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In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy
with
The Hon'ble Justice Chaitali Chatterjee (Das)

MAT 73 OF 2026
With
I.A. No. CAN 1 OF 2026
In
WPA 2526 OF 2024

Swami Atmabodhananda @ Subrata Maharaj
General Secretary, Ramkrishna Vedanta Math
Vs.

State of West Bengal & Ors.

For the Appellant/Respondent No.4:	Mr. Kallol Basu, Adv. (VC) Mr. Anirban Mitra, Adv. Mr. Hillol Saha Podder, Adv. Mr. Amit Halder, Adv.
For the Respondent State	: Mr. Kunaljit Bhattacharjee, Ld. AGP Mr. Shubhankar Dutta, Adv. Ms. Somdutta Patra, Adv.
For the Respondent No.4	: Mr. Biswabrata Basu Mallick, Adv. Mr. Pretom Das, Adv. Mr. Abhishek Sen, Adv.
Heard on	: August 18, 2026
Judgment on	: August 18, 2026

[In Court]

MAT 73 of 2026 with CAN 1 of 2026
A.Roy, J. with C. Chatterjee (Das), J.



Dictated by Aniruddha Roy, J. :

1. By consent of the parties, appeal is being treated as on day's list and is disposed of along with the stay application on the existing records.
2. The appeal stands admitted and all formalities stand dispensed with.

Facts :

3. The instant mandamus appeal arises from the impugned order dated ***July 10, 2026, Annexure-A5 at page 73*** to the stay application. Under the said impugned order, the Hon'ble Single Bench had directed the District Magistrate, Darjeeling (hereinafter, DM) to convene a meeting with the representatives of the relevant Math, the Ramakrishna Mission Head Quarter, Belur and the writ petitioner being the respondent no.4 herein for the purpose of considering the appropriate measures for the preservation and maintenance of the relics and articles as well as the Math building within a period of one month from the date of communication of the order. The DM was also directed to consider several aspects as mentioned in the impugned order. The impugned order also contains an observation that the belongings and relics associated with a revered religious figure to be protected and preserved with due care having regard to their historical and religious significance. The State was directed to extend all necessary cooperation to the Math for preservation and maintenance of the said relics and articles. The writ petition was disposed of.



4. To ascertain the scope of the writ petition, the case made out in the writ petition is required to be stated in a nutshell.
5. The writ petitioner has described himself being a follower of Ramakrishna Math and Ramakrishna Mission as well as other religious societies under the name and style of “**Thakur Sri Sri Ramakrishna**”.
6. The writ petition case is that the writ petitioner visits various Maths in and around Siliguri and Jalpaiguri as well as Darjeeling on many occasions. Petitioner for some months while visiting Darjeeling noticed that the Ashrama situated at Darjeeling being the Ramakrishna Vedanta Math called **Ramakrishna Vedanta Ashrama (Darjeeling)** [hereinafter, **Ashram**] wherein sacred relics and other important articles used by Swami Abhedananda, a direct disciple of Thakur Sri Ramakrishna, are lying in a most unorganized and unsafe manner and more so, most of the time the said Ashram was under lock and key. The petitioner further has stated that the articles and relics lying at the Ashram are kept in an absolute negligent and unprofessional manner which may be destroyed at any point of time, if proper care are not taken.
7. In paragraph 6 of the writ petition, the writ petitioner has specifically stated that, due to lack of maintenance of the building for many years, the condition of the Ashram building has become worst and in a dilapidated condition and the petitioner also found that, no proper



maintenance of the said building was at all being done by the appellant for many years for which the conditions of those valuable articles and relics would be destroyed and the building would collapse at any point of time. The petitioner has also gathered information that no daily worship has been done in the Ashram.

8. Principally on these allegations, the writ petition has been filed with the following reliefs :

“(a) An order of dispensation for compliance with all formalities under Rule 26 of the Writ Rules relating to the application under Article 226 of the Constitution of India.

(b) A writ in the nature of Mandamus commanding the State-respondents to act in terms of the representations dated 04.03.2024 and 25.07.2024 of the petitioner and submit an immediate report before this Hon’ble Court.

(c) A writ in the nature of Mandamus commanding the State-respondents to hand over the charge of the said Ashram to any similarly situated religious organization considering its gravity and importance of the issue.

(d) A writ in the nature of Certiorari directing the respondents and agents to produce the relevant records before this Hon’ble Court at the time of hearing so that conscionable justice may be done.

