

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9618 of 2026

1. Rakesh Kumar Son of Rajendra Prasad, Resident of Mohalla- Marwari Tola, P.S.- Asarganj, District- Munger.
2. Rubi Devi, Wife of Sri Rajesh Kumar, Resident of Mohalla- Marwari Tola, P.S.- Asarganj, District- Munger.
3. Binod Kumar Singh, S/o Late Bhupendra Singh, Resident of Mohalla- Rahmatpur, P.S.- Asarganj, District- Munger.

... .. Petitioner/s

Versus

1. Bihar State Board of Religious Trusts through its President, 1-Vidyapati Marg, Patna- 800001.
2. The President, Bihar State Board of Religious Trusts, 1-Vidyapati Marg, Patna- 800001.
3. The State of Bihar, through the Collector-cum-District Magistrate, Munger.
4. The Collector-cum-District Magistrate, Munger.
5. The Superintendent of Police, Munger.
6. The Sub Divisional Officer (SDO), Tarapur Sub Division, District- Munger.
7. The Deputy Collector- Land Reforms, Tarapur subdivision, District- Munger.
8. The Station House Officer (SHO), Asarganj Police Station, District- Munger.
9. The Circle Officer, Amarapur Block/Circle, Banka.
10. Motiram Paliram Asarganj Dharmshala, Asarganj, Zila Munger trust Committee through its Chairman- Vakeel Prasad Sah son of late Keso Sah, resident of Village- Asarganj, District Munger, hereinafter referred to as the trust committee.
11. Sri Vakeel Sah, Son of Keso Sah, Chairman of trust Committee, resident of Village and P.S.- Asarganj, Dist.- Munger.
12. Sri Kedar Prasad Sah, Son of late Mohan Prasad Sah, Vice Chairman of the trust committee, resident of Village and P.S.- Asarganj, Dist.- Munger.
13. Dr. Rakesh Kumar, Son of Late Mahendra Prasad Mandal, Secretary of the Trust Committee, resident of Village and P.S.- Asarganj, Dist.- Munger.
14. Sri Anand Singhania, Son of Late Sita Ram Singhania, Deputy Secretary of the Trust Committee, resident of Railway Station Road, Sujaganj, P.S.- Kotwali, Town and District- Bhagalpur.
15. Sri Kailash Panjiyar, Son of Late Deep Narayan Panjiyar, the Treasurer of the Trust Committee, resident of Mouza and P.S.- Asarganj, District- Munger.
16. Sri Gopal Prasad, Son of Late Ram Pandey, Member of the trust committee, resident of Mouza and P.S.- Asarganj, District- Munger.
17. Sri Kokay Prasad Sah, Son of Ohary Sah, Member of the trust committee, resident of Mouza and P.S.- Asarganj, District- Munger.



18. Sri Subhash Kumar, Son of Sri Naresh Sah, Member of the trust committee, resident of Mouza and P.S.- Asarganj, District- Munger.
19. Sri Shyam Sunder Poddar, Son of Late Kaleshwar Poddar, Member of the Trust Committee, resident of Mouza and P.S.- Asarganj, District- Munger.
20. Sri Ram Sevak Chaudhari, Son of Sri Kamal Chaudhari, Member of the Trust Committee, resident of Village Rahmatpur Basa, P.S.- Asarganj, District- Munger.
21. Sri Suman, Son of Sri Ganga Rajak, Member of the Trust Committee, resident of Village- Bikrampur, P.S.- Asarganj, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dev Kumar Pandey, Advocate
For the Respondent/s	:	Standing Counsel (16)
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate
		Mr. Saurabh Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-07-2026 Heard learned counsel for the parties.

2. The petitioners have filed the instant application for the following relief (s) :-

“1. A. For setting aside order dated 20.2.2023 (Annexure -P/5) passed by respondent president of Bihar State Board of Religious Trusts (hereinafter referred to as the Board), whereby and where under said respondent unilaterally decided to frame a scheme and constitute a religious trust committee with respect to dwelling house of the petitioners that too without affording any opportunity of hearing to the writ petitioners.

B. For setting aside the impugned Notification contained in memo no. 278 dated 25.4.2023 (Annexure -P/6) issued under the seal and signature of the then president of Bihar State Board of Religious Trusts whereby and where



under, the respondent President without any manifest approval of respondent Board, framed a scheme under provisions of section 32 of the BHRT Act and constituted a religious trust committee for taking over and managing / developing the dwelling house of petitioners to be maintained and managed as a "public Dharmshala " and whereby a further direction was given to the impugned trust committee to ensure the entry and continuance of the name of Dharmshala Trust (Respondent no. 10) in the revenue records of the state of Bihar which implies removal of the names of petitioners as well as their predecessors -in-interest from the revenue records including Jamabandi register with respect to the dwelling house of the petitioners as running from decades

C. For further declaring that the impugned order dated 20.2.2023 and notification dated 25.4.2023 are illegal and void ab-initio, for the same have been passed in violation of principles of natural justice and the impugned order and notification are also illegal to the extent that same include names of two persons as members of religious trust committee who are having criminal records (named in FIR and charge sheet) despite being clearly reported by the respondent SHO to respondent 1st set

D. For a direction restraining respondents 1st set and respondent 3rd set herein from taking any action causing prejudice to the interest of the petitioners with respect to their



dwelling house, and further to hold that impugned notification dated 25.4.2023 has not been acted upon by the respondent 3rd set till date apropos admitted situation that respondent 3rd set have not performed any function as trustees till date, including compliance of duties as envisaged under section 58, 59 and 60 of the Bihar Hindu Religious trust Act (hereinafter referred to as BHRT Act) in light of order dated 19.11.2024 passed by this Honourable court in CWJC NO 12999 of 2022.

E. Any other relief or reliefs which the petitioners are found is entitled to, in the facts and circumstances of this case.”

3. An objection was raised by the office with respect to maintainability of the petition.

4. After some argument, learned counsel for the petitioners submits that he will be filing an appropriate application before the learned District Judge, Munger and he seeks permission to withdraw the same.

5. In case, such an application is filed within a period of two weeks from today, the learned District Judge will take into consideration the filing of the instant application in considering the petition with respect to the condonation of delay in preferring an application/appeal before the learned District Judge.



6. The application stands disposed of as withdrawn
with the above observation.

(Partha Sarthy, J)

Shiv/-

U			
---	--	--	--

