

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.800 of 2024

The Sikh Collective Through its Convener Jagmohan Singh aged about 64 years, Male, Son of Waryam Singh Resident of House No. 351/100 J Block, Bhai Randhir Singh Nagar, Ludhiana-141012 and having registered office at, 351/100, J Block, Bhai Randhir Singh Nagar, Ludhiana-141012.

... .. Petitioner/s

Versus

1. The State Of Bihar Vikas Bhawan, Government of Bihar, Patna.
2. The Secretary, Bihar State Election Authority, Patna.
3. District and Sessions Judge, Patna-cum-Custodian Sri Takht Harimandir Ji, Patna Saheb, Patna City.
4. The General Secretary, Sri Takht Harimandir Ji, Patna Sahib, Patna City.
5. Circle office cum Election Officer, Takht Sri Harimandir Ji, Patna Saheb
6. Sri Ranjeet Singh S/o. Late Sri Guru Charan Singh R/o. No.102, Shanti Vihar Apartment, LIC Building, Frazer Road Patna-800001.
7. Sri Ranjit Singh S/o Rattan Singh R/o Flat No. 502, Sri Ram Plaza Station Road, Patna-800001
8. Gurvindar Singh son of Sardar Trilochan Singh, R/o. 12/A, Nanak Villa, New Punjabi Colony, Near Gurudwara, Chitkohra Anisabad, Patna-800002

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sachina, Advocate
For the Respondent/s : Mr.P.K. Shahi, Advocate General
Mr.Vikas Kumar, Advocate
Mr.Rajesh Kumar, Advocate
Mr.Vipin Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
CAV JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16 -02-2024

The writ petition is filed against the nomination made by the District Judge, Patna to the Prabandhak Committee, which is managing the affairs of Sri Takhat Harimandir Ji, Patna Saheb, Patna City. The petitioner contends that the District Judge, Patna ought not to have made the three nominations



before the election is over, since it is *de hors* and *ultra vires* the provisions of the Constitution and by-laws governing the formation of the Committee and would lead to frustrating the democratic process of election of the committee members.

2. The writ petition is filed as a public interest petition and we do not find any reason to entertain the same. The petitioners are concerned with the management of the religious place and it cannot be said that the community which has interest in the affairs of the institution and also the management of the same is either marginalized or downtrodden, requiring this Court to invoke the extraordinary discretionary remedy under Article 226 of the Constitution of India, bypassing the other remedies available.

3. The petitioner is a Sikh Collective (Sikh) which is not stated to be registered as a society or association and in that circumstance it cannot be deemed to be a legal entity. Further, the respondents impleaded are the three nominees and none from the community even in a representative capacity.

4. We also see that the Constitution and Bye-laws are produced at Annexure-1. The nomination made by the District Judge is in his ex officio capacity. Nomination is made under Clause 9 of Chapter IV and there are 15 members in the



Managing Committee of which 14 are nominated by the various bodies; three being nominated by the District Judge. Three members are elected by the local Sikhs of Patna district and the remaining member is co-opted by the 14 members constituting the committee. *Prima facie*, we are of the opinion that there is nothing mandating the nomination to be done after the election. Further, none of the other existing committee members have been impleaded in the present writ petition.

5. We find that the District Judge's role in the Constitution being one *ex officio*, he does not discharge any judicial function in that role, insofar as the Constitution and Bye-laws of the Patna Saheb are concerned.

6. The remedy to any person aggrieved is the civil remedy wherein the community will also have to be represented.

7. The learned counsel would rely on an earlier order of this Court in an identical matter concerning the very same institution that too moved before this Court as a Public Interest Litigation. Therein, the learned Judges noticed with some consternation that the successive incumbents in the office of the District Judge, Patna were unwilling to be associated with the Constitution and Bye-laws of the shrine because of the spate of litigations filed by different factions, with some of them raising



accusations against the District Judge, personally. We find that this is one among the litigations as referred to by the Division Bench one and a half decades back. The situation has not changed with the passage of time, is what we notice, with equal consternation. Again the learned Judges had hoped and directed the State officials to seek appropriate orders from the highest level and explore the possible ways and means including fresh litigation so that the affairs of a very famous and respected shrine situated in Patna Saheb may be managed efficiently, so as to serve the interest of not only the Sikh community, but of the entire State and Nation. We do not see the pious wish expressed by the learned Division Bench having been followed up. In any event, we cannot, but notice that the learned Judges did not pass any positive directions in CWJC No. 18827 of 2018, which stands disposed of on 07.12.2010.

8. In the present writ petition also, we do not find any reason to interfere with the orders of the District Judge, in a Public Interest Litigation. The contours of PIL's and the circumstances on which the Constitutional Courts take a proactive role have been delineated, from a number of precedents in *Guruvayoor Devaswom Managing Committee v. C.K. Rajan, (2003) 7 SCC 546*. We find no good reason to



invoke and exercise the extraordinary power under Article 226 of the Constitution of India, in public interest, in the above case; the grievance projected in which has to be agitated in an appropriate civil forum. Declining discretionary exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India, we dismiss the writ petition. We make it clear that we have merely declined discretion and it does not validate the nomination which, if any individual or body is prejudiced with, will have to be agitated before the appropriate civil forum. When such proceedings are instituted, it would be for the forum approached to decide on the *locus standi* of the applicant and maintainability of such a proceeding; and if found inclined on these aspects, to decide on the merits.

9. We reject the writ petition *in limine*.

(K. Vinod Chandran, CJ)

Rajiv Roy, J

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	09.02.2024
Uploading Date	16.02.2024
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