

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12196 of 2023

=====

Anupam Suman Son of Late Satya Narayan Saurav, Resident of Rajendra Gram, Durga Sthan, Police Station-Amdabad, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Bihar State Religious Trust Board Patna through its President.
3. The President, Bihar State Religious Trust Board, Patna.
4. The District Magistrate, Katihar.
5. The Sub Divisional Officer, Katihar.
6. Dr. D.L. Mandal, son of Late Basant Lal Mandal, resident of Durga Sthan, Katihar, District-Katihar
7. Shiv Prakash Garodia, son of not known, resident of Anand Enclave, Kalibari Road, District-Katihar
8. Navin Chandra Gupta, son of not known, resident of Professors Colony, Durga Sthan, District-Katihar
9. Rana Manoj Singh, son of Late Rana Rajendra Singh, resident of Gami Tola, District-Katihar
10. Shankar Gupta, son of not known, resident of Durga Sthan No. 1 Colony, District-Katihar
11. Kameshwar Singh, son of not known, resident of Gami Tola, District-Katihar
12. Neeraj Kumar @ Mantu, son of Gautam Singh, resident of Professor Colony Durga Sthan, District-Katihar
13. Biplaav Praveen, son of Chhedi Singh, resident of Professor Colony Durga Sthan, District-Katihar
14. Prabhakar Jha, son of Parmanand Jha, resident of 1 No. Colony Durga Sthan, District-Katihar
15. Sanjay Kumar, son of not known, resident of 1 No. Colony Durga Sthan, District-Katihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Advocate
For the Board	:	Mr. Shekhar Kumar, Advocate
For the State	:	Mr. Manish Kumar (GP- 4)

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-01-2024

Heard Mr. Surendra Kumar Choubey, learned



counsel appearing on behalf of the petitioner; Mr. Shekhar Kumar, learned counsel appearing on behalf of the Bihar State Religious Trust Board (hereinafter referred to as the 'Board') and Mr. Manish Kumar, learned GP-4 for the State.

2. Hard copy of the counter affidavit filed on behalf of the Board is directed to be kept on record.

3. The petitioner has prayed for following relief(s) in paragraph no. 1 of the writ petition, which *inter alia* is reproduced hereinafter:

"i) Issuance of a writ in the nature of writ of certiorari quashing the order dated 22.05.2023 and Notification issued vide letter No. 1203 dated 14.07.2023 (contained in Annexure-5 & 5/1) by the President, Bihar State Religious Trust Board, Patna Bihar whereby and whereunder he has been pleased the settle the scheme and constitute temporary trust committee of eleven members after superseding/removing the petitioner who was the member of earlier working trust committee Sarwajanik Durga Mandir, Katihar.

ii) Issuance of a writ in the nature of writ of mandamus directing the respondent authority to consider the proposal sent by Present Sub-Divisional Officer, Katihar vide letter No. 569 dated 22.06.2023 in compliance of letter no. 3111 dated 02.03.2017 issued by the Bihar State Religious Trust Board Patna whereby the name of eleven persons have been recommended after amendment of earlier proposal of the then Sub-Divisional Officer, Katihar vide letter No. 371 dated 03.04.2023.

iii) Issuance of a writ in the nature of writ of mandamus directing the respondent authority to make the petitioner as a members of trust committee to oversee the working of the construction of Sarwajanik Durga Mandir, Katihar.

iv) Issuance of any other appropriate writ(s) or order(s) or direction(s) which may be deemed fit and proper in the facts and circumstances of the case."

4. Learned counsel appearing on behalf of the



petitioner submitted that in gross violation of Section 29 of the Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as the 'Act'), the petitioner has been removed from the existing trust committee and a new temporary trust committee has been constituted after ignoring the recommendation sent by the Sub-Divisional Officer, Katihar. The action of the President of the trust Board is not in conformity with the provision of Section 29(3) and 32(i) of the Act. The President has proceeded to appoint member of the temporary trust committee on the recommendation of local M.L.A. by appointing one Shiv Prakash Garodia, who is president of Janta Dal United, which is not in conformity with the provision of Section 29 of the Act. Learned counsel also informs that the temporary trust committee cannot be allowed to run against the provisions of the Act.

5. *Per contra*, Mr. Shekhar Kumar, learned counsel appearing on behalf of the Board submitted that the writ petition is not maintainable as the petitioner has efficacious alternative remedy of filing application before the District Judge under Section 32(3) of the Act. The information given by the petitioner cannot be sustained that appointment of the member of the temporary committee, which has been constituted is not in accordance with the provision of Section 29 of the Act.



6. Having considered the rival submissions made on behalf of the parties, the matter is referred to the Board to examine the grievance of the petitioner after seeking information with respect to the conduct and character of the members of the temporary committee duly constituted by the President.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

