

Court No. - 40

Case :- WRIT - C No. - 37949 of 2023

Petitioner :- Baba Sri Bileshwar Nath Mahadeo Mandir (Siddh Peeth) And 2 Others

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

Counsel for Petitioner :- Sanjay Kr. Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioners and Shri Devesh Vikram, learned Additional Chief Standing Counsel for the State respondents.

2. Present writ petition is preferred assailing the validity of impugned notice dated 28.08.2023 issued by respondent no.3 asking the petitioner to explain the allegation as levelled in the complaint dated 16.08.2023 moved by private persons i.e. respondent nos.4 and 5 etc. Further it is prayed to command the respondents not to proceed in pursuance to the impugned notice dated 28.08.2023.

3. Learned Additional Chief Standing Counsel raised preliminary objection regarding maintainability of the writ petition on the ground that petitioner has no locus to maintain the writ petition. Moreover the present writ petition is preferred against the show cause notice, no final order has been passed on the complaint of respondent no.4 and 5 and without responding the same, the petitioner has preferred the present writ petition. He fairly states that in case any such objection is filed by the petitioner, definitely the same would be decided on merits.

4. Confronted with this situation, learned counsel for the petitioner states that Original Suit No.701/2006 (Baba Sri Bileshwar Nath Mahadeo Mandir vs. Sri Bileshwar Sanskrit Mahavidyalay and another) is pending consideration, wherein, the order of status qua is already subsisting and as such, leave may be accorded to the petitioner to file his objection and bring on record the correct facts.

5. Considering the facts and circumstances, without adverting on the merits of the case, we leave it open to the petitioner to file

objection to the said show cause notice. In case any such objection is filed well within two weeks, we hope and trust that the same would be considered by the Authority concerned expeditiously in accordance with law.

6. With these observations, the writ petition is ***disposed of***.

Order Date :- 3.11.2023

A. Pandey