(e) A writ in the nature of Prohibition restraining the respondent no.4 not to remove any articles or relics from the said Ashram till the disposal of this application.

(f) A Rule NISI in terms of prayers (a) to (e) above and to make the Rule absolute, if no cause is shown or the cause shown, if any, is not sufficient.

(g) Ad interim order restraining the respondent no.4 not to remove any articles or relics from the said Ashram without the leave of this Hon’ble Court.

(h) Pass such other writ or writs, order or orders, direction or directions as Your Lordships may deem fit and proper.”

**Submissions :**

9. Mr. Biswabrata Basu Mallick, learned Advocate appearing for the writ petitioner/respondent no.4 herein referring to two representations dated **March 4, 2024, Annexure-P2 at page 43** and **July 26, 2024 at page 45** to the stay petition submits that repeated representations were made before the jurisdictional District Magistrate but no step had been taken.
10. Mr. Basu Mallick, learned Advocate then draws attention of this Court to an order dated **November 28, 2024, Annexure-A2 at page 47** to the stay application and submits that, the writ petition was entertained at the threshold by an Hon'ble Single Bench and certain directions were passed with regard to the articles in question and for its preservation. The concerned D.M. was directed to cause a visit to the Math and to file a report upon causing inventory on the articles. Necessary inventory was made and a report was prepared by the D.M. dated **November 30, 2024, Annexure-A3 at page 49** to the stay application. The list of articles found at the Ashram had also been recorded in a statement at **page 50** of the stay application.
11. Mr. Basu Mallick, learned Advocate submits that, the appellant all along had participated in the inventory. The appellant had accepted the order passed by the Hon'ble Single Bench directing inventory.



12. Mr. Basu Mallick then placed a **Minute** of the meeting dated **July 25, 2026** caused by the D.M. where the appellant was represented, a copy of the said **Minute** placed before this Court, is taken on record.
13. Pursuant to the directions made by the Hon'ble Single Bench affidavits were directed to be exchanged. **Page 56** to the stay application is an affidavit-in-opposition said to have been filed by the appellant and **page 65** is the affidavit-in-reply thereto.
14. However, Mr. Basu Mallick, learned Advocate has submitted that, these affidavits have never been filed and are not on record. Ultimately the order impugned was passed by the Hon'ble Single Judge dated **July 10, 2026** under which the writ petition had been disposed of and the same is impugned before us.
15. From the order impugned it appears that, the D.M. has been directed for the purpose of considering the appropriate measures for the preservation and maintenance of the relics and articles to hold a meeting and take steps with the specific directions to be followed by the D.M, as mentioned in the impugned order.
16. Mr. Kallol Basu, learned Advocate (VC) appearing for the appellant being ably assisted by Mr. Anirban Mitra, learned Advocate at the threshold submits that, for the cause stated in the writ petition, the writ petition is not maintainable. No right of the writ petitioner has been infringed which might led the petitioner to file the instant writ petition.



17. He further submits that, the case made out in the writ petition would clearly demonstrate that, the administration of the Trust has been questioned including the maintenance of the Ashram along with the said valuable articles, which cannot be gone into in the Writ jurisdiction.
18. Mr. Kallol Basu, learned Advocate further submits that, the impugned order had proceeded on a third case which is neither the case of the petitioner nor the respondents in the writ petition.
19. Mr. Basu, learned Advocate further submits that, the entire affair of the Ashram is run and governed under a Trust. The Trust is still functioning and trustees/Board of Trustees are there. State administration cannot be stepped into the administration of the Trust.
20. In the light of the above, he submits that, the impugned order is not sustainable in law and should be set aside and consequently the writ petition should be dismissed.
21. *Per contra*, Mr. Basu Mallick, learned Advocate appearing for the writ petitioner/respondent no.4 herein to counter the submission made by the appellant that the writ petition is not maintainable, has relied upon a decision of the Hon'ble Supreme Court ***In the matter of : Guruvayoor Devaswom Managing Committee & Anr. -vs.- C. K. Rajan & Ors.***, reported at ***(2003) 7 SCC 546***, to show writ petition is maintainable.



