



2025:CGHC:29861

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 58 of 2016

Shri Vindhyavasini Maa Bilaimata Pujari Parishad Committee Through President Murli Manohar Sharma Son Of Late Bhedu Prasad Sharma, Aged About 68 Years, Resident Of Vindhyavasini Ward, Dhamtari Chhattisgarh.

Petitioner(s)

versus

Vindhyavasini Mandir Trust Samiti Through So Called President Satish Rao Pawar @ Boby Resident Of Marathapara, Dhamtari, District Dhamtari Chhattisgarh.

Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Vimlesh Bajpai, Advocate
For Respondents/State	: Ms. Anand Mohan Tiwari, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

02/07/2025

Heard.

1. Challenge in the instant Writ Petition, filed under Article 227 of the Constitution of India, is to the order dated 03/10/2015 (Annexure-P/1) passed by the Board of Revenue, Chhattattisgarh, Bilaspur (for short 'the BoD') in Revenue Revision Case No. R.N./R/04/A-20(3)/389/2012, whereby theBoD has dismissed the said Revenue Revision case.
2. Facts as projected in the Writ Petition are that the petitioner has filed an

application before the Tahsildar, Dhamtari, for entering his name in the non-applicant trust in which the learned Tahsildar passed an order dated 27.02.2003 in Case No. 3-A/74 year 2001-02 directing the President of respondent trust to add name of petitioner (Ashwani Dubey). Being aggrieved of that order, respondent prefers an appeal bearing Appeal case No. 79-A/74 before the Sub Divisional Officer (Revenue) Dhamtari which was allowed by the SDO by setting-aside the order of Tahsildar. Feeling aggrieved by the said order, the petitioner/President of Pujarigan Vidhyavasini Temple, Dhamtari preferred an appeal before the Additional Commissioner, Raipur Division, Raipur, which came to be rejected. Thereagainst, the petitioner/ Pujarigan Vidhyavasini Temple, Dhamtari approached the BoD by filing a revision. After considering the facts, the revision of the petitioner also dismissed by impugned order dated 03.10.2015 (Annexure-P/1). Thus, this petition.

3. Learned counsel for the petitioner would submit that the order passed by the Tahsildar directing the respondent to add the name of the petitioner in the respondent trust was just and proper. However, in the subsequent proceedings the SDO, the Additional Commissioner and the BoD have not at all appreciated the facts and circumstances of the case in its true perspective and rendered the decision against the writ petitioner herein. He would further submit that the learned Revenue Board without going to the order dated 06/11/1985 has passed the impugned order, which is bad in the eye-of-law. He prays for setting aside the impugned order.
4. *Per Contra*, learned counsel appearing for the respondent, vehemently

argued that the petitioner herein was not a party before the Board of Revenue and as such, they cannot challenge the order impugned on the ground of lack of locus standi. He would submit that the petitioner mentioned in Para 8.2 to 8.5 of the petition that the instant petition has been preferred against the rejection of the application for enter the name of the petitioner in the respondent trust but the petitioner filed different order of the learned Additional Commissioner which relates to the dispute pertaining to the correction of the revenue record in the name of the petitioner public trust. Therefore, the entire petition is not supported by the actual facts and the same is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the record with utmost circumspection.
6. From the record, it is apparent that before issuance of the lease/patta in the year 1985 for a period of 30 years, Vindhyavasini Temple Trust Committee (respondent) was duly registered on 23.1.1974 for the management of the temple in question and it had started working. In relation to the lease/patta issued by the Nazul officer in the year 1985, the non-applicant filed a suit for declaration of ownership of the land in 1989 before the Civil Judge Class-II Dhamtari, in which the following conclusions were drawn in the judgment and decree dated 21.09.1989:-

“Vindhyavasini Trust Committee is a duly registered institution since 23.01.1974 and is looking after the property of the temple. According to the constitution of the trust, the trustees have the right to appoint a manager on the basis of majority and the management of the temple

property is entrusted to the trust. It cannot be accepted that the property of the temple in question is the property of any particular person. It cannot be said that the property of the temple belongs to the ancestors of the priests. In such a situation, when the trust has been in existence and is active since the year 1974, it will be naturally assumed that it has the right to look after the property, otherwise the status of the trustee will be like that of a king who does not have a throne.”

