

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) No. - 1509 of 2022**

Anant Sharma and another .....Petitioners

Through :- Mr. Sudeep Seth, Senior Advocate with Ms. Shreya Gupta and Mr. Sanjay Goswami, Advocates

v/s

State of U.P. and others .....Respondents

Through :- Mr. Manish Goel, Additional Advocate General with Mr. A.K. Goyal, Additional Chief Standing Counsel, Mr. Shashi Shekhar Mishra, Mr. Amit Mahajan, Mr. Aseem Chauhan, Mr. Sankalp Goswami & Mr. Saiful Islam Siddiqui, Advocates

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE**

**HON'BLE J.J. MUNIR, JUDGE**

**ORDER**

1. Issue raised in the present petition filed in public interest is regarding framing of proper scheme for maintenance and upkeep of Shri Banke Bihari Temple at Vrindavan (*for short 'the Temple'*). Certain applications have been filed for impleadment of the *sevayats* of the Temple apprehending that their interest may be affected by passing any order in the present writ petition.

2. An affidavit has been filed by the State, sworn by one Raghubeer, Special Secretary, Dharmarth Karya, Government of U.P., Lucknow dated September 28, 2022, in which certain scheme has been proposed for development of the temple area and its proper management. Briefly, it has reference to development of temple area as corridor, with purchase of about five acres of land around the temple for facilitating *darshan* and *puja* by the

devotees. It is specifically stated that there would be no interference of any kind in the *puja-archana* or *shringar* carried out by the Goswamis. Whatever rights they have, they will continue to enjoy the same. It mentions that besides use of purchase of five acres of land around the Temple, for provision of other facilities such as parking area and other public amenities, the State will bear the expenses.

3. A trust is also proposed to be constituted having eleven nominated members, which include two from the Goswamis in addition to six *ex-officio* members and one appointed by the State.

4. Learned counsel appearing for the Goswamis, who have filed their applications for being impleaded in the writ petition, submitted that as on today, in terms of an order passed by the Munsif, Mathura in Civil Suit No. 156 of 1998, the affairs of the Temple are being managed according to the scheme framed by the Munsif. For any doubt, clarification has to be sought from him. It was further submitted that as per the scheme approved and being followed, the entire offering of the temple, either in cash or in kind (valuables) as offered by the devotees in *gullak* or otherwise, is deposited in the bank account in the name of the Deity. The amount of interest earned thereon is spent for payment of salaries of the staff employed and other sundry expenses and for any other development or construction in the temple area, the permission from the Munsif, Mathura is taken. When committee is not there, then permission is taken from the Civil Judge (Junior Division), Mathura.

5. Learned counsel appearing for the Goswamis expressed their apprehension about involvement of officers of local administration in the rights and policy regarding the other matters. They also submitted that the fund lying in the account of the Deity in the Temple should not be utilised

for purchase of five acres of land around the Temple, as proposed by the State. In case the land is acquired by the State on its own expense, they may proceed further. It was further pointed out that there are certain other ancient temples close to the Temple. Those should also be part of the scheme, as a lot of devotees visit those temples also.

6. Learned counsel for the State seeks time to have instructions.

7. Let the needful be done.

8. Adjourned to November 17, 2022.

9. Mr. Sanjay Goswami, learned counsel for the respondents pointed out that issues raised in Writ - C No. 52024 of 2004, titled as 'Puran Chand Goswami and another v. Civil Judge (Junior Division) and another' are interlinked with the issues raised in the present petition.

10. Let the aforesaid writ petition be also listed along with the present petition on the next date of hearing.

(J.J. Munir)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
18.10.2022  
I. Batabyal/Deepak