
(2012) 08 MP CK 0309
In the Madhya Pradesh High Court
Case No : Writ Petition 6050/12

Bajrang Das Chaturvedi

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 30-08-2012

Acts Referred:

Citation : (2012) 08 MP CK 0309

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : V.K. Bharadwaj, with Mr. Anand V. Bharadway, for the Appellant;

Judgement

Sujoy Paul, J.—In this petition, the orders Annexure P-1 to P-3 are called in question. By order dated 12.10.2011, the competent officer gave finding against the petitioner that he had given indirect support to the persons, who had taken over the valuable land of the temple and after doing plotting in the said land constructed a colony. This order was put to test by the petitioner before the Collector. By order dated 29.2.2012 the Collector rejected the said appeal and affirmed the order dated 12.10.2011. The learned Collector also gave the finding that petitioner and his father were involved in illegal activity because of which land adjacent to the temple is captured illegally by certain persons. The petitioner filed an appeal before the Additional Commissioner which was also dismissed by order dated 8.8.2012. The learned senior counsel submits that petitioner's family is in possession of the temple in question since last 224 years. By placing heavy reliance on "Parwana" (Annexure P-5), it is stated that the petitioner has a hereditary right to continue on the said land and temple. The learned senior counsel submits that the authorities below have not addressed on the said issue. He also relied on an unreported judgment passed in Civil Misc. Petition No. 619/86 (Smt. Sonabai Vs. State of M.P. & Others) dated 1.9.1994 and 2009 RN 179 (Kashi Bharti (d) through L.Rs. and others Vs. State of M.P. & another).

2. The basic contention is based on "Parwana". However, the document Annexure

P-5, i.e. Parwana is not legible. The lines are not systematic and the very crucial portion of this Parwana is not legible and there is overlapping on lines in the photocopy produced before this Court. In absence of reading those lines, no conclusion can be drawn in favour of the petitioner. In the impugned order Annexure P-1 the authority below has given a finding that right to continue on the basis of hereditary depends on the conduct of the Pujari. If proper "sewa-pooja" is not conducted, the Aukaf department can discontinue the Parwana.

3. In my considered opinion to determine this question, it is necessary to peruse the legible copy of Annexure P-5. Considering the aforesaid, issue notice to the respondents on payment of P.F. by RAD post within seven working days. Notice be made returnable by the Registry. The petitioner is also directed to file legible copy of Annexure P-5.

4. As an interim measure, it is directed that any appointment of Pujari made hereinafter shall remain subject to final outcome of the matter. Certified copy as per rules.