

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14955 of 2022

Shiv Dayal Das, son of Late Ram Kripal Prasad Acharya @ Guru Ram Kripal Das, presently Kothari of Shri Ram Janki Math, Jonki, Village and Post-Jonki, Police Station Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani, At and P.O.- Madhubani, District- Madhubani.
2. The Bihar State Board of Religious Trust, Patna through the President, At and P.O.- Patna, District- Patna.
3. The Sub-Divisional Officer, Jaynagar, District- Madhubani.
4. The Circle Officer, Basopatti, District- Madhubani.
5. Dhananjay Mishra son of Balbodh Mishra, Resident of Village and Post-Jonki, Police Station Basopatti, District - Madhubani.
6. Sujeet Jha son of Tej Narayan Jha, Resident of Village and Post- Jonki, Police Station Basopatti, District - Madhubani.
7. Yugal Kishore Jha son of Markandey Jha, Resident of Village and Post-Jonki, Police Station Basopatti, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar, Advocate. Mr. Dinkar Kumar, Advocate.
For the State	:	Mr. Raj Kishore Roy, GP-18.
For the Religious Trust	:	Mr. Shekhar Singh, Advocate. Mr. Avinash, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 24-11-2023

Heard Mr. Nishant Kumar, learned counsel along
with Mr. Dinkar Kumar, learned counsel appearing on behalf of
the petitioner; Mr. Raj Kishore Roy, learned GP-18 for the State
and Mr. Shekhar Singh, learned counsel along with Mr. Avinash,
learned counsel for the Bihar State Board of Religious Trust.

2. The petitioner has filed the present writ petition
for the following reliefs:



“(i) To issue a writ of mandamus or any other appropriate writ/order/direction for quashing the Memo No.973 dated 06-09-2022 [contained as Annexure-P/6 to this writ petition] issued by the Respondent No.3 the Sub-Divisional Officer, Jaynagar, District- Madhubani to the Circle Officer/ SHO Basopatti, whereby and where under it was illegally directed to take over the charge of the temple from the petitioner on 20-09-2022 at 12.00 PM and handover the charge of the temple to the Secretary of the newly formed Trust.

(ii) To issue a further writ/order/direction restraining the respondents from interfering in the management of the Shri Ram Janki [Dhanushdhari Ji Bhagwan] Math, Jonki as the same math runs under the management of Bada Sthan Ayodhyaji.

(iii) To grant any other relief for which the petitioner is entitled to under the facts of the case.”

3. Petitioner has questioned the illegal action of the Sub-Divisional Officer, Jaynagar, Madhubani who is the Chairman of the Trust Committee of Shri Ram Janki (Dhanushdhari Ji Bhagwan) Math, Jonki. The Sub-Divisional Officer, Jaynagar has issued Memo No.973 dated 06.09.2022 whereby it was illegally directed to take over the charge of the temple from the petitioner on 20.09.2022 at 12:00 PM and handover the charge of the temple to the Secretary of the newly formed Trust.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the sewaith (pujari) in the said Shri Ram Janki (Dhanushdhari Ji Bhagwan) Math, Jonki. He has not committed any illegality or has sold any land



belonging to the said Math to any person. It is further submitted that the Sub-Divisional Officer, Jaynagar by intervening into the matter has proceeded to restrain the petitioner from the work he has been assigned by the main Math namely Bada Sthan Ayodhyaji situated in Ayodhya. The registration number of the trust is 3430 and the Bihar State Board of Religious Trust controls all the members of the committee which is headed by the Sub-Divisional Officer, Jaynagar. He further submits that the transfer of the charge of the temple from the petitioner to the Secretary of the committee can only be exercised by the Mahant of the Bada Sthan Ayodhyaji which is situated in Ayodhya before constitution of the committee headed by the Sub Divisional Officer. Petitioner is only disciple and sewaith of the present trust. He further submits that the petitioner is a pious person and is unmarried and is bound to be unmarried till his entire life by devoting his entire life fully to the service of the Math in question.

5. Mr. Shekhar Singh, learned counsel appearing on behalf of the Bihar State Board of Religious Trust submits that the present writ petition is not maintainable and the petitioner has no *locus standi* to file the present writ petition. If the petitioner is aggrieved by any action of the Sub-Divisional



Officer, Jaynagar, he can very well ventilate his grievance before the Chairman of the Board. He can challenge the constitution of the Committee before the appropriate forum as provided under Section 32(3) of the Bihar Hindu Religious Trust Act, 1950.

6. Considering the nature of relief as sought for in the present writ petition as well as the specific allegation made by the petitioner against the Chairman of the Trust Committee headed by the Sub-Divisional Officer, the petitioner may avail remedy before the appropriate forum in accordance with Section 32(3) of the Bihar Hindu Religious Trust Act, 1950.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.11.2023
Transmission Date	N.A.

