

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10381 of 2023

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Bijay Kumar Jha S/o Late Janardan Jha presently Sevait, Radha Krishna Ji
Mandir Tulsipur, P.S. Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Bihar State Religious Trust Board through its President, Vidyapati Marg, Patna 800001.
2. The President, Bihar State Religious Trust Board, Vidyapati Marg, Patna 800001.
3. The Superintendent, Bihar State Religious Trust Board, Vidyapati Marg, Patna 800001.
4. Ajay Kumar Jha, S/o Late Janardan Jha R/o Village Tulsipur, P.S. Kharik, District- Bhagalpur.
5. The District Magistrate-cum- Collector, Bhagalpur.
6. The Superintendent of Police, Bhagalpur.
7. The Station House Officer, Kharik Police Station, Bhagalpur.
8. The Circle Officer, Kharik, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Adv
For the Board	:	Mr. Ganpati Trivedi, Sr. Adv
For the State	:	Mr. Raj Kishore Rai, (GP 18)
For the Pvt. Res.	:	Mr. Bhawesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 23-07-2024 Heard Mr. Patanjati Rishi, learned counsel for the

petitioner and Mr. Ganpati Trivedi, learned Senior Counsel duly

assisted by Mr. Madan Mohan for the Religious Trust Board and

Mr. Bhavesh Kumar duly assisted by Mr. Raghwendra Pratap

Singh.

2. The present writ petition has been preferred for the
following relief(s):

(i) for issuance of writ(s), order(s) or



direction(s) particularly in the nature of certiorari or a writ of certiorari or any other writ of the like nature thereby quashing the order dated 08/11/2022 as contained in Annexure P/10 passed by the learned President, Bihar State Religious Trust Board, Patna {Respondent no. 2};

(ii) for issuance of a writ in the nature of mandamus or a writ of mandamus or any writ of the like nature thereby directing the respondent authorities particularly the respondent nos. 1 and 2 to ensure that the status of the petitioner as a sevait of the Radha Krishna Ji Mandir, Tulsipur, P.S. Kharik, District Bhagalpur is not disturbed except in accordance with law;

(iii) for issuance of the writ in the nature of mandamus or a writ of mandamus thereby directing the respondent authorities to ensure non-interference of the respondent no. 4 in management of the affairs of the Radha Krishna Ji Mandir, Tulsipur, P.S. Kharik District Bhagalpur;

(iv) for issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondents and particularly respondent no. 4 to refrain from misappropriating the usufructs of the property of the Radha Krishna Ji Mandir, Tulsipur;



(v) For issuance of any other writ(s), order(s), or direction(s) for which the petitioner is entitled for.

3. At the outset, learned Senior Counsel for the Trust Board submits that the interim Committee which was formed (Annexure- P/10) was for a period of one year and it has come to an end on 07.11.2023. He submits that in that background and now that the Religious Trust Board is moving towards forming permanent committees for each and every math and temple, the case in that background has become infructuous.

4. Learned counsel for the petitioner, on the other hand submits that despite the said assumption made by the learned Senior Counsel, the fact remains that the respondent No. 4 is still continuing and misusing the lands of the temple inasmuch as the revenue of the banana plants which otherwise should have gone to the temple is being pocketed by him.

5. Learned counsel appearing for the respondent No. 4 disputes and submits that the said averments made by the petitioner is not part of the record and as such he is unable to answer to it.

6. Learned counsel for the petitioner submits that he has document on record to show that while donating the temple



to the Religious Trust Board, it was averred by his ancestor that a competent member in the family will be part of the temple. It is again disputed by the respondents submitting that the alleged will which is in favour of the petitioner signed by his late father, it only gives him right to the properties but whether he is competent or not, it has to be decided by 'the Trust Board'.

7. So far as the functioning of respondent No. 4 is concerned, in view of the fact that 07.11.2023, the one year period of the order has come to an end, he cannot function in any manner and/or use the land which is part of the temple henceforth. This order has been passed in the presence of the learned counsel for the respondent No. 4 as also the learned Senior Counsel for the Religious Trust Board/learned State Counsel who shall ensure that the order reaches the authorities concerned and the respondent No. 4 shall cease to have any role to play in the business of the temple from tomorrow i.e. 24.07.2024.

8. So far as the petitioner is concerned, he is well advised to approach 'the Trust Board' with all the relevant documents to prove his competency in line with the alleged deed that has been executed by his ancestor.

9. This Court makes it clear that henceforth no



interim Committee shall be followed by any interim Committee by the Religious Trust Board and defiance will be treated as contempt of the court's order. The Trust Board is duty bound to form a permanent committee in line with the decision rendered by this Court in **Santosh Kumar Jha @ Santosh Jha (CWJC No. 17322 of 2024)** decided on **23.07.2024**.

10. Since the period of the Committee has come to an end, the Trust Board shall ensure that the Bank transaction shall take place with the Sub-Divisional Officer of the said area as one of the signatory beside one prominent person having no criminal antecedent to be decided by the Trust Board. None of the Members of present Committee shall be chosen. Till the permanent committee is formed, only the aforesaid signatory shall perform financial transaction duties.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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