

HIGH COURT OF JUDICATURE AT ALLAHABAD

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

(connected with Writ C- No. 52024 of 2004)

Anant Sharma and anotherPetitioners

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

v/s

State of U.P. and othersRespondents

Through :- Mr. Manish Goyal, 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 & Mr. Utkarsh
Birla, 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 preparation of a proper scheme for management and upkeep of Shri Thakur Banke Bihari Ji Maharaj Temple at Vrindavan. In the affidavit filed by the Special Secretary, Dharmarth Karya, Government of Uttar Pradesh, Lucknow dated September 28, 2022, a plan has been placed before the Court regarding development of the entire area and management of the temple.
2. Learned counsel appearing for the Goswamis, who perform *Sewa* in the temple has expressed certain reservation about the scheme and requested that the same be examined by a retired Judge of this Court before consideration by the Court.
3. It is agreed by the learned counsel for the parties that this proposal

for management of the temple, as submitted by the State, be examined by Justice Sudhir Narain Agarwal, a retired Judge of this Court who may submit a report to this Court.

4. It is not in dispute that in the process, which has been suggested by the State, the rights of Goswamis are not being affected.

5. As pointed out by learned counsel assisting the Court, the State has not placed on record any proposed/draft plan as to how the area is to be developed.

6. Let a copy of any such plan be submitted to Justice Sudhir Narain Agarwal (Retired) by the State.

7. Let a copy of this order, writ petition and the affidavit dated September 28, 2022, filed by the Special Secretary, Dharmarth Karya, Government of Uttar Pradesh, be also supplied to Justice Sudhir Narain Agarwal (Retired) by the Registrar (Compliance) of this Court.

8. The State shall provide all facilities to Justice Sudhir Narain Agarwal (Retired) for travelling, lodging and boarding to the temple as and when required. The State shall pay an honorarium of ₹ 1,00,000/- to him.

9. Before parting with the matter, we are constrained to notice a communication dated November 10, 2022 written by the District Magistrate/Senior Superintendent of Police, Mathura to the District Judge, Mathura with reference to a matter pending on the judicial side in the Court of Civil Judge (Junior Division), Mathura.

10. Referring to the aforesaid communication, an order has been passed by the Civil Judge (Junior Division), Mathura on November 14, 2022. It is with reference to increase in the Darshan timing of the temple and, accordingly, making some adjustments regarding *Arti* and *Bhog*. We are not touching on the merits of the controversy. However, we strongly deprecate the process adopted by the District Magistrate/Senior Superintendent of Police, Mathura, writing a letter to the District Judge in a matter pending on the judicial side. Due process as known to law should have been followed in case clarification of any earlier order or any fresh order is required to be passed by a Court.

11. As number of devotees on certain occasions or days, is in large, we expect that the Goswamis and the local administration will cooperate and manage the same so as to avoid any untoward incident.

12. As a process unknown to law has been followed in a matter which is pending on the judicial side, we have no other option but to exercise our powers under Article 227 of the Constitution of India and stay operation of the order dated November 14, 2022 passed by the Civil Judge (Junior Division), Mathura.

13. Adjourned to December 16, 2022.

14. To be taken up along with Public Interest Litigation No.48661 of 2016 Mahant Madhu Mangal Sharan Das Shukla Vs. Union of India and others, and other connected matters.

(J.J. Munir)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
28.11.2022
NSC/Deepak