

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6567 of 2022

1. Prahlad Kumar Yadav Son of Mahendra Prasad Resident of Village- Marufganj, near State Bank of India, Post Office- Jhauganj, Police Station- Patna City, District- Patna.
2. Umesh Kumar Son of Binod Prasad Yadav Resident of Village- Marufganj, Post Office- Marufganj, Police Station- Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Bihar State Board of Religious Trust, through its Secretary, Vidyapati Marg, Patna-1.
4. The President, the Bihar State Board of Religious Trust, Vidyapati Marg, Patna-1.
5. The Secretary, the Bihar State Board of Religious Trust, Vidyapati Marg, Patna-1.
6. The District Magistrate, Patna.
7. The Sub-Divisional Officer, Patna City, Patna.
8. The Administrator, Bihar State Religious Trust Board.
9. Dr. Rajesh Kumar Son of Anil Kumar Resident of Mohhalla - Marufganj (Lal Pathak), Patna City, Sampatchak, P.S. - Malsalami, District- Patna.
10. Bhagwan Das Son of Ram Sevak Lal Yadav Resident of Near Badi Devi Mandir, Marufganj, Mandi Patna City, P.O. - Marufganj, Nagla, Patna, P.S. - Malsalami, District- Patna.
11. Sant Prasad Golwara Son of Rameshwar Prasad Golwara, Machharhatta Gali, Patna City, P.S. - Khajekala, District- Patna, Bihar - 800008.
12. Sunil Kumar Banka Son of Madan Mohan Banka, Resident of Jhauganj Ghat Lane, patna City, Nagla, P.S. - Chowk, District- Patna, Bihar - 800008.
13. Ishwar lal Agarwal Son of Jaisi Lal Agarwal, Resident of Pawan Vastralaya, Ashok Raj Path, Near Jhauganj Post Office, Nagla, Patna City, P.S. Chowk, District- Patna, Bihar - 800008.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Prashant Pratap (GP-2)
For the Intervenor	:	Mrs. Shama Sinha, Advocate
		Mr. Vijayansh Pratap Singh, Advocate
		Mr. Surya Prakash, Advocate
For the Board	:	Mr. Ganpati Trivedi, Sr. Advocate



CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 13-02-2026 Heard Mr. Sanjay Kumar, learned counsel for the petitioners, Mr. Ganpati Trivedi, learned Senior counsel representing the Bihar State Board of Religious Trust (for brevity 'the Board'), Mrs. Shama Sinha, learned counsel representing the Intervenor respondents and Mr. Prashant Pratap, learned GP-2.

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

“for issuance of writ in the nature of certiorari or any other appropriate writ(s) order(s) direction(s) for quashing the part of the notification as contain in memo no. 5350 dated 21.03.2022 issued under signature of the President, Bihar State Board of Religious Trust (hereinafter referred to as "Board") whereby in purported exercise of power under section 32 of the Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as "Act") whereby a trust committee was constituted for management of Shree Badi Devi Ji Mandir, Marufganj, Patna



city, Patna and wrongly vested the management of Seva Sadan in the trust committee of the said Shree Badi Devi Ji Mandir, Marufganj, Patna city, Patna which is not at all connected with the same and the petitioners further pray for to exclude the Seva Sadan from the preview of the aforesaid impugned notification and/or for issuance of such other writ(s), order(s) or direction(s), to which the petitioners are entitled to in the facts and circumstances averred hereinafter.

3. Lots of water has flown down the ganges in the present case after the writ petition was filed in the year 2022. The claim of the petitioner is/are that the Seva Sadan which is adjoining to the Shri Badi Devi Ji Temple, Marufganj, Patna City, Patna (henceforth for short, 'the Temple') is a separate entity inasmuch as it came up with the financial assistance of the local businessmen to cater to the needs of their counterparts coming from the different parts of the country for the purchase/sell of the items at Marufganj Mandi.

4. The details of the land stand incorporated in paragraph nos. 4 to 6 of the petition and records that:



“4. the land of Seva Sadan was purchased from one Rupan Beldar Son of Surju Beldar, Resident of Mohalla Marufganj, police station Malsalami, Patna Town by a registered sale deed dated 23.08.1957. The registry of the land of Seva Sadan is at present maintained in the Patna registry Office in book no. 0-1, volume no. 76, page no. 124, Ta. 127, Basika No. 6051, year 1957;

5. after purchase of the aforesaid land, the people of the local business community contacted the management committee of Badi Devi Mandir, Marufganj for demanding some part of the land for ingress and egress of Seva Sadan from plot no. 163 and thereafter with the help of donation from the local businessman, the building of Seva Sadan was constructed and the said building is still existed and managed by a separate trust committee having 11 trustee;

6. the building of Seva Sadan is situated in Circle No. 208, old holding no. 20 B, New Holding no. 22, old ward no. 22 and New



ward no. 69, Sheet no. 263, Municipal Survey plot no. 164 total and part of plot no. 163. A trust deed was prepared in which the entire management is being governed by the aforesaid trust deed.”

5. The challenge in this writ petition is the notification vide no. 5350 dated 21.03.2022 wherein while constituting the Committee of ‘the Temple’, both ‘the Temple’ and the Dharamshala were clubbed together.

(Annexure-2 to the petition)

6. The contention of the petitioners as put forward by Mr. Sanjay Kumar is/are that ‘the Board’ do not have any document to show that the Dharamshala at any point of time was part of ‘the Temple’. The submission is that simply because the office bearers of ‘the Temple’ also manned the Dharamshala, ‘the Board’ assumed it to be part of ‘the Temple’ and accordingly, passed the order.

