



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 24144 of 2025

Committee Of Management Sri Pracheen Siddh
And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Himanshu Singh, J.P. Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 37

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri J.P. Singh, learned counsel for the petitioners and Shri I.P. Srivastava, learned Standing Counsel for the State.
2. Though, by order dated 25.07.2025, time was granted for filing counter affidavit directing the matter to be listed amongst top ten cases on 25.08.2025, eight months have passed, but no counter affidavit has been filed.
3. In view of above, the Court proceeds to consider the prayer for interim relief.
4. Learned counsel for the petitioners submits that admittedly there exists a temple over land covered by Khata no. 302, Khasra no. 236. In order to take care of temple and to maintain it, the petitioners formed a Society as per the provisions of Societies Registration Act, 1860 and got it registered on 08.04.2024. On a complaint made against the petitioners to the effect that temple exists on a land, which is recorded as "Banjar" (barren land) in the revenue records, proceedings were registered under Section 12-D of the Act, 1860 and by the order impugned dated 19.11.2024, registration of the Society has been cancelled by exercising power under Section 12-D (1) (c).
5. The petitioners filed statutory appeal before the Commissioner, which has been dismissed by order dated 02.04.2025. The petitioners have also challenged an undated report, whereby Society headed by Tehsildar,

Bijnor and five other members, i.e. Naib Tehsildar, Bijnor, Regional Lekhpal, Village Panchayat Secretary, the then village Pradhan and the then Mahant has been constituted for the purposes of taking care of the Temple.

6. Submission is that the order impugned is beyond statutory power conferred under Section 12-D and none of the grounds contained therein exists so as to exercise such power. Reliance has been placed on the orders passed by this Court in **Laljimal Dharamshala Society and another vs. The Commissioner Agra, Division Agra and others : Writ - C No. 34913 of 2006**, decided on 21.01.2020 and **Hira Lal Barah Sani, Inter College Society, Aligarh vs. Assistant Registrar, Firms Societies and Chits, Bareilly and another : (1995) 02 AHC CK 0054**.

7. Learned Standing Counsel submits that once it has come in the report of Tehsildar that land over which temple exists, is recorded as Banjar, the existence of temple would be unauthorized and, therefore, the very constitution of the Society of the petitioners is an act to grab the Gram Samaj land. It is further submitted that once Section 12-D provides that in a situation where objects of the Society are opposed to public policy, or that registration of the certificate has been obtained by misrepresentation or fraud, it can be cancelled.

8. *Prima facie*, this Court is of the view that if the Banjar land has been encroached upon by way of constructing a temple at any point of time, there are provisions under the revenue law for removal of the same. That statutory exercise under the revenue laws is independent of the exercise under Section 12-D of the Act, 1860. This has to be examined that whether mere existence of a temple over the Gram Samaj land would fall in either of the sub-clauses (b) and/or (c) of Section 12-D of the Act, 1860.

9. Further, supersession of the petitioners' Society by a different Society comprising of Government Officials, in the light of allegations levelled against the petitioners, would be taking over the temple and its properties situated over a barren land and, therefore, *prima facie*, this Court is of the view that if the petitioners are being treated as encroachers over the

Banjar land, the newly constituted Society and committee comprising of Government officials would also fall in the same category.

10. The aforesaid situation needs examination on merits after exchange of affidavits.

11. Let counter affidavit be filed within six weeks from today.

12. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

13. List in the **third week of July, 2026**.

14. **Until further orders of this Court**, effect and operation of impugned orders dated 19.11.2024 passed by respondent no. 3, Assistant Registrar, Firms, Societies and Chits, Moradabad and order dated 02.04.2025 passed by respondent no. 2, Commissioner, Moradabad Division, Moradabad as well as document/list of Committee of revenue officials headed by Tehsildar, Bijnor, contained in Annexure no. 3 to the writ petition, shall remain **stayed**.

15. The respondents shall not cause any interference in the petitioners' functioning as a Society.

16. It is made clear that passing of this interim order shall not be treated as conferment of any right or title on petitioners over the properties of the temple over the barren land, as alleged by the respondents.

17. Further, in case the respondents are inclined to undertake any statutory proceedings under the Uttar Pradesh Revenue Code, 2006, or otherwise, on the plea based upon the land being barren land, this interim order will not come in their way as it is confined only to the issue of cancellation of registration of the Society.

(Kshitij Shailendra, J.)

March 19, 2026

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