

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5418 of 2023

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Krishna Prapannacharya Son of Rangramanujacharya, Resident of Mohalla -
Ram Nagar Colony, Vrindaban, P.S. - Vrindaban, District - Mathura (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Secretary, Department of Art and Culture.
2. The Bihar State Board of Religious trust through its President, Vidhyapati Marg, Patna - 800001.
3. The President Bihar State Board of Religious Trust, Bihar, Patna.
4. The Swami Hareramacharya, Son of not known to the petitioner Resident of Village - Sarauti, P.O. - Rampur Chauram, P.S. - Chauram, District - Arwal, presently residing at Sri Lakshmi Narayan Mandir, Village - Hulasganj, District - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Anant Pd. Singh (SC15)
		Mr. Mithilesh Kumar, AC to SC-15
For the BSBRT	:	Mr. Dhananjay Kumar, Advocate
For Res. No. 4	:	Mr. J.S. Arora, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 23-07-2024

Heard the parties.

2. The present petition has been preferred for:

*(i) an appropriate writ/writs
/order/orders/ direction/ directions for
quashing the order contained in Memo No.
2468 dated 18.02.2022 by which the
respondent no. 4 namely Swami
Hareramacharya has been approved as
Chairman of Sri Ram Lalla Thakurbari and
its their branches on the basis of a will
written by the Ex-Chairman namely Swami*



Rangramanujacharya dated 11.08.2018 produced by the said respondent no. 8 before the learned board who had suppressed the very material fact that the said will dated 09.12.2021 and further for a direction to the respondent authorities not to disturb the petitioner from performing his duties who has already been made trustee on 23.02.2022 and has been appointed by the majority of trustee to look after all the religious and other works of Sri Prankush foundation trust in meeting number-4 held on 17.07.2022 and further for any other reliefs for which the petitioner may entitled to.

3. This Court has repeatedly made observation on the way the Bihar State Religious Trust Board (henceforth for short, 'the Board') takes decision/ forms committee/ interim committees/ temporary committees having found that in most of the cases, it should not have been constituted at the first place.

4. The facts of the case is /are as follows:

5. As per the petition, Late Swami Prankushacharya formed a trust for the following Thakurbari namely:-

(1) Sarauti Thakurbari

(11) Sayadpur Thakurbari

(III) Varbigha Thakurbari



(IV) Parha Thakurbari

(V) Kaiwadhi Thakurbari

(VI) Ekangarsarai Thakurbari

(VII) Tankuppa Thakurbari

(VIII) Surdarpur Thakurbari

(IX) Chate Atla Thakurbari

6. This followed another deed which was executed by Swami Prankushacharya on 19.12.2023 for:

(I) Venkatesh Prankush Sanskrit Mahavidhyalaya

(II) Sri Ram Sanskrit Mahavidhyalaya

7. After his demise, Rang Ramanujacharya became successor & Chairman. He formed another trust in the name of Hulasganj Thakurbari, Jehanabad and eleven trustees were appointed by a deed executed on 20.09.2011.

8. Further, in line with the clause VI of the Trust Deed dated 20.09.2011, Swami Rang Ramanujacharya later prepared a will which was registered on 11.08.2015 and appointed his disciple, Swami Hare Ramacharyaji to look after the aThakurbari/Trust after his death.

9. As the behavior of the abovesaid Hare Ramacharya was not good and was selfish acting against the welfare of the Trust, another will registered on 09.11.2021, the abovesaid



Swami Rang Ramanujacharya revoked the earlier will dated 11.08.2015.

10. Thereafter the abovesaid Swami Rang Ramanujacharya made another Trust namely SRI PRANKUSH TRUST by amalgamating all the abovesaid trust and a deed was executed on 23.02.2022. Immediately thereafter, Swami Rang Ramanujacharya died on 05.05.2022.

11. After the death of the Swami Rang Ramanujacharya, a Probate Case No. 29 of 2022 was filed before the court of District Judge, Jehanabad for grant of probate to the abovesaid will dated 23.02.2022.

12. Hareramacharya (respondent no. 4) thereafter filed caveat petition in the abovesaid Probate Case No. 29 of 2022 coming out with a new case that Late Swami Rang Ramanujacharya had made a will recognizing him as his sole successor.