7. In support of his contention, learned counsel has taken this Court to a report submitted by the Circle Officer, Patna Sadar dated 21.09.2024 to show that two plots have been separately recorded: one for the **Shri Badi Devi Ji Temple** and the other for ‘the Dharamshala’ having khesra



nos. 163 and 164 respectively.

8. So far as the fresh constitution of committee is concerned, learned counsel for the petitioner submits that contrary to the order passed in **CWJC No. 17322 of 2022 (Santosh Kumar Jha vs. the State of Bihar & Ors.)**, persons who do not even belong to that area (Marufganj) and actually resident of Vaishali have been made members.

10. The submission is that in that background, the decision taken by 'the Board' has to go.

11. Learned Senior counsel for 'the Board', Mr. Trivedi on the other hand has taken this Court to **Section 32 of the Bihar Hindu Religious Trusts Act, 1950** (henceforth for short 'the Act') which read as follows:

“32. Power of Board to settle schemes for proper administration of religious trusts. - (1) The Board may, of its own motion or on application made to it in this behalf by two or more persons interested in any trust,-
(a) settle a scheme for such religious trust after making such enquiry as it thinks fit and giving notice to the trustee of such trust and to such other person as may appear to the Board to be interested therein;
(b) in like manner and subject to the like conditions, modify any scheme settled under this



Section or under any other law or substitute another scheme in its stand:

Provided that any scheme so settled, modified or substituted shall be in accordance with the law governing the trust and shall not be contrary to the wishes of the founder so far as such wishes can be ascertained,

[and it may contain provisions for:-

(a) constituting a committee consisting of not more than eleven persons for the purpose of assisting in the whole or any part of the administration of the religious trust,

(b) determining the powers and duties of such committee; and

(c) any other relevant matter incidental to the framing and functioning of such scheme.]

(2) A scheme settled, modified or substituted instead of another scheme under this Section shall unless otherwise ordered by the District Judge on an application, if any, made under sub-Section (3), come into force on a day to be appointed by the Board in this behalf and shall be published in the Official Gazette.

(3) The trustee of, or any other person interested in, such trust may within three months from the date of the publication in the Official Gazette of the scheme so settled, modified or substituted instead of another scheme, as the case may be make an application to the District Judge for



varying, modifying or setting aside the scheme; but subject to the result of such application, the order of the Board under sub-sections (1) and (2) shall be final and binding upon the trustee of the religious trust and upon every other person interested in such religious trust.

(4) An order passed by the District Judge on any application made under sub-section (3) shall be final.”

12. Learned Senior counsel submits Section 32 (3) of ‘the Act clearly records that these points raised by the petitioners have to be raised before the District Judge, in this case, the District Judge, Patna and cannot be adjudicated in the writ jurisdiction.

13. Learned Senior counsel further submits so far as question raised on the fresh constitution of the Committee is concerned, following the **Santosh Kumar Jha** (supra) case, ‘the Board’ has already issued corrigendum vide letter no. 2587 dated 03.02.2026 which has been published in official gazette which clearly shows it has been recorded that:

“(i) he/she should be part of the area where ‘the Temple’ exist;

(ii) he/she do not have criminal



antecedent;

(iii) if any of the statement filed by them under affidavit is found to be incorrect, immediate steps shall be taken in accordance with law.”

14. Let the corrigendum/letter no. 2587 dated 03.02.2026 provided by the learned Senior counsel be kept on record.

15. The submission is that an order has been passed, the petitioner has all the power to approach the concerned Court for the redressal of the grievance. ‘The Board’ on notice shall also be presenting its view point whereafter an order can be passed by the District Judge, Patna. He further undertakes that if such notice comes, he will be presenting all the facts before the concerned Court.

16. Mrs. Shama Sinha representing the Intervenor-respondent submits that in line with the order passed in **Santosh Kumar Jha** case (supra) wherein it has been mandated that those with criminal activity cannot be part of the committee, when it came to the light that the petitioner no. 1 has criminal antecedent, pursuant to the order of the Court, he seized to serve as the member. She submits that in any



case, a new committee has been constituted by 'the Board' on 02.01.2026 and as rightly pointed out by the learned Senior counsel for 'the Board', all the points that the petitioners want to raise has to be adjudicated under Section 32 of 'the Act'.

17. Learned State counsel, Mr. Prashant Pratap submits that on the one hand, the claim of the petitioner is that the building is a separate entity, the stand of 'the Board' is that it is part and parcel of 'the Temple', in that background, such disputes/complicated assertions cannot be adjudicated in a writ petition and 'the Board' has rightly taken a plea that the matter should go to the concerned Court under 'the Act'.

18. Having heard the parties and recording the aforesaid facts, this Court comes to the conclusion that when serious disputes have been raised one by the petitioner that 'the Dharamshala' is having a separate khesra/plot and is manned, though by the same committee, it certainly cannot be clubbed with 'the Temple', on the other hand, 'the Board' submits that it is part and parcel as a part of 'the Temple'. In that background, the Court is of the opinion that this dispute has to be settled before an appropriate Court under Section 32 of 'the Act'.

19. If the petitioners prefer any petition before the



District Judge, Patna, the Court must take into account the fact that the writ petition was pending before this Court while taking up and deciding the limitation petition.

20. With the aforesaid observations, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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