

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13181 of 2023

1. Hemant Kumar @ Dr. Hemant Kumar Son of Late Dinesh Prasad Singh, All being the family members and managing Trustee of Shri Ramlala Ji Maharaj Thakurbari Koni Kutti in Kaler block of Arwal district - a Trust being managed by family members of its founder from last hundred years and all permanent residents of house having site of Shri Ramlala Ji Maharaj Thakurbari , village - Koni Kutti, block and circle - Kaler PS-Mehandiya, District - Arwal.
2. Hare Krishna Singh Son of Sri Arvind Prasad Singh All being the family members and managing Trustee of Shri Ramlala Ji Maharaj Thakurbari Koni Kutti in Kaler block of Arwal district - a Trust being managed by family members of its founder from last hundred years and all permanent residents of house having site of Shri Ramlala Ji Maharaj Thakurbari , village - Koni Kutti, block and circle - Kaler PS-Mehandiya, District - Arwal.
3. Prabhat Ranjan, Son of Sri Nawal Kishore Prasad Singh All being the family members and managing Trustee of Shri Ramlala Ji Maharaj Thakurbari Koni Kutti in Kaler block of Arwal district - a Trust being managed by family members of its founder from last hundred years and all permanent residents of house having site of Shri Ramlala Ji Maharaj Thakurbari , village - Koni Kutti, block and circle - Kaler PS-Mehandiya, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar Through the secretary law department- cum-chief remembrancer of Bihar state government, office at Old Secreteriat, P.S. - Sachivalaya, Patna.
2. The secretary law department - cum-chief remembrancer of Bihar state government, office at old Secreteriat, P.S.. Sachivalaya, Patna.
3. The Director General of Police, office at old Secreteriat, P.S.-Sachivalaya, Patna.
4. The Inspector General Magadh Range at Gaya
5. District Magistrate Arwal .
6. The Superintendent of Police (S.P.) Arwal.
7. Sub division officer Arwal.
8. Block Development officer Kaler block, district Arwal
9. Circle Officer- Kaler, -cum- ex-offico chairman of the newly notified trust committee constituted for Sri Ramlala Ji Maharaj Thakurbari, Koni Kutti, Arwal District.
10. Bihar state board of Religious Trust through its Superintendent / incharge Superintendent 01. Vidyapati Marg, Patna
11. President Bihar State Board of Religious Trust, Patna.



12. The Superintendent / incharge Superintendent, Bihar State Board of Religious Trust, Patna
13. Hareram Vidyarthi, son of Late Arjun Ram secretary of the newly notified temporary trust committee constituted for Sri Ramlala Ji Maharaj Thakurbari Koni Kutti, Arwal District. appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
14. Ram Ishwar Singh, son of Ramdeni Yadav, Treasurer of the newly notified temporary trust committee constituted for Sri Ramlala Ji Maharaj Thakurbari Koni Kutti, Arwal District. appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
15. Krishna Rajwar Son of late Bheekhar Rajwar appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
16. Lal Mohan yadav Son of late Gowardhan Yadav appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
17. Lakhsman Yadav Son of Late RamPravesh Yadav appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
18. Nand Kishore Yadav Son of late Sita Ram Yadav appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
19. Bhola Rajwar Son of late RamRaj Rajwar appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
20. Rakesh Thakur Son of Sri Rajendra Thakur appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .
21. Suresh Rao Son of Sri Sagun Sao appointed as temporary trustee to the new managing committee constituted by the impugned order dated 27-4-2023 and resident of village Koni Kutti, P.S.. Mehandiya, P.O. - Kaler District - Arwal .

... .. Respondent/s

Appearance :

For the Petitioner/s

:

Mr. Dev Kumar Pandey, Advocate



For the State	:	Mr. Anshuman Singh, Advocate
For the Board	:	Mr. Gyan Prakash Ojha, G.A.-7
For the Resp. Nos. 13 & 14	:	Mr. Ganpati Trivedi, Sr. Advocate
	:	Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 29-07-2024 Heard Mr. Anshuman Singh, learned Counsel for the petitioner and Mr. Ganpati Trivedi, learned Senior Counsel for the respondent-Religious Trust Board.

2. The present petition has been preferred for the following reliefs:-

(i) for setting aside the order dated 27-4-2023 passed by the respondent Bihar State Board of Religious Trust (hereinafter referred to as 'the Board'), whereby and where under a temporary committee has been constituted without ascertaining the existence of any vacancy caused due to death or ouster of any member of earlier managing committee comprising the members from the family of petitioners which was functioning in light of earlier orders of this Hon'ble High court and also without dissolution of the existing managing committee comprising the petitioners and their family members and further the impugned order has been passed without following the procedures envisaged under section 29 of the Bihar Hindu religious Trust Act 1950 (hereinafter referred to as the Act) and also without giving reasonable opportunity of hearing to the petitioners by deliberately not considering the



show cause filed on 27-4-2023 itself by the petitioner no.1 i.e. on the very date of passing of the impugned order;

(ii) for setting aside the impugned notification contained in Board's letter no. 783 dated 12-6-2023 purported to be issued by the Board under section 32 of the said Act whereby schemes for the development of the Thakurbari trust in question have been framed that too without hearing the petitioners case who are the "interested persons "as defined under the said Act and also the impugned notification has been issued on the basis of impugned order dated 27-4-2023, and further the impugned notification has been issued in utter contravention to the proviso of section 32 of the Act which mandates to upkeep the objective of the founder of the trust which includes that managing committee of Thakurbari Trust in question must be from the lineage of Babu Debi Prasad Singh in whose line of succession the Shebaietship devolves on petitioners;

(iii) for a direction upon respondents District Magistrate and Superintendent of Police to immediately provide sufficient protection to the Thakurbari Trust in question, situated inside the campus of the petitioners' ancestral house from any outsider to the petitioners' family specifically against all respondents 3rd set who are hell bent on barging inside the ancestral house of the petitioners with arms and ammunition to capture



the Thakurbari at the pretext of impugned order dated 27-4-2023 and impugned notification dated 12-6-2023;

(iv) for a direction upon the district administration and police to protect the Thakurbari and house of petitioners at least for a period of next three months so that petitioners may be in position to take remedial steps in accordance with laws.

3. A counter affidavit on behalf of the respondent-Trust Board is on record and paragraph-10 read as follows:-

“10. That in view of the aforementioned facts and circumstances, it is submitted that the final decision on the issue is yet to come in the meeting of the Board to be convened on 06.01.2024.”

4. Learned Counsel for the petitioner submits that despite the specific statement of the Trust Board, the fact remains that anti-social elements keep on disturbing them.

5. The same can be better handled by the learned Sub-Divisional Magistrate under appropriate proceeding and the petitioner is well advised to take recourse to that.

6. In view of the categorical statement made by the Trust Board in its counter affidavit, the matter has now become



infructuous.

7. The petitioner is free to take recourse in accordance with law.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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