

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
(SINGLE BENCH : HON. Mr. JUSTICE VIVEK RUSIA)

W.P. No. 5106 of 2022

Jairajguru S/o. Omparakash,
Aged 50 years, Occ. Govt. Pujari,
Address : 214, Bakhtawar Marg, Freegunj,
Ujjain.

---Petitioner.

Versus

- 1 State of M.P. through Collector Ujjain
District Ujjain.
2. Superintendent of Police,
Ujjain, District Ujjain.

---Respondent.

Date: 11.03.2022 :

Shri Vivek Patwa, learned counsel for the petitioner.

Shri N.S. Bhati, learned Govt. Advocate for respondent/State.

Heard the learned counsel for the parties.

ORDER

The petitioner has filed the present petition seeking following relief :

“7. Reliefs Prayed for

The petitioner prays that this Hon'ble Court be pleased to

(i) Issue a writ, direction or order in the nature of CERTIORARI or other appropriate writ, calling for the records of the case from the office of respondents.

(ii) Issue a writ, direction or order in the nature of MANDAMUS or other appropriate writ, directing the respondents to redress the grievances of the petitioner and other alike pujaries performing their pious duties within the Mahakaal Temple premises and

(iii) Issue a writ, direction or order in the nature of MANDAMUS or other appropriate writ, directing the respondent to ensure safe and secured Mahakaal Temple premise,

(iv) Issue a writ, direction or order in the nature of MANDAMUS or other appropriate writ, directing the respondent to decide the representations filed by the petitioner in accordance with law and take appropriate action in accordance with law against the miscreants.

(v) Award the costs of the petition and

(vi) Grant such other relief or reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case.”

According to the petitioner, he was appointed as a Pujari in Swapneshwar Temple situated in The Mahakaaleshwar Temple Ujjain by order dated 9.4.2015. Thereafter, vide order dated 4.6.2016, the Sub

Divisional Officer, Ujjain has made the aforesaid appointment as permanent appointment. The appointment of the petitioner was challenged by way of appeal filed by Shri Balkrishna Joshi and Shri Gaurav before the Additional Collector, Ujjain which was dismissed on 20.3.2018. Thereafter, they preferred second appeal before the Commissioner, Ujjain Division, but that too has been dismissed on 9.8.2018. Therefore, the appointment of the petitioner has attained finality, but now Shri Balkrishna and Shri Gaurav are creating obstructions in the duties of the petitioner as Pujari. The petitioner has made complaints and representations to the respondents but no action has been taken, hence the present petition before this Court.

The petitioner is appointed as Pujari of Swapneshwar Temple situated within the Mahakaaleshwar Temple, Ujjain, therefore, he has a right to discharge his duties as Pujari without any obstruction. The appointment of the petitioner has attained finality. If these persons viz. Shri Balkrishna and Shri Gaurav are creating any obstruction within the Temple premises of Mahakaaleshwar Temple, then it is the duty of the Administrator of the Temple to look into the matter and control the things. Similar nature of complaint has already been made by the Sub Divisional Officer against these two persons to the Administrator of Mahakaaleshwar Mandir Prabhandh Samiti, Ujjain (Page 34 of the compilation of the writ petition).

In view of the above, this petition is disposed of with a direction to the petitioner to submit a fresh complaint to the Administrator of Mahakaaleshwar Mandir Prabhandh Samiti, Ujjain and if such a complaint is made, then necessary action be taken in accordance with law. Petition is accordingly disposed of.

**(VIVEK RUSIA)
JUDGE**

Alok/-

Digitally signed by ALOK GARGAV
Date: 2022.03.15 12:06:56 +05'30'