

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15689 of 2023

1. Murlidhar Mishra Son of Avadh Kishor Mishra Resident of Ward no. 08, Village- Sasaula, P.O.-Sasaula, Kala, P.S.- Sisaula, District- Sitamarhi, Pin-Code-843315.
2. Bholanath Mishra Son of Brhmdev Mishra Resident of Dariapur, P.O. and P.S.-Fatwa District-Patna, Pin Code-803201.

... .. Petitioner/s

Versus

1. Bihar Religious Trust Board, Patna through its Secretary
2. President, Bihar Religious Trust Board, Patna.
3. Member, Bihar Religious Trust Board, Patna.
4. Shree Kumar Raghvendra Singh, Son of Late Kumar Surendra Singh, Resident of Sasula, P.O.-Barhaba, District-Sitamarhi.
5. Shree Hemant Kumar Mishra Son of Shri Nawal Kishore Mishra Resident of Sasula, P.O.-Barhaba, District-Sitamarhi
6. Circle Officer, Sasula, District-Sitamarhi
7. Dr. Tripurari Prasad Singh Son of Late Ramvilas Singh Resident of Sasula, P.O.-Barhaba, District-Sitamarhi
8. The State of Bihar through the Secretary, Law Department, Government of Bihar.
9. Shree Krishna Chandra Pathak Son of Late Ram Ayodhya Pathak Resident Sasula, P.O.-Barhaba, District-Sitamarhi
10. Shree Rajesh Mishra Panjekar Son of Late Udhav Mishra Resident of Village and P.O.- Maniyari, Sasula, Barhaba, District-Sitamarhi
11. Shree Vikash Kumar Jha Son of Uday Kant Jha Resident of Village-Runni Saidpur, District-Sitamarhi.
12. Shree Ajay Jha Son of Late Anant Lal Jha Resident of Dharharba, District-Sitamarhi.
13. Shree Nachiketa Thakur Son of Late Jitendra Narayan Thakur Resident of Sasula, P.O.-Barhaba, District-Sitamarhi.
14. Shree Shivendra Singh Son of Late Ramnandan Thakur Resident of Sasula, P.O.-Barhaba, District-Sitamarhi.
15. Shree Shyam Kishore Mishra Son of Saryug Mishra Resident of Sasula, P.O.-Barhaba, District-Sitamarhi.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava, Advocate
For the Respondent/s : Ms.Kumari Amrita (Gp 3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-07-2024 Heard Mr. Abhinav Srivastava, learned counsel

for the petitioners duly assisted by Mr. Pushkar Bhardwaj and

Mr. Ravi Ranjan, representing the Bihar State Religious Trust

Board as also learned AC to GP-3.

2. The petitioners have prayed for grant of the
following reliefs:

(i) issuance of a direction, order or writ, including writ in the nature of certiorari quashing the order dated 28/06/2023 passed by the President and Member of Bihar Religious Trust Board, Patna (hereinafter referred to as "the Board"), by which in the most illegal and arbitrary manner, a trust committee has been constituted in respect of Shri Radha Krishne Mandir, Sisaula Sabha, Sitamarhi to look after the functioning of the said temple



while deciding to oust the present petitioners from the management of the said temple;

(ii) issuance of a declaration holding that the action on the part of the concerned President and Member of the Board in passing the order dated 28/06/2023 thereby constituting a new trust committee for looking into the affairs of the temple, in question, is without any sanction of law and as such, the committee so constituted under the said order does not have any authority in the eyes of law to look into the affairs of the temple;

(iii) issuance of a direction, order or writ. including writ in the nature of mandamus commanding the concerned respondent authorities to refrain from giving



effect to the impugned order dated 28/06/2023 and as such, allow the present petitioners and the earlier committee to continue in the helms of affairs of the temple in accordance with law;

(iv) any other relief that the petitioners may be found to be entitled to in the facts and circumstances of the present case.

3. Mr. Abhinav Srivastav made three fold submissions:

(i) the temple was never part of the Trust Board for some period, though it was registered but on the petition preferred was cancelled;

(ii) the petitioner never submitted any list of persons to be part of the Committee as has been incorporated in the order dated 28.6.2023;

(iii) the Committee consist of



people against whom serious charges of financial irregularities is/are on record.

4. He submits that a perusal of the petition preferred by one Someshwar Nath Mishra (Annexure-P/14 to the petition) would show that the Board virtually has cut/paste the names that figured in the petition.

5. Mr. Ravi Ranjan who has filed counter affidavit on behalf of respondent nos. 1 to 3 has answered to the first question and submits that the temple is still registered with the Board and the statement made is false. Regarding the second submission of the petitioner that no list of names were submitted on his behalf as has been incorporated in the order, learned counsel submits that he will have to look into it. Regarding the third charge that the people with criminal antecedent have been incorporated, he submits that at that time, it was not checked when the said order was notified on 17.08.2023 (Annexure-5/1 to the petition). It was for a period of one year which will come to an end on 16.08.2024. He submits that in the light of this Court's order, already steps have to be taken for constitution of a permanent Committee and the petitioner is well advised



to present his case before the Board.

6. Learned counsel for the petitioners submit that he has preliminary objection of the temple being treated part of the Trust Board.

7. Taking into account the rival submissions of the parties, now that one year period of the Committee is coming to an end and the Trust Board will be taking steps for constitution a permanent Committee, if all it is registered with the Board, as per the contention put forward by its learned counsel, the petitioner will be free to provide all the documents/preliminary objection to satisfy the Board that the temple is not its part. The Board is well advised to answer this preliminary objection before taking steps for constitution of a permanent Committee.

8. Once, the preliminary objection is decided and if the Board finds that the temple in question is still registered with the Board, it will go ahead with constitution of permanent Committee as per the decision rendered in **Santosh Kumar Jha @ Santosh Jha vs the State of Bihar & Ors. (C.W.J.C. No. 17322 of 2022)** and the petitioner, if he so wants, can participate in it.

10.The decision has to be taken in next two



months.

11. Before parting this Court would record its annoyance on the upholding of the details of 'Maths'/temples and its seawayat. In the list of Sitamarhi at sl. no. 129, the details of the present temple has been given and despite constitution of the Committee notified on 17.08.2024 in which the name of Someshwar Nath Mishra does not figure, on the *website, he has been shown as* the 'Sewayat'. It is high time that the Board goes through all the entries and take remedial measure in the next thirty days.

12. The writ petition stands disposed of.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

