

(2022) 03 PAT CK 0056

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 4130 Of 2022

Sanjay Kumar Arya

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 25-03-2022

Acts Referred:

Constitution Of India, 1950 — Article 19, 26

Bihar Hindu Religious Trust Act, 1950 — Section 28, 30, 32

Citation : (2022) 03 PAT CK 0056

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Surendra Kumar Singh, Ajit Kumar, Ganpati Trivedi

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"That the present writ petition craves indulgence of this Hon'ble Court in representatives capacity for issuance of writ in the nature of mandamus for violation of Articles 19 and 26 of the Constitution of India with Section 28, 30, 32 of the Bihar Hindu Religious Trust Act 1950 Further direction order on 02/08/2021 in C.W.J.C. No. 12998 of 2021 passed by Hon'ble Court (DB). Representation has submit on 24.08.2021 before concern authority to Respondent No. 3 as the Chairman Trust Board, Patna. But concern authority has not action as yet. As judgment on 13.08.2018 passed in C.W.J.C. No. 10060 of 2014 passed by Hon'ble court in favour of order of the Chairman of Bihar Hindu Religious Trust Board, Patna. Against further corruption & Scam has start in Dharmasala property from Mis-Management by present trust samiti of late Kanniram Kejriwal Chairate Trust Samiti Dharmasala Bhabhuwa (Kaimur) As Mis Management has started by earlier Manager Gopal Prasad & present manager as Deepak Kumar both related own father & Son. When respondent No. 3 has a

passed order on 26.09.2013 for remove to earlier manager of Trust Committees Bhabhuwa (Kaimur) alongwith direction to no entry in a late Kanniram Kejriwal Charity trust Dharamshala. Hence this order direction has not consider by respondents as yet. Because present trust committee has stand after remove to earlier old manager Gopal Prasad. But no verify to every members name motive & aim by respondents. Again return to power of earlier remove manager Gopal Prasad through son as namely Deepak Kumar present manager and always entry and done to mis management in Kanniram Dharamshala. As growth corruption every time by Deepak Kumar Manager from illegal new construction on old building in Dharamshala Katra & new market. As change to structure nature of Dharamshala for stay of long roots pilgrims religious travellers coming on the chief the best stay place (Dharmshala).

Where there trust property has transfer to five persons as namely (1) Shiv Govind Shah, (2) Chandrashekhar Singh, (3) Ram Ashish Singh, (4) Usha Agrawal and (5) Esrail Ansari and others side six persons has constructed new room on the SBI Bank which has painting in yellow colour as namely (1) Anil Shah, (2) Uttam Devi, (3) Saroj Kumar Chaurasiya (4) Pushpa Kumar, (5) Madhubala Shrivastava and (6) Ramawati Devi. As Uttam Devi is wife of Gopal Prasad as earlier remove manager and mother of Deepak Kumar as present manager- Saroj Kumar Chaurasiya is posted in postal department. Pushpa Kumari acquire 2 decimal land in plot No. 406 since 2011 without permission by trust Board Patna. Anil Kumar is acquire East side of Dharamshala in back side. Madhu bala Srivastava is wife of son of Lalal Prasad Secretary of Kanniram Dharmshala Bhabhuwa (Kaimur) As middle vacant portion vacant land of Shree Janki Market Dharamshala only 4' space North side & east west side length has closed from new construction for go down of shopkeepers which has closed to air of room & made to dark room problem to stand. No repair to Dharamshala any time for clean & comfortable. Only view for money loot from illegal construction new without map. If no attention or alert at presently then will be harass to property of Dharamshala.

And further for issuance of writ or writs direction or directions as it may deem fit and proper to the facts and circumstances of this Case."

42. It is submitted by Mr. Ganpati Trivedi, learned Senior counsel representing Bihar Hindu Religious Trust Board that pursuant to order dated 02.08.2021 passed in C.W.J.C. No. 12998 of 2021, representation was filed on behalf of the petitioner of which Board took cognizance and issued notices to concern parties, who have appeared and they are being heard and the next date of hearing in said case is fixed as 05.04.2022.

In view of statement made by Sr. Counsel on behalf of Religious Trust Board, the present writ petition is disposed of with liberty to the petitioner to participate in the proceeding for which the next dated is fixed as 05.04.2022.

Accordingly, writ petition is disposed of.