7. It is noteworthy to mention here that the aforesaid judgment and decree dated 21/9/1989 passed by the learned Civil Judge Class-II, Dhamtari, has attained finality as the same has never been challenged before any higher forum. In the said judgment and decree the learned civil Court categorically held that the respondent herein i.e. Vindhyavasini Trust Committee is a duly registered institution since 23.01.1974 and is looking after the property of the temple. According to the constitution of the trust, the trustees have the right to appoint a manager on the basis of majority and the management of the temple property is entrusted to the trust and, as such, it cannot be accepted that the property of the temple in question is the property of any particular person. It has also been held that it cannot be said that the property of the temple belongs to the ancestors of the priests and in such a situation, when the trust has been in existence and is active since the year 1974, it will be naturally assumed that it has the right to look after the property, otherwise the status of the trustee will be like that of a king who does not have a throne. The BoD after appreciating all the facts and circumstances of the case in its letter and spirit and after considering the judgment and decree passed by the

learned Civil Court has rightly declined to entertain the revision filed by the petitioner. The order passed by the BoD is just and proper and also speaking and reasoned order and hence no interference is required.

8. Be that as it may, the law is clear on the distinction that the Pujari is not a Kashtkar Mourushi. The Pujari is only a grantee to manage the property of the deity and such grant can be reassumed if the Pujari fails to do the task assigned to him i.e. to offer prayers. He cannot be thus treated as a Bhumiswami. It is also the trite law that the Pujari does not have any right in the land and his status is only that of a manager. Rights of pujari do not stand on the same footing as that of Kashtkar Mourushi in the ordinary sense who are entitled to all rights including the right to sell or mortgage. It is pertinent to mention here that if the Pujari claims proprietary rights over the property of the temple, it is an act of mismanagement and he is not fit to remain in possession or to continue as a Pujari.
9. In the case at hand, it is apparent that the respondent trust is a duly registered trust and is rendering its service since 23.1.1974 and merely on the basis of allotment of patta/lease in the year 1985 the petitioner cannot be allowed to claim right on the temple property. Even against the said patta a civil suit was filed, which was decided by judgment and decree dated 21.9.1989 and the same has attained finality as the same has never been challenged before any higher forum.
10. Apart from this, on perusal of the order of the Board of Revenue, Bilaspur, it is quite vivid that the petitioner therein was 'Pujarigan

Vidhyavasini Mandir, Dhamtari through Power of Attorney, Ramesh Tiwari’, whereas in the instant petition, the impugned order passed by the BoD has been challenged by ‘Shri Vindyavasini Maa Bilaimata Pujari Parishad Committee, through President Murli Manohar Sharma’. Thus, the petitioner herein has no locus to challenge the order impugned as he, even, was not a party to the impugned order.

11. In view of foregoing, the Writ Petition filed under Article 227 of the Constitution of India, *sans substratum*, deserves to be and is hereby dismissed, leaving the parties to bear their own cost(s).

Sd/-

(Bibhu Datta Guru)
Judge

HEAD NOTE

The Pujari is only a grantee to manage the property of the deity and such grant can be reassumed if the Pujari fails to do the task assigned to him i.e. to offer prayers. He cannot be thus treated as a Bhumiswami.

पुजारी देव स्थल की सम्पत्ति का संचालन करने हेतु एक अनुदान प्राप्तकर्ता मात्र है और ऐसे अनुदान को वापस लिया जा सकता है यदि पुजारी उसे सौंपा गया कार्य करने अर्थात् प्रार्थना (पूजा-पाठ) करने में विफल रहता है । अतः उसे भूमिस्वामी नहीं माना जा सकता है ।