13. The case is that Hare Ramanjucharya had no business with the management of the affairs of the Trust as will be apparent from the will dated 04.12.2021 but with a malafide intention, he submitted an application before the Bihar State Board of Religious trust (for short 'the Trust Board') with a prayer to appoint him as the Chairman of the above mentioned



Ramlalla Thakurbari and its three branches on the basis of a will dated 11.08.2015 (which has already been revoked in accordance with the provisions of law by will of revocation registered on 09.12.2021).

14. The contention of the petitioner is that the aforesaid Hare Ramacharya had suppressed all the above mentioned facts before 'the Trust Board' which without giving any notice to the other trustees and relaying merely on the false statement of the said Ramanujacharya passed the order on 18.10.2022 as contained in memo no. 2468 appointing the respondent no. 4 as Chairman of the Ramlalla Thakurbari and its three branches.

15. Thereafter, the petitioner submitted two objections application on behalf of the SRI PRANKUSH FOUNDATION TRUST on 18.10.2022 itself and brought the minutes of meetings no. 44 dated 01.02.2022 before the notice of 'the Trust Board' to recall the order dated 18.10.2022 highlighting the false statement made by Hare Ramacharya to procure the order.

16. Having failed to get any positive response, the writ petition.

17. Learned counsel for the petitioner submits that the basis for taking a decision on 18.10.2022 (Annexure-9 to the



petition) is the *Ikshapatra* that the respondent no. 4 claimed before the Committee (Annexure-3 to the petition) was recalled on 09.12.2021 itself (Annexure-4 to the petition). He submits that it is an admitted fact that the respondent no. 4 suppressed the materials on record which resulted into passing of the order dated 18.10.2022.

18. The further submission is that once he filed his objection on 15.02.2023, 'the Board' was duty bound to pass an appropriate order after hearing the necessary parties in accordance with law.

19. Learned counsel for 'the Board' has taken this Court to paragraphs 10 and 11 of the reply to show that earlier the petitioner never informed about the recall decision and once the objection was preferred before 'the Board', the parties were noticed and being heard but due to pendency of Probate Case No. 29 of 2022 and Probate Case No. 08 of 2023 preferred by both the parties before the District Court, Jehanabad, the matter has presently not being taken to the final stage.

20. This Court fails to understand when there is no order of stay by any Court and an objection is before 'the Board', what prevented them from taking a decision when document showing recall of the *Ikshapatra* has been presented



before it.

21. Mr. J.S. Arora, learned Senior Counsel for the respondent no. 4 submits that both of them have filed Probate case and would expect the petitioner to wait for the final outcome of the said cases.

22. Though he submits that the recall document is not the last will, on query he failed to give details of subsequent document. No such document is on record either though statement is there in paragraphs 6 and 7 of reply of respondent no. 4 to show that the recall document has been taken fraudulently by the petitioner and as such, the matter has to be adjudicated in the probate cases.

23. This matter was being heard by a co-ordinate Bench and considering the seriousness of the matter, on 21.12.2023, it directed 'the Board' to file a reply to bring on record its resolution that it is in accordance with Section 33 of the Bihar Hindu Religious Trust Act, 1950 (henceforth for short, 'the Act') and the President of 'the Board has acted as per it.

24. The Court further directed 'the Board' to come out with the statement of account of the Bank relating to the Trust for the period the respondent no. 4 has been appointed as the trustee of 'Sri Ram Lalla Thakurbari, Jehanabad'.



25. The relevant order dated 21.12.2023 of the Co-ordinate Bench is as follows:

“Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner, Mr. Dhananjay Kumar, learned counsel appearing on behalf of the Bihar Hindu Religious Trust Board: Mr. Mithilesh Kumar Singh, learned AC to SC-15 appearing on behalf of the State and Mr. J.S. Arora, learned senior counsel assisted by Mr. Manoj Kumar, learned counsel for the respondent no. 4.

2. The matter was adjourned for bringing the resolution of the Board in accordance with Section 33 of the Bihar Hindu Religious Trust Act, 1950, by which the President of the Board has been authorised in the manner prescribed therein. Today, an adjournment has again been sought for by the counsels appearing on behalf of the private respondent no. 4, as well as, the Board, which has shown his incapacity to bring such decision on record. The matter is being adjourned one date after another date and now, respondents no. 2 and 3, as well as, private respondent no. 4 seeks further time.

