

Court No. - 40

Case :- WRIT - C No. - 36934 of 2023

Petitioner :- Jaswant Chetan Pujari Bhairavnath

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

Counsel for Petitioner :- Manoj Kumar Patel

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ms. Nand Prabha Shukla,J.

1. Heard learned counsel for the petitioner and Ms. Uttara Bahuguna, learned Addl. Chief Standing Counsel for State respondents.

2. In view of the order proposed to be passed, notices need not go to respondent no.5.

3. Present writ petition has been preferred for following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus direct the respondent no.2 to enquire into the matter and vacate the Bhairavnath Temple Kalibah dhumanpura, District Etawah from the illegal encroachment of the respondent no.5."

4. At the very outset, learned Addl. Chief Standing Counsel has raised preliminary objection regarding the maintainability of the writ petition on the ground that purely private dispute is involved in the present matter, which cannot ordinarily be interfered with by this Court under Art.226 of the Constitution of India and as such the writ petition is liable to be dismissed.

5. Confronted with this, learned counsel for the petitioner has confined his prayer for a direction to Sub Divisional Magistrate, Sadar, District Etawah to redress the grievance of the petitioner.

6. Considering the facts and circumstances of the case, without expressing any opinion on merits of the issue and with the consent, the writ petition stands **disposed of** asking the Sub Divisional Magistrate concerned to look into, examine and redress the grievance of the petitioner strictly in accordance with law expeditiously but certainly after giving opportunity to all the stake holders in the matter.

Order Date :- 28.10.2023

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