

Court No. - 39

Case :- WRIT - C No. - 8384 of 2022

Petitioner :- The C/M Maa Jwala Devi Mandir Sewa Trust And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shree Prakash Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Vikram D. Chauhan,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State.

Maa Jwala Devi Mandir finds mention in Bhawan Panjika (house register) of the Nagar Panchayat Hathgam, District Fatehpur. There is also a mention of public park adjacent to which the aforesaid temple is situated. The boundaries of the temple are also mentioned in the said register i.e. the gali on the eastern side, the house of Raj Kishore on the western side, gali on the northern side and road on the southern side.

It appears that on account of widening of road, the boundary wall of the temple was demolished and thereafter some disputes have cropped up for the management of the temple in question. The petitioners who have approached this Court are stated to have registered some trust deed for the management of temple, namely, Maa Jwala Devi Mandir. The temple is said to be an ancient temple. The ancient temple where the public at large comes to offer prayer before the deity and offerings too. The averments made in the writ petition also show that the temple with the passage of time has assumed significance of a public property. The management of such property is the duty of the district administration, of which rights in the present case are claimed by the petitioners.

Petitioners without there being any trust deed relatable to the longevity of the temple cannot be recognized unless declared so in an appropriate proceedings.

In these circumstances, where the petitioners and opposite party nos.4 and 5 who are stated to be interfering in the peaceful management of temple, are litigating against each other rights, a settlement cannot be stride in writ proceedings. The District Administration for the protection of deity and the property vested in Him is bound to protect the public property by adopting appropriate measures in this regard.

The District Magistrate, Fatehpur is hereby directed to submit a report as to the precincts of the property vested in Maa Jwala Devi Mandir so that the management of the temple may be streamlined ensuring equal access to the public at large for offering prayers therein and otherwise. The park land for public may also be segregated and demarcated.

Let a report be submitted to this Court within two weeks.

List as fresh on 24th May, 2022.

Order Date :- 25.4.2022

D. Tamang