

**Court No. - 18**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 3341 of 2017

**Petitioner :-** Anjuman Intazamia Masazid Varanasi

**Respondent :-** Ist A.D.J. Varanasi And Others

**Counsel for Petitioner :-** A.P.Sahai,A.K. Rai,D.K.Singh,G.K.Singh,M.A. Qadeer,S.I.Siddiqui,Syed Ahmed Faizan,Tahira Kazmi,V.K. Singh,Vishnu Kumar Singh

**Counsel for Respondent :-** C.S.C.,A.P.Srivastava,Ajay Kumar Singh,Ashish Kr.Singh,Bakhteyar Yusuf,Hare Ram,Prabhash Pandey,R.S.Maurya,Rakesh Kumar Singh,V.K.S.Chaudhary,Vineet Pandey,Vineet Sankalp

**Hon'ble Prakash Padia,J.**

Heard Sri S.F.A. Naqvi, learned Senior Counsel assisted by Sri Syed Ahmad Faizan learned counsel for petitioner and Sri Ajay Kumar Singh, Sri Vijay Shankar Rastogi, Sri Sunil Rastogi, Sri Tejas Singh and Sri Vineet Sankalp, learned counsel for contesting respondents, Sri Shashi Prakash Singh, Senior Counsel/Assistant Solicitor General of India assisted by Sri Manoj Kumar Singh learned counsel for respondent No.7 and Sri M.C. Chaturvedi, learned Additional Advocate General/Senior Advocate assisted by Sri Vineet Pandey, learned Chief Standing Counsel, Sri Rajesh Kumar Mishra and Sri Ved Prakash Dwivedi learned Standing Counsel and Sri Hare Ram Tripathi, State Law Officer for the respondent No.8.

Sri Vijay Shankar Rastogi placed before the Court The Uttar Pradesh Sri Kashi Vishwanath Temple Act, 1983 passed by the U.P. Legislative Assembly which has been come into force on January 28, 1983. He relied upon the definition of the Temple which has been mentioned in Sub Section 9 of Section 4 of the Act, 1983. The definition of the temple is quoted below:-

*{9) "Temple" means the Temple of Adi Vishweshwar, popularly known as Sri Kashi Vishwanath Temple, situated in the City of Varanasi which is used as a place of public religious worship, and dedicated to or for the benefit of or used as of right by the Hindus, as a place of public religious worship of the Jyotirlinga and includes all subordinate temples, shrines, sub-shrines and the ashthan of all other images and deities, mandaps, wells, tanks and other necessary structures and land appurtenant thereto and additions which may be made thereto after the appointed date"*

Sri Vijay Shankar Rastogi argued that rights of the ownership of this Temple and

its endowment are vested in the Diety of Sri Kashi Vishwanath, i.e., Lord Visheshwar which is itself mentioned in Section 5 of the Act, 1983. It is argued that the Linga, which is situated in this Temple, is Swayambhu and also Jyotirlinga and the Jyotirlinga has long religious history which has also been mentioned in Puranas.

It is further argued by Sri Vijay Shankar Rastogi that the validity of Act, 1983 had been challenged up to the Hon'ble Supreme Court and the Hon'ble Supreme Court in the case ***Sri Adi Visheshwara of Kashi Vishwanath Temple Varanasi & others Vs. State of U.P. and others reported in 1997 4 SCC 606*** affirmed the validity of this Act, 1983. Sri Vijay Shankar Rastogi relied upon paragraph 1 of the aforesaid judgement in which it is mentioned that the idol of Lard Shiva at Varanasi on the bank holy river Ganges is one of the five Jyotirlingas in India believed to be self-incarnated (Swayam Bhuva).

Due to paucity of time, the arguments could not be concluded.

List again for further hearing on 06.07.2022 at 10:00 a.m.

Interim order, granted earlier, is extended till 31st July, 2022.

It is made clear that the hearing of this case will continue on day to day basis till the arguments are not concluded.

**Order Date :-** 20.5.2022

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