

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4029 of 2019

1. Sri Kailash Math at Village Bishunpur Saraiya, P.O. and P.S.- Deoriya Dist- Muzaffarpur through its Mahanth Sri Swami Narayan Swaroopanand Giri aged abput 48 years (Male)
2. Sri Swami Narayan Swaroopanand Giri (Chela of Swami Sri Ganeshanand Giri) Mahanth of Sri Kailash Math (Petitioner no.1), Presently resident of Vill- Bishunpur Saraiya, P.O. and P.S.- Deoriya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Water Resources Deptt., Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The Commissioner, Tirhut Division, Muzaffarpur
5. The Bihar State Board of Religious Trust, Vidyapati Marg, Patna through its Chairman

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Agrawal, Advocate
For the State	:	Mr. Anjani Kumar (AAG-4)
For the Bihar State Board of Religious Trust	:	Mr. Ganpati Trivedi, Sr. Advocate
		Mr. Saurabh Suman, Advocate
		Mr. Ritik Shah, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 10-07-2025

Heard learned counsel for the petitioners, learned counsel for the State and learned Senior counsel for the Bihar State Board of Religious Trust.

2. The present writ petition has been filed for the following relief/s:-

“I. The acquisition of agricultural land of the petitioner Math (Petitioner no.1) under the



Land Acquisition Act, 1894 (Act 01 of 1894) be declared as void for the reason of not issuing notice neither in section 52 nor 53 of the Land Acquisition Act, 1894 which is necessary and mandatory.

II. The acquired land may also be directed to be returned to the petitioner U/S 101 of the Right to Fair Compensation And Transparency Land Acquisition Rehabilitation And Resettlement Act, 2013 (Act 30 of 2013) as the major portion of the acquired agricultural land is lying vacant as unutilized since its acquisition sometimes on or before 1975.

III. The Bihar State Board of Religious Trust be also directed to discharge its function properly and timely for the welfare and benefit of the Religious Trust for which the said Trust Board has been created.

IV. The Bihar State Board of Religious Trust (Resp.-5) be directed to discharge its function for which the said Board has been constituted so that its members may not be illegally penalised by the unlaw abiding citizens and various others for inaction of the Trust Board.

V. The Hon'ble Court be also pleased to direct the said Board to take proper, timely and legal action for the protection and preservation of a Hindu Religious Trust of the State.”



3. Learned counsel for the petitioners submits that in the initial two affidavits, no pleading has come. But in the recent supplementary counter affidavit filed on behalf of respondent nos.1 to 4, it has come that the compensation amount has already been received by the then *Mahant*. Copy of the award in which receiving is there.

4. Learned counsel for the State is challenging that the signature has to be proved and he is not accepting the same.

5. This Court is of the view that the disputed question cannot be decided before a Writ Court.

6. Hence, this writ petition stands disposed off granting liberty to the petitioners to move before the title suit challenging the same.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	14/07/2025
Transmission Date	NA

