

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18581 of 2024**

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1. Sajjan Prasad S/o Late Nagarmal Shah Resident of Village and P.S.- Hanwara, P.S.- Mahgama, District- Godda (Jharkhand).
  2. Hari Prasad Shah S/o Late Nagarmal Shah Resident of Village and P.S.- Hanwara, P.S.- Mahgama, District- Godda (Jharkhand).
  3. Rajendra Prasad Shah S/o Late Nagarmal Shah Resident of Village and P.S.- Hanwara, P.S.- Mahgama, District- Godda (Jharkhand).
  4. Shankar Prasad Shah S/o Late Nagarmal Shah Resident of Village and P.S.- Hanwara, P.S.- Mahgama, District- Godda (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Administrator, Bihar State Board of Religious Trust.
3. The District Magistrate, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The Circle Officer, Sanhaulla, District- Bhagalpur.
6. The S.H.O., Sanhaulla Police Station, District- Bhagalpur.
7. Smt. Shikha Rani Majumdar D/o Late Loknath Das Majumdar R/o Village- Bhuriya, P.O. and P.S.- Sanhaulla, District- Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Ms. Mahasweta Chatejee, Advocate<br>Mr. Manoj Kumar Jha, Advocate |
| For the Board        | : | Mr. Shekhar Singh, Sr. Advocate<br>Mr. Sumit Kumar, Advocate      |
| For the State        | : | Mr. Mujlabaul Haque, GP-12<br>Mr. Manish Kumar, AC to GP-12       |

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

4      12-05-2025                      Heard Mrs. Mahasweta Chaterjee, the learned counsel for the petitioners and Mr. Shekhar Singh, the learned senior counsel for the Bihar State Board of Religious Trust (for brevity “the Board”) through the Administrator and Mr. Mujlabaul Haque, the learned counsel for the respondent-State.



2. With the consent of all the parties, this writ application is being disposed of at this stage.

3. Learned counsel for the petitioners submits that the petitioners have raised an objection questioning the maintainability of the proceeding before the Board on the ground that the matter pertains to *raiyati* land and they have not encroached a single dur of land. The contention of the petitioners is that since the land in question is a *raiyati* land and they have not encroached upon the said land, therefore, the ongoing proceeding before the Court is not maintainable in law. She further contends that the petitioners would be satisfied, if an appropriate direction could be issued to the Administrator of the Board to decide the preliminary objection raised by the petitioners before advancing to adjudicate the entire matter on merit. The learned senior counsel appearing on behalf of the Board and the respondent-State do not have objection to this prayer.

4. The Administrator is thereby directed to first decide the preliminary objection raised by the petitioners before him within three months from the date of production of a copy of this order. While deciding the matter, the Administrator shall afford full opportunity of hearing to the petitioners, who would



also be entitled to produce all relevant materials/documents in support of their contention. It is further made clear that the preliminary objection shall be decided by passing a reasoned and speaking order.

5. With the aforesaid observation and direction, the present writ application is disposed of.

6. All pending interlocutory applications will also be deemed to have been disposed of.

**(Alok Kumar Sinha, J)**

Anushka/-

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