

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12032 of 2022

1. Bijay Kumar son of late Satyanarayan Prasad, resident of Village- Karkain, Police Station- Ghoswari, District- Patna.
2. Uma Shankar Singh s/o late Sukhdeo Singh, resident of Village- Karkain, Police Station- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar State Religious Trust Board Vidyapati Marg, PS- Kotwali Patna 800001 through its President.
2. President, Bihar State Religious Trust Board having its office at Vidyapati Marg, PS- Kotwali, Patna 800001.
3. Superintendent, Bihar State Religious Trust Board having its office at Vidyapati Marg, PS- Kotwali, Patna 800001.
4. Shri Thakurji Maharaj Sarbahdi Thakurbadi Trust Committee, Village- Sarbahdi, P.S.- Manpur, District- Nalanda, through its President, Pin Code- 803101.
5. Upendra Kumar Yadav S/o Khirodhi Yadav, Secretary of Thakurji Maharaj Sarbahdi Thakurbadi Trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
6. Suresh Yadav S/o Ramfal Yadav, President of Sri Thakurji Maharaj Sarbahdi Thakurbadi Trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
7. Shivdani Yadav S/o Basudev Yadav, Treasurer of the Thakurbadi Sarbahdi Trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
8. Khirodhi Yadav, son of Sakal Yadav, member of said trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
9. Lalit Mahto, s/o Dukhan Mahto, member of said trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
10. Suman Kumar, s/o Madhusudan Prasad, member of said trust Committee, resident of Village- Ishanagar, Post- Karkain, Police Station- Ghoswari, District- Patna, Pin Code- 811104.
11. Sohan Sharma s/o late Shibu Thakur, Pujari-cum- Member, resident of Village and Post Office- Sarbahdi, P.S.- Manpur, District- Nalanda, Pin 803101.
12. Kaushlendra Yadav, s/o Babulal Yadav, Pujari-cum- Member, resident of Village and Post Office- Sarbahdi, P.S.- Manpur, District- Nalanda, Pin 803101.
13. Ram Briksh Pandey, s/o late Sahdev Pandey member of sarbahadi thakurbadi trust committee, resident of Village and Post Office- Sarbahdi, P.S.- Manpur, District- Nalanda, Pin 803101.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Chandra Prasad, Adv.
Mr. Samir Kr. Sinha, Adv.
For the Respondent : Mr. Shekhar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-12-2024 Heard the learned counsels for the parties.

2. The petitioner claims the land in question to be their purchased property in the year 1999. They also claim that the trust in question is private and not the public.

3. Be that as it may, the Bihar State Religious Trust Board (hereinafter referred to as the ‘Act’), is empowered to decide whether a trust is public or private under Section 28(2)(u) of the Act.

4. An application was filed by the Board before the Tribunal with a prayer to declare the petitioner as encroacher of the disputed land and for removing all the encroachments. That application was registered as Case No. 5 of 2024.

5. Learned counsel for the Petitioner has submitted that after purchasing that land, their names were mutated in revenue records, but the proceeding is still pending before the Tribunal. Meanwhile, the President, Bihar State Religious Trust Board passed the impugned order whereby a letter was sent to ADM, Revenue to consider the report of the Circle Officer in which he



(the Circle Officer) has reported that the names of the petitioners were mutated by committing forgery. Learned counsel has also submitted that the Board is not empowered to send such type of letters to the Mutation Authority.

6. It appears that, after mutation of the names of the petitioners in the revenue records in respect of property in question, an inquiry was conducted by the Circle Officer in which he has found that the names of the petitioners were recorded in the revenue records by playing fraud and committing forgery.

7. The president of the Board has rightly sent the letter, requesting the A.D.M., Revenue to look into the matter and to communicate the action taken by him with intimation to the Board.

8. The concerned A.D.M., Revenue is directed to immediately act upon the letter of the President and communicate him with the action taken by him in respect of letter of the President, within six weeks.

9. With these observations, the writ petition stands disposed of.

(Nawneet Kumar Pandey, J)

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