

Court No. - 34

Case :- MATTERS UNDER ARTICLE 227 No. - 15949 of 2024

Petitioner :- Pranav Goswami And Another

Respondent :- Civil Judge Junior Division Mathura

Counsel for Petitioner :- Mayank, Saiful Islam Siddiqui, Sunil Kumar Mishra, Tahira Kazmi

Counsel for Respondent :- Rajeev Sharma

Hon'ble Rohit Ranjan Agarwal, J.

An affidavit has been filed on behalf of the State, which is taken on record.

Sri Sanjay Goswami, Amicus Curiae appointed by this Court has raised a serious question as to the competence of the State Government for issuing the Ordinance as 'The Uttar Pradesh Shri Bankey Bihari Ji Temple Trust Ordinance, 2025'. According to him, the Temple in question is a private temple and the religious practice is being carried out by the heirs of late Swami Hari Das Ji. According to him, by the issuance of the Ordinance, the Government is trying to take control over the temple through back doors.

According to him, Section 5 of the Ordinance provides for Appointment Constitution and Terms of the Board and Trustees. Section 5 (1)(ii) provides that there would be two kinds of trustees of the Board, namely, nominated trustees and *ex-officio* trustees. According to him, the nominated trustees are the saints, seers, gurus, scholars, mathadhishs and mahants etc. from the Vaishnav Tradition as well as followers of Sanatan Dharm, but he has strong objections as to the *ex-officio* trustees who are seven in numbers who are District Magistrate, Mathura, Senior Superintendent of Police Mathura, Municipal Commissioner Mathura, Chief Executive Officer of the Uttar Pradesh Braj Teerth Vikash

Parishad, an officer of Dharmarth Karya Vibhag, Government of Uttar Pradesh, Chief Executive Officer of Shri Bankey Bihari Ji Temple Trust.

He contends that there is no need of the appointment of the *ex-officio* trustees by the State Government, as it would amount a back door entry by the State Government in the private temple managed by the Goswamis. According to him, it is an encroachment on the rights of the Hindus by the State Government entering through back doors and taking control over Shri Bankey Bihari Ji Temple, as it is a private temple and followers and successors of Swami Hari Das Ji are managing the said temple. According to him, the State Government at the most could manage the crowd and administer it and take control of administration from outside the Temple.

By creation of such Trust it amounts to intruding into the Hindu religion by the State Government. He next contended that that the Constitution does not provide for the State to practice any religion and take control of any temple. According to him, the effort is being made by the State Government for taking control over the temple at Mathura, and this is the first case, thereafter the Government would proceed to take control over the other temple within the State.

He submitted that temples in Tamilnadu are under the control of the State Government. According to him, the Constitution forbids such type of venture by the State Government encroaching upon the area of religion taking control of any religious property, or interfering in any religious practice.

He has further submitted that the matter is posted before Hon'ble

Apex Court on 29.07.2025.

Matter requires consideration.

Hearing to continue.

Put up this case as fresh on **30th July, 2025**. By that time, the State Government would respond to the argument which has been raised by the Amicus Curiae.

Order Date :- 21.7.2025

SK Goswami