed on the decree in a suit bearing Civil Misc. No.(M) 159 of 1910 passed by the 2nd Sub Judge, Gaya on 16.02.1911. The other intervener is Takhat Sri Harimandir Ji, Patna Saheb through its Prabhandhak Committee, who also claimed rights over the management and assets of 'Rajauli Sangat'.

5. The learned Senior Standing Counsel for the Board submits that as of now the Prabhandhak Committee's claims have been found against them.

6. In view of the disputes and also the specific claim to have a proper management and preservation of the trust properties, we are of the opinion that a public interest litigation would not be a proper remedy. The petitioner, even as an interested person, would have to avail the appropriate civil remedies. Leaving open such remedy, we close the public interest litigation with an observation that what has been stated in this order, is only the rival contentions raised by the parties and does not lead to any observation on merits by this Court, especially since the parties are relegated to the Civil Court, which remedy if availed, the adjudication would have to be conducted without any reference to the order in this Public Interest Litigation.



7. The writ petition is closed with the above observation.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.07.2023
Transmission Date	

