

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4149 of 2022

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Nandlal Sah alias Nandlal Das Son of Late Nathuni Sah Resident of Village-
Bhutahi, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. Bihar State Religious Trust Board having its office at Vidyapati Marg, Patna through its Administrator.
2. Sri Akhilesh Kumar Jain, Administrator, Bihar State Religious Trust Board, Vidyapati Marg, Patna.
3. Sri Birbahadur Singh, Assistant Superintendent, Bihar State Religious Trust Board, Vidyapati Marg, Patna.
4. Bindeshwar Sah Son of Late Jugal Sah Resident of Village- Bhutahi, P.S.- Sonbarsa, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Kant Tiwary, Advocate
	:	Mr. Yogendra Mishra, Advocate
	:	Ms. Swati Mishra, Advocate
For the Respondent/s	:	Mr. Ganpati Trivedi, Sr. Advocate
For BSRTB	:	Mr. Shekhar Siingh, Sr. Advocate
	:	Mr. Sumit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 14-07-2025 Heard learned counsel for the petitioner and learned

Senior Counsel for the Bihar State Religious Trust Board.

2. With the consent of both the parties, this writ
application is heard and decided at this stage itself.

3. The petitioner has prayed for the grant of following
reliefs:-

i) An appropriate writ/order/direction, quashing the
proceeding as per notice, contained in Annexure-3, declaring the
same as illegal, void, arbitrary and without jurisdiction, be



issued.

(ii) An appropriate writ/order/direction, commanding the respondents to forbear from proceeding against the petitioner as per notice, contained in Annexure-3 & 5, be issued.

(iii) An appropriate writ/order/direction, commanding the respondent no. 2 and 3 to forbear from taking any action with respect to the private respondents, be issued.

(iv) Any other relief or reliefs to which the petitioner is entitled to be granted.

4. Learned counsel appearing for the petitioner submits that the relief prayed for in the present writ application may kindly be allowed in light of the statement made by Bihar State Religious Trust Board in paragraph nos. 5, 6 and 7 of its counter-affidavit. Paragraph Nos. 5, 6 and 7 of the counter-affidavit filed by Bihar State Religious Trust Board is quoted hereinbelow for needful:-

“5. That from perusal of the records of this case it transpires that Kabirpanthi Math, Bhutahi (Pachiyari), Sitamarhi has been registered with the Board as a Public Registered Trust bearing Registration No. 1814. From the Deed of Endowment dated 22.03.1926 available on record 18 acres of land was dedicated to Kabir Sahab.



6. That from the record it further appears that a Title Suit No. 84/66 was filed before the 3rd Additional Sub-Judge, Muzaffarpur with regard to the nature of the trust. Which was dismissed vide a judgement and decree dated 16th May, 1970. Against the said judgement and decree a Title Appeal No. 81/70 was filed which was allowed vide a judgement dated 13.03.1984 whereby the trust in question has been held to be a private trust. Against the said order a Second Appeal bearing S.A. No. 329 of 1977 was preferred by the Bihar State Board of Religious Trusts which was dismissed on the ground of limitation vide order dated 24.02.1993.

7. That considering the aforesaid aspects of the matter it was proposed to close the file of the Trust in question. In the Meeting of the Board dated 06.01.2024 it has been decided to close the file of the Trust in question as such the writ petition has got no merit and it is fit to be dismissed.”

5. Learned Senior Counsel for the Bihar State Religious Trust Board also does not have any objection to the prayer being made by the learned counsel for the petitioner and submits that the prayer of the petitioner may be allowed in light



of the statement made in the aforesaid paragraphs of the counter-affidavit.

6. For the reasons as stated above, the present writ application is allowed and the notices dated, 19.03.2019 contained in Annexure-3 and 27.12.2019 contained in Annexure-5, are hereby quashed, in light of the above quoted statement made by Bihar State Religious Trust Board. The writ application is allowed to the aforesaid extent.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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