
(2005) 11 PAT CK 0026
In the Patna High Court
Case No : Cr.WJC No. 91 of 2003

Sri Sidha Ashram Religious Trust Committee	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 25-11-2005

Acts Referred:

Citation : (2006) 1 PLJR 698

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Advocate : Surendra Kumar, for the Appellant; A.P. Jittu and H. Prasad for the Respondent No. 4 and Mr. J.C. to G.A., for the Respondent

Judgement

Mridula Mishra, J.—Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bihar Religious Trust Board as well as State. Petitioner claims to be the Secretary of the Trust Committee which has been constituted by the Chairman of the Bihar Religious Trust Board. The Chairman of the Board appointed Circle Officer as Chairman of the Trust Committee to look after the affairs of the trust. Prayer of the petitioner in this writ application is for a direction to the respondent to remove respondent No. 10 (Hari Narayan Das @ Hari Prasad Dahal) and respondent No. 11 (Dev Nandan Das @ Dilip Kumar) from illegal occupation in the premises of Shri Sidha Ashram Trust Committee.

2. Counter-affidavit has been filed by Bihar State Religious Trust Board-stating that the writ application at the instance of the petitioner, who claims to be the Secretary of the Sidha Ashram Religious Trust Committee, is not maintainable. The constitution of the committee or its members legally should be made by the Board and not by the Chairman of the Board. In the present case, the committee has been constituted by the Chairman and its Secretary and members have also been appointed illegally by the Chairman. Under the Bihar Religious Trust Board Act it has been decided in Mahanth Vijay Das Vs. The State of Bihar and Others, that constitution of the Committee and appointment of the Secretary and members must be made by the Board and not by the Chairman or President. In

that view of the matter, it has been submitted by the learned counsel for the Board that matter should be remanded to the Bihar Religious Trust Board for properly constituting the committee as well as appointment of Secretary and members of the committee.

3. Learned counsel for the petitioner has also no objection.

4. Accordingly, this matter is remanded to the Bihar State Religious Trust Board for legal and proper constitution of the State Religious Trust Committee and appointment of Secretary and members. Application can be filed by the newly appointed Secretary. This application is disposed of accordingly.