

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) D.NO(s). 17476 OF 2012

RAM BRIKSH YADAV AND ORS

Petitioner(s)

VERSUS

STATE OF U.P AND ORS

Respondent(s)

(With office report)

Date: 15/04/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Petitioner-In-Person

For Respondent(s)

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

We have heard the petitioners, who appeared in person, to pray for the following reliefs in exercise of our powers under Article 32 of the Constitution of India :-

- "a) Issue Writ Petition under Article 32 of the Constitution of India for issuance of writ of mandamus or any other appropriate writ for the safety of Baba Jay Guru Dev and direction for investigation in the activities of the trust namely Jay Guru Dev Dharma Pracharak Sanstha and permission to the petitioners to visit Babaji to seek his blessings.
- b) permit petitioners to sit on dharana for their rights under the banner of Vidhik Satyagrah Sandesh.
- c) pass such other orders as this Hon'ble Court think fit and proper."

In the facts and circumstances set out in the Writ Petition, we do not consider the present to be a fit case in which we ought to exercise our powers under Article 32 of the Constitution of India. The proper course for the petitioners is to approach the High Court or a Civil Court for redress if they have any grievance against the activities of 'Jai Guru Dev Dharma Pracharak Sanstha', said to be a Public Trust. It is noteworthy that Office Report dated 05.09.2012 suggests that the petitioners had earlier filed W.P. (Crl.) No. 9 of 2012 for a Writ of Habeas Corpus to produce Baba Jai Guru Dev before this Court. That petition was dismissed/disposed of by this Court by its Order dated 06.02.2012. A copy of the said Writ Petition or the order passed therein has not been placed on record by the petitioners. The petitioners submit that they had filed a Habeas Corpus petition even in the High Court at Allahabad, which too was dismissed stating that Baba Jai Guru Dev was safe. A copy of that Order has also not been placed on record by the petitioners. In the circumstances, all that can be said is that if the petitioners are

aggrieved by the Order passed by the High Court, they shall be free to seek appropriate redress against the same. The present petition filed under Article 32 of the Constitution cannot be a substitute for a remedy that is available to an aggrieved party in exercise of the Appellate jurisdiction of this Court.

Writ Petition(C) D.NO.17476 OF 2012 is, with the above observations, dismissed reserving liberty to the petitioners to seek redress in appropriate proceedings before the appropriate Court in accordance with law. No costs.

| (Jayant Kumar Arora)  
| Sr. P.A.

| | (Veena Khera)  
| | Court Master

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