

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 23349 of 2011

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1. Tapeswar Singh, S/o Late Sahdeo Singh.
 2. Most. Sudama Devi W/o Late Kaushal Kishore Singh.
 3. (a) Most. Madhumala Devi W/o Late Ram Ayodhya Singh.
(b) Ankita Kumari D/o Late Ram Ayodhya Singh.
 4. Haridwar Kumar Both Sons of Kaushal Kishore Singh.
 5. Most. Prem Shila Devi, W/o Late Ram Uday Singh.
 6. Deepak Kumar, S/o Late Ram Uday Singh.
 7. Bal Mukund, Minor Son of Late Ram Uday Singh.
 8. Vinita Kumari.
 9. Bibha Kumari

Both minor Daughters of Late Ram Uday Singh through their mother and natural guardian Prem Shila Devi. All are residents of Village- Sikandarpur, P.O.- Kateshar, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Board of Religious Trust through its President, Patna.
3. The Administrator-cum-Chairman, the Bihar State Board of Religious Trust, China Kothi, Patna.
4. The Circle Officer, Bihta, District- Patna.
5. The Land Acquisition Officer, Patna, District- Patna.
6. Ram Pradeep Singh, S/o Late Ram Bahadur Singh, resident of Village- Sikandarpur, P.O.- Kateshar, P.S.- Bihta, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Dwivedi, Sr. Advocate Mr. Niraj Kumar, Advocate
For the B.S.B.R.T.	:	Mr. Ganpati Trivedi, Advocate
For the State	:	Ms. Nutan Sahay, A.C. to A.A.G. 12
For the Respondent No. 6	:	Mr. Kumar Uday Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 30-06-2017

Heard Mr. Shashi Shekhar Dwivedi, learned senior counsel along with Mr. Niraj Kumar, learned counsel for the petitioners; Mr. Ganpati Trivedi, learned counsel for the Bihar State Board of Religious Trusts (hereinafter referred to as the 'Board'); Mr.



Nutan Sahay, learned A.C. to A.A.G. 12 for the State and Mr. Kumar Uday Singh, learned counsel for the respondent no. 6.

2. The petitioners have moved the Court for the following reliefs:

“I. The entire proceeding from initiation up to the final orders dated 05.08.2011 in the matter of alleged Ram Janki Temple, Sikandarpur, Patna vide File No. 465 may be quashed.

II. The effect and operation of letter dated 08.10.2007 sent by respondent no. 3 to the Land Acquisition Officer, respondent no. 5 may be quashed and compensation amount with admissable interest be given to the petitioners.

III. The respondents be restrained from interrupting into the peaceful possession of the petitioners in any manner with respect to the lands detailed in paragraph-4 of this writ petition till the disposal of Title Suit No. 60 of 1980 pending in the Court of 2nd Subordinate Judge, Danapur at Patna.

IV. Any relief/reliefs to which the petitioners deemed entitled, may be granted in his favour.”

3. In the considered opinion of the Court, the basic issue involved is as to whether on the basis of a deed of gift, a Trust was created in favour of the Deity so as to give jurisdiction to the Board to interfere in the matter and pass the order which is impugned herein. The stand of the petitioners is that the gift deed was subsequently revoked and moreover Title Suit No. 60 of 1980, is pending before the Subordinate Judge, Danapur for cancellation of the deed of gift. In the present proceeding, the Court does not feel



inclined to go into the matter on merits as facts have to be appreciated and findings given either way so as to come to a conclusion whether a Trust can be said to have been created or whether the land is purely private, belonging to the petitioners. Further, such adjudication appears to be already the subject matter of the title suit. The grievance of the petitioners appear to be that the Board after passing of the impugned order has also proceeded to take compensation from the State Government with regard to a portion of land acquired by the State Government.

4. After hearing the parties at length, in view of the discussions made hereinabove, which basically indicate that factual aspects are required to be considered, the Court deems it appropriate to dispose off the writ petition with liberty to the petitioners to file a petition seeking injunction with regard to any action taken on the basis of the deed of gift, which is the subject matter of the suit. If such a petition is filed within three weeks from today, along with a copy of this order, the Court concerned shall hear the matter, after due notice to all concerned and in accordance with law and thereafter shall pass final order on the said application within two months thereafter.

5. The Court would clarify that it has not expressed any opinion on the merits of the case and it shall be open to the Court



below concerned to come to an independent finding based on the materials produced before it and the submissions made by learned counsel for the parties, without being prejudiced by any observation made in this order.

6. The order of *status quo* passed on 02.02.2012 stands extended to the period indicated above.

(Ahsanuddin Amanullah, J.)

P. Kumar

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