

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15872 of 2024

1. Uday Kumar Giri alias Mahant Uday Giri Son of Late Shambhu Giri Resident of mohalla- Chanwar Takiya, P.S. - Nagar Thana, Sahsaram District- Rohtas, Bihar.
2. Akhilesh Kumar alias Guddu Giri, Son of Uday Kumar Giri alias Mahant Uday Giri, Resident of mohalla - Chanwar Takiya, P.S. - Nagar Thana, Sahsaram, District- Rohtas, Bihar.
3. Shiv Shankar Giri, Son of Late Ram Kishun Giri, resident of Budhan Road, mohalla - Takiya Bazar, village- Kota, P.S. - Nagar Thana, District- Rohtas, Bihar.
4. Shiv Pujan Giri, Son of Late Radha Kishun Giri, resident of village- Dhaudharh, P.S. Nagar Thana (out post Dhaudanr), District- Rohtas, Bihar.
5. Ramlayak Bharti alias Ramlayak Giri, Son of Late Vishwanath Bharti, resident of village - Dadhapa, P.S.- Deo, District- Aurangabad, Bihar also residing at mohalla- Chanwar Takiya, P.S.- Nagar Thana, Sahsaram district Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-legal Remembrancer, department of Law, Bihar state govt.
2. The Secretary-cum-legal Remembrancer, Department of Law, Bihar State Govt.
3. The District Magistrate- Rohtas at Sasaram.
4. The Superintendent of Police (SP)- Rohtas at Sasaram.
5. The Sub divisional Officer (SDO)- Sasaram sub division district - Rohtas in official capacity as well as the Chairman of newly constituted trust Committee namely Sri Jai Maa Tarachandi Asthan trust Committee, P.O. and P.S. - Sasaram District- Rohtas.
6. Bihar State Board of Religious Trusts through its president, 01 - Vidyapati Marg, Patna, current office near DG-Home guard Headquarter, Chhajjubag, Patna- 1.
7. The President-Bihar State Board of Religious Trusts, 01-Vidyapati Marg, Patna, current office near DG- Home guard Headquarter, Chhajjubag, Patna - 1.
8. Sri Jai Maa Tarachandi Asthan trust Committee, (in short the trust Committee) through the working chairman namely Sri Ravi Ranjan Singh P.O. and P.S. - Sasaram, district- Rohtas, PIN - 821115.
9. Sri Ravi Ranjan Singh (working Chairman) Son of Sri Parshuram Singh, resident of village, P.O.- Jamuhar, P.S. - Dehri Mufassil, District- Rohtas, PIN- 821305.
10. Sri Mahendra Prasad (Secretary), Son of Late Ram Prasad Sah, resident of village- Khirkighaat, Mubarakganj P.S.- Town, District- Rohtas, PIN - 821115.



- 11. Sri Munna Prasad Soni (Treasurer), Son of Sri Pancham Ram Seth resident of mohalla- Murbarakganj, P.O. - Sasaram, P.S. - Town, District- Rohtas, PIN- 821115.
- 12. Dr. Sarojbari (Member), parentage is not in knowledge of the petitioners, resident of Mohalla- Kothatoli, P.S.- Town Thana, Sasaram, District- Rohtas, PIN - 821115.
- 13. Sri Birendra Kumar Jaisawal (member), Son of Sri Lakshmi Prasad, resident of mohalla - Nooraganj Bauliya Marg, P.O. - Sasaram, P.S.- Town Thana, Sasaram, District- Rohtas, PIN- 821115.
- 14. Sri Kamlesh Kumar (member), Son of Late Mohan Mahto, resident of mohalla- Lakhanusarai, P.O.- Sasaram, P.S.- Town Thana, District- Rohtas, PIN - 821115.
- 15. Sri Rajendra Prasad Chaudhary (member), Son of Sri Moti Prasad Chaudhary, resident of mohalla- Ansaarganj, Jakki Shaheed, P.O.- Sasaram, P.S.- Town Thana, District- Rohtas, PIN - 821115.
- 16. Smt. Nirmala Devi (member of the trust committee) wife of Sri Jawahar Prasad, resident Kothatoli, P.S. - Sasaram, P.S. - Town Thana, District- Rohtas, PIN - 821115.
- 17. Sri Binod Kumar Singh (member), Son of Sri Suresh Singh, resident of mohalla- Rehari, P.O. and P.S. - Barhari, District - Rohtas, PIN - 821103.
- 18. Sri Akhilesh Kumar (member), Son of Sri Ramchandra Pandey, resident of Mohalla- Rouza Road, Company Sarai, P.O- Sasaram, P.S. - Town Thana, Sasaram, District- Rohtas, PIN - 821115.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey
For the Board : Mr. Ganpati Trivedi, Sr. Adv with
Mr. Saurabh Suman and
Mr. Ritik Shah, Advocates

