

Chief Justice's Court

Case :- P.I.L. CIVIL No. - 26020 of 2021

Petitioner :- Mohammad Faiyaz

Respondent :- State of U.P. and others

Counsel for Petitioner :- Mr. Moti Lal Yadav, Advocate

Counsel for Respondent :- Mr. Q. H. Rizvi, Standing Counsel for respondent Nos. 1, 2 and 4 and Mr. Vijay Dixit, Advocate for respondent No. 3

Hon'ble Rajesh Bindal, Chief Justice

Hon'ble Jaspreet Singh, J.

1. The present petition has been filed, claiming it to be in public interest, for proper administration of trust, namely, Haji Waris Ali Shah Mouselum Trust Dewa Sharif, District Barabanki. A further prayer has been made for appointment of a high power committee to look after the affairs of the trust.
2. It is stated that the assets of the trust, offerings and donations are required to be counted and proper arrangement to be made for visitors.
3. At the very outset, learned counsel for the State has raised a preliminary objection regarding maintainability of the petition.
4. Learned counsel for the petitioner has referred to the orders dated June 08, 2018 and July 05, 2018 passed by Hon'ble Supreme Court in Writ Petition (Civil) No. 649 of 2018, titled as **Mrinalini Padhi v. Union of Indian and others** stating that such an issue can be examined in a public interest litigation.
5. A perusal of paragraph 10 of order dated July 05, 2018 passed in **Mrinalini Padhi** case (supra) shows that aggrieved parties have remedy to file proper application before the District Judge concerned under Section 92 of the Code of Civil Procedure, 1908 for examining the issue raised and if necessary, he/she can send a report to the High Court concerned. If any such report is received, the High Court will consider those aspects in public interest in accordance with law. It is not in dispute that the petitioner has not yet approached District Judge concerned.

6. As in terms of the orders passed by Hon'ble Supreme Court in **Mrinalini Padhi** case (supra), proper remedy has been provided to deal with such issues, we relegate the petitioner to avail of the said remedy.

7. The petition is, accordingly, disposed of.

Date :- 9.11.2021

Kuldeep/Rakesh

(Jaspreet Singh J.)

(Rajesh Bindal, C.J.)