

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15757 of 2016

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Munna Prasad Singh son of Late Sheo Shankar Prasad Singh Resident of
Village- Sahorwa Ghat, P.O.- Bargaon, P.S.- Kusheshwar Sthan, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary Revenue, Government of Bihar, Patna.
3. The President, Bihar State Hindu Religious Trust Board, Vidyapati Marg,
Patna.
4. The District Magistrate, Darbhanga.
5. The Sub-Divisional Officer, Darbhanga.
6. The Land Reforms Deputy Collector, Baraul, Darbhanga.
7. The Circle Officer, Kusheshwar Sthan, Darbhanga.
8. Lalan Yadav son of Late Rameshwar Yadav
9. Rajgir Yadav son of Late Ram Yadav
10. Ram Yadav son of Late Anoop Yadav
11. Bultu Chaudhary son of Late Baleshwar Chaudhary
12. Ram Eqbal Yadav son of Late Ratilal Yadav
13. Jai Krishna Yadav son of Late Ram Yadav
14. Bhirav Yadav son of Late Mangal Yadav
15. Arjun Yadav son of Late Ram Chalitar Yadav
16. Ram Pargas Yadav son of Late Babaji Yadav
17. Yogi Yadav son of Late Seewan Yadav
18. Chunni Lal Yadav son of Late Bangali Yadav
19. Bishundeo Yadav son of Late Bauyelal Yadav
20. Pitambar Yadav son of Late Bauyelal Yadav null
21. Ram Krishna Yadav son of Late Ram Kripal Yadav
22. Azad Paswan son of Late Moorat Paswan
23. Mantun Paswan son of Late Ramjee Paswan
24. Ram Sogerath Yadav son of Thakko Yadav
25. Ram Pargas Yadav son of Late Hakkad Yadav
26. Shatrughan Yadav son of Late Ram Yadav SI No. 9 to 29 are residents of
Village- Harauli, Tola- Sahorwa Ghat, P.O.- Bargaon, P.S.- Kusheshwar
Sthan, District- Darbhanga, Pin Code- 848213.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Amar Nath Singh, Adv.
Mr. Kamal Kishore Singh, Adv.
For the Respondent/s : Mr. Raj Kishore Roy-Gp18
For the Board : Mr. Ganpati Trivedi, Sr. Adv.
Mr. Madan Mohan, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 04-12-2025 Heard Mr. Amar Nath Singh, learned counsel for the petitioner and Mr. Ganpati Trivedi, learned Senior Counsel representing Bihar Religious Trust Board duly assisted by Mr. Madan Mohan besides Mr. Raj Kishore Roy representing the State.

2. The present application has been preferred for the following relief(s):

for quashing the entire Encroachment Case No. 01/10-11 of the year 2011 initiated against the Khatiyani lands of the the order dated petitioner including 27.06.2016 whereby and where under it was directed to remove the encroachment and or issue such other appropriate writ, order/orders, direction/directions as your Lordship may deem fit and proper in the facts and circumstances of the case.

3. The matter relates to the land as recorded in paragraph 5 as under:

Mauza- Karauli;

Thana No. 279;



Khata No.- 255;

Khesra No. 1704, 1730, 1731, 1744, 1745, 1746,
1757, 1759;

Area- 13 Acres, 68 dismissals and Khata No. 591,
Khesra No. 1983, 2473, 2474, 2564 having an area of 5 Acres,
46 Dismils, total land of 19 Acres, 4 dismils.

4. In the year 2016, the petitioner came forward to quash the Encroachment Proceeding Case No. 01 of 2010-11 with the pleading that these are *Khatiyani* lands of the petitioner. Affidavits have come on behalf of the Trust Board and according to them, Shri Radha Krishna Ji Thakurbari under Kusheshwar Sthan, Darbhanga has come within its ambit pursuant to the order passed on 25.06.2010 which has never been challenged.

5. This Court has also taken note of the Case No. 04 of 2014 (Shri Radha Krishna Ji Thakurbari Vs. Munna Prasad Singh & Ors.) which according to the parties is still pending before the Bihar Hindu Religious Trust Tribunal (henceforth for short 'the Tribunal').

6. Learned counsel for the petitioner, Mr. Amar Nath Singh has taken this Court to Section 43D of the Bihar Hindu Religious Trust Act, 1950 (henceforth for short 'the Act')



according to which, for the removal of the encroachment, the Board has to file an application before 'the Tribunal' which it did only in the year 2014 and as such, the encroachment proceeding initiated by the Circle Officer has got no meaning.

7. The matter was taken up on 22.12.2016 by a Co-ordinate Bench and while directing the parties to file counter affidavit, status quo was extended with regard to the property in question.

8. Upon query, it has been submitted by learned counsel for the petitioner that after the said order was passed, no piece of land has been alienated. In accordance with 'the Act' of 1950, Case No. 04 of 2014 was preferred, the order sheet shows that the parties have appeared but it is unfortunate that the same has not been taking the same to its logical conclusion despite passage of eleven years.

9. In that background, with the consent of the parties, the writ petition is disposed of directing 'the Tribunal' to take up the said Case No. 04 of 2014 at an earliest and after hearing all the parties, shall be taken to its logical conclusion preferably by 30.06.2026.

10. Since the status quo has been granted on 22.12.2016, the same shall continue till the final order is passed



by ‘the Tribunal’ and shall merge with it.

11. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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