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners and learned counsel for the Bihar State Religious Trust Board (hereinafter referred to as the “Board”).

2. At the very outset, learned counsel for the petitioners submits that the committee constituted by the President-Bihar State Religious Trusts Board vide notification



dated 29.08.2024 (Annexure-P/12) in compliance of the order of President, dated 06.08.2024 (Annexure-P/11) is in utter disregard of the guidelines given by this Court in paragraphs no. 12 to 19 of the order dated 23.07.2024 passed in CWJC No. 17322 of 2022, which are extracted hereinbelow :-

“12. This Court accordingly directs that henceforth, for the constitution of the Committee in any ‘Math’/temple/thakurbari, once ‘the Trust Board’ makes request to the Collector of the district to provide names of the prominent citizen of the area with no criminal antecedent, under the direction/supervision of the Collector, the Sub-Divisional Officer will issue general notice (आम सूचना) in the locality/area as also get it published in the newspaper (cost of which has to be borne by ‘the concerned Math/temple/thakurbari) inviting application/requesting the prominent citizen having no criminal antecedent to present their respective names for the constitution of permanent committee of the Math/Temple/ Thakurbari.

13. Once the applications are received, the Sub-Divisional Officer will shortlist the names, check their criminal antecedents as also other information about him/her from the Police Station(s) and thereafter, present it before the Collector. The Collector of the district, thereafter shall forward ‘the Trust Board’ the list. The process be completed in six weeks.

14. ‘The Board’ thereafter, in its meeting chaired by the President and attended by the members of ‘the Trust Board’ will take the necessary decision. The precedent that has been followed by ‘the Board’ of constituting the Committee under the Presidentship of the Sub-Divisional Officer shall continue inasmuch as the



President of the permanent Committee shall be Sub-Divisional Officer of the area where the Math/Thakurbari/temple is situated.

15. One of the clause constituting the permanent Committee must be to present all the incomes/expenses made in the Math/Thakurbari/temple to 'the Trust Board' for its routine evaluation every three months.

16. There shall be a permanent Bank account in a Nationalised Bank where all the donations to be deposited and the account shall be operated under joint signatures.

17. It is made clear that all the financial transaction will be made only through the joint signatures out of three of the officials i.e. the President, Secretary and Treasurer. In case, the President is not one of the Signatory to the Bank Account, the statement of Account of the Bank along with all the income/expenses shall be submitted before the Sub Divisional Officer every month.

18. The necessary notification constituting the permanent committee shall be issued by the President only after the same has been approved by the members of 'the Trust Board'.

19. All such temporary/interim Committees, which are presently functioning across the States, steps should be taken to constitute permanent committees and it is expected that by 31st of December, 2024, the permanent Committees will come into existence in the State of Bihar and by 1st of January, 2025, it will start functioning."

3. Considering the above mentioned facts and circumstances, the Board is directed to constitute a Committee after complying the guidelines of this Court passed in CWJC



No. 17322 of 2022 vide order dated 23.07.2024 within a period of six months from today, accordingly the operation of the order dated 29.08.2024 shall remain inoperative.

4. Till constitution of the Committee the Board exercising its power under Section 33 of the Bihar Hindu Religious Trust Act, may appoint temporary trustee.

(Nawneet Kumar Pandey, J)

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