

(1999) 09 PAT CK 0070
In the Patna High Court
Case No : C.W.J.C. No. 1914 of 199

Mahanth Ramautar Barhamchari	Vs	APPELLANT
The Bihar State Board of Religious Trust and Others		RESPONDENT

Date of Decision : 06-09-1999

Acts Referred:

Bihar Hindu Religious Trusts Act, 1950 — Section 29(2)

Citation : (1999) 3 PLJR 509

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Advocate : Gajendra Nath Ojha and Kamal Kishore Singh, for the Appellant;
Ajiteshwar Pd. Jittu, for the Respondent

Final Decision : Allowed

Judgement

Aftab Alam, J.—The controversy in the case relates to constitution of a Managing Committee for Deo Surya Mandir Trust, Aurangabad.

2. The Board of Religious Trusts earlier formed a Managing Committee for the trust in question. The formation of that Committee was challenged before this Court in C.W.J.C. No. 1070 of 1997. That writ petition was disposed of by order, dated 29.10.97 (Annexure-3). By that order this Court set aside the order constituting the Managing Committee primarily on the ground that the previous Managing Committee was removed without following the procedure as laid down in the proviso to Sub-section 2 of Section 29 of the Bihar Hindu Religious Trusts Act in terms of which it is necessary to communicate to the Committee concerned the grounds on which it was proposed to be superseded and to give it an opportunity to show cause. After setting aside the Order constituting the Managing Committee this Court asked the President of the Board to reconsider the matter complying with the mandatory provisions of Section 29 of the Act.

3 After the order passed by this Court another Managing Committee, consisting of 9 persons has been constituted by order, dated 29.10.97, passed by the

President of the Board. It is surprising that even though the earlier Managing Committee constituted by the Board was set aside on the grounds of non-compliance with the requirements of Section 29(2), the President has once again issued the order in violation of that provision. It is undeniable that before passing the order, dated 29.12.97 forming the nine member Managing Committee, no notice was given to the previous committee regarding the charges on which it was proposed to be superseded. In the impugned order dated 29.12.97 it is simply stated that the President of the previous committee had tendered resignation and one of its members had died. It is further stated that the Secretary of the previous committee (the present Petitioner) resided in Uttar Pradesh and another member did not take any interest in the affairs of the trust and he did not even attend any meetings of the committee. This in my mind, could be no ground for not following the mandate of the law and the specific direction given by this Court, that is to say, to issue a notice to the previous committee indicating the charges on which it was proposed to be superseded and allowing it to show cause before the Board in its defence. The impugned order dated 29.12.97 must, therefore, meet the same fate as the earlier order. It is accordingly set aside. It is once again made clear that a new Managing Committee can be formed by the Board only in accordance with law and after following the provisions of Section 29 of the Act.

4. In the result this writ application is allowed, but with no order as to costs.