2026:AHC:207987-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 36577 of 2026

Jai Maa Durge Dharmarth Sewa Trust And Another

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sudhanshu Kumar, Vedanshi Chaurasia
Counsel for Respondent(s)	:	Anand Kumar Chaurasia, C.S.C., Jai Prakash Rao, Rajesh Kumar Srivastava, Satyendra Kumar Mishra

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE GARIMA PRASHAD, J.

1. The compliance affidavit filed today is taken on record.

2. Heard Sri Swapnil Kumar, learned Senior Advocate, assisted by Sri Sudhanshu Kumar, learned counsel for the petitioner; Sri Satyendra Kumar Mishra, learned counsel for respondent no. 5; and Sri Rajesh Kumar Srivastava, learned Advocate, who submits that he has filed an impleadment application in the Registry on 29.09.2026 for impleadment of Mewa Lal and Jangi as respondents no. 7 and 8, who claim to be the trustees and managers of the temple in question.

3. This petition has been filed seeking protection against interference by the police with the petitioner’s performance of Pooja and management of the temple in question. It is stated that a suit had been filed in which an injunction order was operating, but the suit was ultimately dismissed in default.

4. It is submitted that respondent no. 5 has been able to secure the assistance of the police in getting the donation boxes removed. According to learned counsel for the petitioner, this Court took judicial notice of the act and conduct of the police, in its order dated 28.09.2026. He, therefore, submits that the police authorities may be restrained from interfering with the performance of religious rituals in the temple by the petitioner and its management, including its financial management, if any.

5. Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, has filed a compliance affidavit of Abhijeet R. Shankar, who is presently posted as the Superintendent of Police, Deoria. It is stated in paragraphs 10 and 11 of the affidavit that, in view of the serious dispute at the spot, 25 keys, kept in bunches and relating to the donation boxes of the temple, were handed over to the custody of the Civil Judge (Senior Division), Court No. 18, Deoria, on 01.10.2026, pursuant to the directions issued by this Court on 28.09.2026.

6. Sri Swapnil Kumar, learned Senior Advocate, submits that the suit has already been dismissed in default. However, he does not dispute that an application for restoration of the suit has been filed.

7. Since the police have now handed over the keys relating to the donation boxes of the temple to the Civil Judge (Senior Division), Court No. 18, Deoria, and a miscellaneous restoration application arising out of Original Suit No. 283 of 2021 is pending, the petitioner is permitted to apply for release of the keys by moving an appropriate application before the court concerned within two weeks from today. If such an application is filed, the Civil Court shall pass an appropriate order thereon. We make it clear that the Civil Court may also consider and decide the miscellaneous restoration application at the same time. Any order passed by the Civil Court in the suit shall govern the factual position at the temple regarding the performance of rituals, Pooja and the management of donations.

8. In the meantime, until an appropriate order is passed by the Civil Court, the police authorities shall not interfere in the civil dispute between the parties claiming rights over the temple in question, which is admittedly not a public trust, except to the extent necessary to address any law-and-order situation that may arise.

9. With the aforesaid observations, the petition stands disposed of.

(Garima Prashad,J.) (Ajit Kumar,J.)

October 5, 2026
Lbm/-

Digitally signed by :-
LAL BAHADUR MAURYA
High Court of Judicature at Allahabad