

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12163 of 2023

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Mahanth Bhubneshwar Bhagat @ Bhuneshwar Bhagat, Son of Late Mahanth Sheo Goswami, Resident of Village-IIamdipur, P.O.-Sakra, P.S.-G.B. Nagar, Tarwara, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Collector, Siwan.
3. The Block Development Officer, Pachrukhi, District-Siwan
4. The Circle Officer, Pachrukhi, District-Siwan
5. The Bihar State Board of Religious Trust, Budh Marg, Patna through its Chairman.
6. Mahanth Shatrudhna Goswami Chela of Late Mahanth Munishwar Goswami Resident at Badi Math, Dhanauli P.S.-Dhanauli, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Singh, Advocate
For the State : Mr. Sanjay Prasad, AC to AAG-4
For the Religious Trust Board : Mr. Ravi Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 09-07-2024

I. A. No. 01 of 2024.

The present Interlocutory Application has been preferred for quashing of the subsequent order dated 24.08.2023 as also 04.10.2023 (Annexure P-5 and P-5/1) by which the Circle Officer, Panchrukhi was once again directed to send the names and in the meanwhile, on the recommendation of Satrugan Goswami, one Hareram Charan Goswami has been assigned the role of conducting the day to day affairs. As per the learned counsel for the petitioner as also the ordersheet of this



Court, all the orders are presently stayed by the co-ordinate Bench.

2. There is no objection from the other side. Thus, I.A. No. 01 of 2024 is allowed and prayer will be part of main relief.

CWJC No. 12163 of 2023.

Heard Mr. Amresh Kumar Singh, learned counsel for the petitioner and Mr. Ravi Ranjan, learned counsel representing Religious Trust Board as also Mr. Sanjay Prasad, learned AC to AAG-4.

2. The present petition has been filed for issuance of a writ in the nature of a writ of Certiorari/Mandamus or any other appropriate writ, order or direction to the Respondent authorities to quash the order dated 15.6.2023(Annexure-P3) passed by the Chairman, Bihar State Board of Religious Trust, Patna by which direction was given to the Circle Officer, Panchrukhi to provide the names of 11 persons and further directed not to perform any mutation work without hearing the Board as none of the Mahanth/Saint/Trustee have been given the land u/s 44 of the Bihar State Religious Trust Act (henceforth for short, 'the Act').

3. It is the claim of the petitioner that he is the original '*chela*' of late Mahanth Sheo Goswami and is manning the Kabirpanthi Math Nauranga in the district of Siwan which is



registered with the Bihar State Religious Trust Board. As the dispute arose regarding the Mahanth of the Math, after some litigation, it has now been taken up by the Religious Trust Board and in continuation of that on 15.06.2023, taking into account the allegation that the petitioner has sold some piece of land, till the pendency of the case, the Circle Officer, Panchrukhi was requested to provide the names of eleven persons so that the work of the Math is not hampered. Additionally, direction was given not to mutate any land without the Trust Board being informed about it.

4. The petitioner who claims himself to be the Mahanth challenged the said order.

5. The Trust Board is already in seisin of the matter, it would have been appropriate for the petitioner to put forward all the documents in support of his claim so that matter is taken to its logical conclusion. Instead, he rushed to the Court.

6. Now that the orders have already been put in abeyance by an earlier Bench of this Court, it would be appropriate that the petitioner appear before the Trust Board who shall hear all the necessary parties and take a decision expeditiously preferably within a period of three months.

7. So far as the conducting day to day affairs of the



Math till the pendency of the petition before the Trust Board is concerned, Hari Charan Goswami shall not function as had been ordered.

8. The Circle Officer, Panchrukhi is directed to immediately provide atleast five names of eminent persons of the area so that the day to day affairs is conducted till an order is passed in the present matter pending before the Religious Trust Board.

9. It is made clear that while recommending the names of five eminent persons, the Circle Officer, Panchrukhi shall ensure that none of them have any criminal antecedent inasmuch as no FIR is there against any such person. Till the Trust Board takes a decision, the interim orders passed by the earlier bench shall continue and will come to an end on the day, it takes a decision and passes an order.

10. The petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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