

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1959/2010

VIJAY PRATAP SINGH (D) THR. LRS

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

Heard learned counsel appearing for the appellant(s) and the respondents, including the State.

A Writ Petition was filed invoking Article 226 of the Constitution of India challenging the impugned order passed by the Uttar Pradesh Government Dharmarth Karya Department dated 04.04.2006, by which a Committee was constituted to take over the management of the temple as well as the surrounding land.

The Committee was also tasked with the creation of a Society having its own by-laws. This was challenged by the private respondents *inter alia* contending that they are not only *Pandas* of the temple performing the rituals, but also have title over the offerings being made to the deity by the general public.

The High Court, by way of the impugned order,

was pleased to set aside the order dated 04.04.2006. The appellant before us is the one who was also claiming title to the temple and the land. However, the appellant(s) does not want to assert his claim as his interest is only with respect to better management by the Government. In other words, the appellant(s) submits that the impugned order challenged before the High Court has no infirmity as there was total mis-management.

Learned senior counsel appearing for the private respondents submitted that the High Court has rightly given the findings based upon material available before it. There is no question of vesting as held by this Court after the introduction of Uttar Pradesh Zamindari Abolition Act. The private respondents have been managing the affairs of the temple over the years. Reliance has also been placed on the report submitted by the District Collector.

Upon hearing the respective submissions made by the counsel appearing for the parties, we are of the view that the power conferred under Article 226 of the Constitution of India, being extraordinary and discretionary, the High Court ought not have ventured into the disputed question of fact. Perhaps, the High Court could have passed an order diluting the impugned order challenged before it by holding that it is only an interim arrangement. Even assuming the

said order could be quashed, the larger question remains as to who has got the right over it. It is not a public interest litigation filed before the High Court. One of the issues raised is with respect to the right of the private respondents to question and challenge the decision dated 04.04.2006. These are all matters for adjudication before an appropriate Forum.

We have three competing interests before us. While the appellant(s) being lineal descendant(s) of the erstwhile ruler claim a limited right based on the footing that they are the descendants. The State makes a claim that the land belongs to it as well as to the temple. The private respondents claim title based on their erstwhile management.

As stated, these are all matters to be decided by way of a comprehensive suit. We are not inclined to go into the interpretation of Section 9 of Uttar Pradesh Zamindari Abolition Act at this stage. This is also a disputed question of fact to be decided on the basis of pleadings before a Civil Court.

Suffice it to state that in pursuance to the order dated 04.04.2006, a Society has indeed been constituted along with by-laws.

We only make it clear that the Society will continue to function and manage the affairs of the temple till a decision is rendered by the competent

Civil Court.

In such view of the matter, the impugned order is set aside giving liberty to the parties to approach the jurisdictional Civil Court.

The appeal is allowed accordingly.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
APRIL 24, 2024.

ITEM NO.111

COURT NO.14

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1959/2010

VIJAY PRATAP SINGH (D) THR. LRS

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

IA No. 58100/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 97481/2021 - VACATING STAY

IA No. 2/2010 - VACATING STAY

Respondent(s)
FILE ADDITIONAL

Date : 24-04-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Mr. Kuriakose Varghese, Adv.
Mr. V. Shyamohan, AOR
Mr. Udai Rathore, Adv.
Ms. Anshika Bajpai, Adv.

For Respondent(s) Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR

Mr. S.R. Singh, Sr. Adv.
Mr. Sushant Kumar Yadav, Adv.
Mr. Prateek Yadav, Adv.
Mr. Ajay Yadav, Adv.
Mr. Mangal Prasad, Adv.
Mr. Gaurav Lomes, Adv.
Mr. Prithvi Yadav, Adv.
Mr. Anurag Singh, Adv.
Ms. Swapnil Singh, Adv.
Ms. Radha Rajput, Adv.
Mr. Dhroov Kumar Singh, Adv.
Mr. Sanjiv Tandan, Adv.
Mr. Ankur Yadav, AOR

Mr. Gaurav Agrawal, Sr. Adv.
Ms. Neha Fozia, Adv.
Ms. Farha Naaz, Adv.
Mr. Mohd. Waquas, AOR

Ms. Sunita Sharma, AOR

**Mr. Hari Om Singh Rajaur, Adv.
Ms. Vandana Kaushal, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

**(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS**

**(POONAM VAID)
COURT MASTER (NSH)**

[Signed order is placed on the file]