3. In the meantime, the Board must come out with the statement of account from



the period the respondent no. 4 has been appointed as the trustee of 'Sri Ram Lalla Thakurbari from the date of order dated 18.02.2022.

4. As prayed for, re-notify the present writ petition on 16.01.2024 at 3:00 PM. In case of failure, this Court will proceed to pass order on the basis of the materials available on record.”

26. Thereafter, a supplementary counter affidavit has been filed on behalf of ‘the Board’ but despite repeated query, learned counsel took this Court to paragraphs 4 and 6 to justify the said decision. The said paras 4 and 6 of affidavit read as follows:

(4) That section 83 of the act prescribes power of Board to make by-laws for any matter necessary for carrying into effect the object of the act. Board may make by-laws with respect to the conduct of proceedings of the Board and the allocation of duties to the president and members. In exercise of the power conferred under section 83 of the Act, the Board has framed Bye-laws which was approved and confirmed by the State government on 20/04/1955. The powers and duties of the Board exercised and performed by the president; have been prescribed in "bye-laws



43 in which clause (s) confer power to the president to appoint temporary trustees."

(6) That it is humbly submitted that, Board has also resolved in its meeting dated 26/05/2010 authorised the president to take decision against the religious trust against which legal proceeding was initiated. The said resolution prescribed in agenda no.-5 of the minutes of the Board meeting dated 26.05/2010."

27. This Court is afraid, the query made by the co-ordinate Bench has not been answered whether the respondent overlooked or it is deliberate, the same will be answered later.

28. The second direction was to provide the statement of account of Bank relating to the Temple/Thakurbari for the period the respondent no. 4 is working. In response, statement of account has been provided and it read as follows:

Date	Cheque No.	Particulars	DR. Amount	CR. Amount	Balance	Off. Infl.
03.12.2022		By interest		16.00	10,016.00	Cr
03.03.2023		By interest		74.00	10,090.00	Cr
02.06.2023		By interest		76.00	10,166.00	Cr
03.09.2023		By interest		77.00	10,243.00	Cr
04.12.2023		By interest		77.00	10,320.00	Cr
10.01.2024		By TR		2,00,000.00	2,10,320.00	Cr

29. A bare perusal of it would show that there is complete financial mess with regard to ‘Thakurbari’ under the hand of the respondent no. 4. He has been inducted on



18.10.2022 that page of the account from 18.10.2022 which could have reflected light on the amount that was there in the Bank when he took over is missing. It starts from **03.12.2022** and uptill **04.12.2023** i.e. for one year, no deposit was made in the account and only the interest amount has been shown.

30. However, the moment, the co-ordinate Bench passed the order on 21.12.2023 and fixed the date as 16.01.2024, an amount of Rs. 2,00,000/- was deposited on 10.01.2024. Again, 'the Board' failed to look into this mess and has simply annexed the said document without any averment that they have taken cognizance of this fact and are taking appropriate steps. In that background, the observation of the Court that whether 'the Board' overlooked or it was deliberate, it can be safely held that it is deliberate.

31. In that background, the financial transaction power of the respondent no. 4 relating to all Bank accounts of the Trust as also the donation coming in the Temple/Thakurbari is/are stalled immediately. This order has been passed in the presence of learned counsels appearing on behalf of the petitioner, the Trust Board as also the respondent no. 4 and they shall communicate about the order to the concerned parties.

32. Henceforth, the financial transaction of



‘Thakurbari’ will be conducted under the signature of the President, Raj Vardhan Sharma as also the Vice-President Dr. Venkatesh Sharma. This is an interim arrangement and ‘the Board’ is duty bound to act fast in the matter and take decision on the petition pending before it after hearing all the parties in accordance with law latest in next eight weeks. The President and the Vice-President shall ensure that all donations coming in Temple/Thakurbari goes to the Bank regularly.

33. Simultaneously, ‘the Trust Board’ shall also start process for constituting a permanent committee so that the ultimate purpose for which ‘the Trust Board’ has been created, the development of the Temple/Thakurbari/Math in the State is taken care of.

34. The writ petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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