

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13366 of 2023

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Mahanth Subhadra Das wife and disciple of Late Mahant Ramjee Das,
presently the Shebiet of Ram Janaki Mutth, Bijaipur, resident of village -
Bijaipur, P.S. - Vijayipur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-legal remembrancer,
Department of Law and Justice, Bihar State Government, Old Secretariat,
Patna.
2. The Secretary-cum-legal remembrancer, Department of Law and Justice,
Bihar State government, Old Secretariat, Patna.
3. The District Magistrate- Gopalganj.
4. Sub Divisional Officer - Hathua, Gopalganj.
5. Circle Officer-Vijayipur, Gopalganj.
6. Bihar State Board of religious trust through its President 01-Vidyapati Marg,
Patna - 800001.
7. President -Bihar State Board of religious trust, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dev Kumar Pandey, Advocate
For the Board	:	Mr. Shekhar Singh, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Ajit Kumar, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-11-2023 Heard Mr. Dev Kumar Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Shekhar Singh,

learned counsel representing the Bihar State Board of Religious

Trust.

2. The petitioner who claimed herself as a Sewait of

Shri Ram Janki Mutth, Vijayipur, Gopalganj filed the present

writ petition for setting aside the registration roll (Annexure

P/4) pertaining to the registration of Shri Ram Janki Mutth,



Vijayipur, Gopalganj. The petitioner further prays for setting aside the ex-parte inspection report as contained in Annexure P/5 which was alleged to have been conducted behind the back of the petitioner and about which the petitioner remained ignorant till 07.07.2022. She further seeks a direction upon the respondent Board to initiate a proceeding under Section 28(2) u of Bihar Hindu Religious Trust Act, 1950 for deciding the nature of the Trust after treating the legal notice sent by the petitioner's counsel at Gopalganj as a petition claiming the trust in question as Private trust.

3. It is the case of the petitioner that the temple trust in question was established by one Baidehi Pandey alias Mahant Baidehi Jee having been initiated in the Vaishnavittee (Worshippers of God Vishnu) cult of Hindu religion, had installed the idols of Shree Ram Janaki jee and of Lord Hanuman and started worshipping them as his family deities.

4. The office of Mahant of said trust was succeeded by the persons from amongst the heirs and ultimately the petitioner was appointed and declared as Sewait of the temple trust on 26.11.2004.

5. It is further submitted that the petitioner has never been acquainted with the fact that the temple trust in question



has been registered as a public trust as defined under Section 2(1) of the Bihar Hindu Religious Trust Act vide registration no. 3850 and in fact for the first time the petitioner came to know in the month of May 2022, when she approached the circle officer for the Land Possession Certificate. While assailing the order of the Board declaring the temple in question as trust property, she submits that the ex-parte inspection is based upon only on hearsay evidence and not based upon any legal and valid documentary proof, that apart, the genealogy and history of the trust in question, has not been taken note of as the trust temple is situated inside the house of the petitioner as their family temple for more than hundred years.

6. On the other hand Mr. Singh, learned counsel representing the Board, at the outset, submits that the registration of the temple in question as public trust was done way back on 29.05.2008 and the present writ petition has been filed after delay of fourteen years, and, on this account alone, the same is fit to be dismissed, apart from the fact that the petitioner has expeditious, efficacious and alternative remedy as provided under Section 28(2)u of the Bihar Hindu Religious Trust Act, 1950.

7. Considering the submissions made on behalf of the



parties and taking note of the nature of the dispute and also the fact that the order of registration has been made on the basis of ex-parte enquiry, this Court disposed off the present writ application with a liberty to the petitioner to approach before the Board preferably within a period of four weeks from today.

8. It is needless to observe if the petitioner files an application before the Board along with all the documents in support of her claim, within the period stipulated, the Board shall consider the same and after giving proper opportunity of hearing, shall pass reasoned order preferably within a period of eight weeks thereafter.

9. In view thereof the present writ petition stands disposed off.

(Harish Kumar, J)

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