

of the Deputy Magistrate to that of the Joint Magistrate of Hooghly. It will therefore be replaced on the file of the Deputy Magistrate, who will dispose of it in due course.

*B. L. R. Vol. V, p. 55.*

(Appendix.)

The 8th June 1870.

*Before Mr. Justice Norman.*

GANES SING and others (Plaintiffs),

*versus*

RAMGOPAL SING (Defendant).

**Suit for Declaration of Trusts of a Temple—  
Act XX of 1863.**

In bringing a suit under Act XX of 1863, it is not necessary to show that the temple was one which was formerly under control of the Board of Revenue. The Act applies to property in Calcutta.

This was a suit under Act XX of 1863 for the declaration and enforcement of the trusts of a certain temple in Bara Bazar, Calcutta, and the religious establishments and endowments thereof.

The plaintiffs were professors of a certain religion which, they alleged, was founded many years ago by one Sri Sri Gurunanack Gurugabind Jio, and the temple had been built and established by Raja Hajurij Sing Mahushay, and dedicated by him to Sri Sri Gurunanack Gurugabind Jio for the worship of the followers of the said religion.

The defendant had been acting as manager of the said temple; but the plaintiffs alleged that he had neglected the duties imposed on him as manager, refused to render accounts, and denied access to the plaintiffs to the said temple when they resorted there for the purpose of worship.

Leave of the Court to institute the suit had been obtained in accordance with Section 18 of the Act on the trial.

*Mr. Branson (Mr. Woodroffe with him)* for the defendant raised the issue whether the plaint disclosed any cause of action. On this issue, he contended that suits

under Act XX of 1863 could only be brought in respect of temples formerly under the control of the Board of Revenue. The Act itself is entitled, "An Act to enable the Government to divest itself of the management of religious endowment," and the preamble states that "the Act is enacted, because it is expedient to relieve the Boards of Revenue, &c., of the duties imposed on them by Regulation XIX of 1810 (1), so far as those duties embrace the superintendence of lands granted for the support of mosques or Hindu temples, and for other religious uses; the appropriation of endowments made for the maintenance of such religious establishments, &c." The Act does not apply to the present case, inasmuch as there is nothing to show that the temple has been under the control of the Board of Revenue. Suits are brought under the Act by Section 14, and leave to institute the suit (Section 18) applies only to suits in respect of temples to which the Act was intended to apply, of which the present temple is not one; and the person to be sued is the trustee or manager appointed under Section 5. [NORMAN, J.—The words "appointed under this Act" in Section 14 refer only to a committee appointed under the Act—see Section 11; there is nothing to show that they refer to the words "trustee or manager." By Section 5, provision is made for the appointment of a trustee or manager, and suits under the Act can only be brought against trustees or managers so appointed.

*Mr. Kennedy (with him Mr. Macgregor and Mr. Apear)* for the plaintiffs was not called on on this point.

*Norman, J.*, was of opinion that the plaintiffs had clearly a right to bring the suit, under the provision of the Act; and that they properly instituted it.

(1) For the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples, colleges, and other purposes; for the maintenance and repair of bridges, serais, katras, and other public buildings; and for the custody and disposal of uazzul property or escheats,