22. Mr. Basu Mallick, learned Advocate further submits that, the petitioner is a follower of Ramakrishna Mission and has every right to see that the affair of the Ashram which is a wing of the Ramkrishna Mission is carried out in a proper manner with its proper perspective. It is the obligation of the Ashram to maintain the valuable articles in a proper condition so that, it shall not be allowed to be destroyed which have, otherwise, tremendous historical, religious and philosophical value.
23. He further submits that, despite repeated requests, the Ashram had failed to provide protection to the said articles, the petitioner would have no other alternative but to approach the D.M. being the District Head in the administration and it is the obligation of the State administration to protect those articles by the Ashram. Hence, the writ petition is maintainable.
24. He has further submitted that, since the appellant has accepted the interim order and entertainability of the writ petition and participated in the meeting held by the D.M., the appellant now cannot question the maintainability of the writ petition.
25. Mr. Basu Mallick, learned Advocate further submits that, the person who affirmed the stay application is not the appellant nor the respondent no.4 in the instant appeal.



26. In view of the above, Mr. Basu Mallick submits that, the writ petition is maintainable and the impugned order should not be interfered with.

27. Mr. Kunaljit Bhattacharjee, learned Additional Government Pleader appears for the State.

Decision :

28. After considering the rival contentions of the parties and on perusal of the materials on record, it appears from the case pleaded in the writ petition that, the petitioner being a follower of a particular religious philosophy and follower of Ramakrishna Mission has instituted this writ petition for the purpose of protection and maintenance of the assets of the Ashram concerned. It is not in dispute that the Ashram is run and administered under a particular Trust.

29. From the case pleaded in the writ petition this Court finds that, there is no case made out as to how a fundamental right or a legal right of the petitioner is infringed. Neither any case is made out that any private right of the petitioner has been infringed. When a Trust is established under which the Ashram functions, reading the allegations in the writ petition, this Court is also of the further view that, the allegations are, at the highest, can be levelled against the administration of the trust for which the writ petitioner would have appropriate remedies in the civil domain and not in the constitutional



domain. The case made out in the writ petition even if for the sake of argument is accepted, the same will be purely civil in nature for which no writ petition shall lie.

30. No exceptional case has been made out in the writ petition as to why the State administration should intervene in the affair of a Trust for the management of the Ashram.

31. Mere participation by the appellant in the meeting held by the D.M. pursuant to the direction of the writ Court under an interlocutory order, would not operate as estoppel, waiver or acquiescence on its part to question the maintainability of this writ petition, at the appellate stage, if it is *ex facie* not maintainable on the face of it. Whether a writ petition is maintainable or not, it should, *prima facie*, has to be established from the statements and the case made out in the writ petition. If the case made out in the writ petition does not fall within the periphery of infringement of any constitutional or legal right or of any right of the petitioner, writ petition is not be maintainable.

32. ***In the matter of : Guruvayoor Devaswom (supra)*** the judgment was rendered by the Hon'ble Supreme Court in a public interest litigation and not relating to infringement of any private right. Furthermore, this Court has already expressed its opinion that, in any event, no right of the writ petitioner has been infringed, as would be



evident from the statements made in the writ petition nor any religious right of the petitioner has been infringed. The law is well settled that roving enquiry is not contemplated. Accordingly, the ratio of the judgment would not apply in the facts and circumstances of the instant case.

33. However, if the writ petitioner feels aggrieved, he may approach before the appropriate jurisdictional forum complaining the administration of the Trust in accordance with law, if so advised and if is entitled to do so in law.

34. It is also made clear that, this Court has not expressed any opinion whether the writ petitioner has any right to challenge the administration of the concerned Trust under which the affairs of the Ashram is administered and this order shall not create any right or equity in favour of the writ petitioner, in this regard.

35. In view of the forgoing reasons and discussions, this Court is of the considered and firm view that, ***the writ petition itself is not maintainable*** and consequently the order impugned dated ***July 10, 2026*** stands ***set aside*** and ***quashed***. The ***writ petition*** stands ***dismissed***.

36. However, it is also made clear that, the appellant/Ashram, in an appropriate situation, shall be at liberty to take assistance of the State Administration in the event of any requirement and necessity,



when the State administration shall render assistance in accordance with law.

37. With the above observations and directions, the instant appeal ***MAT 73 of 2026*** stands ***allowed***, without any order as to costs. Consequently, connected application, ***I.A. No. CAN 1 of 2026*** stands ***disposed of***, without any order as to costs.
38. Parties shall act on the basis of the server copy of this judgment duly obtained from the official website of this Court.
39. Photostat certified of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)

Hon'ble Justice Chaitali Chatterjee (Das) : I Agree.

(Chaitali Chatterjee (Das), J.)