

(2018) 11 UK CK 0237

In the Uttarakhand High Court

Case No : Writ Petition No. 1783 Of 2016 (M/S)

Govind Ballabh Dimri

APPELLANT

Vs

Mukhya Karya Adhikari, Sri Badrinath Kedarnath Temples
Committee & Others

RESPONDENT

Date of Decision : 28-11-2018

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2018) 11 UK CK 0237

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : B.P. Nautiyal, Mohd. Matloob, Vinod Nautiyal

Final Decision : Dismissed

Judgement

Manoj K. Tiwari, J.

1. By means of this writ petition, petitioner has sought the following reliefs:

"i. Issue a writ, order or direction in the nature of certiorari for quashing the order dated 03.06.2016 (Annexure No. 10) passed by respondent no. 2 and letter dated 10.05.2016 alongwith the list dated 10.05.2016 so far as the same relates to the name of respondent no. 5 and 6 as Baridaar regarding places of worship i.e. Garud and Laxmi Attka respectively in the column wherein names and address of baridaar are described.

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents no. 1 to 4 to treat and permit the petitioner and proforma respondent no. 7 as Baridar for discharging the religious obligation at Laxmi Aatka and Garud places of worship respectively."

2. According to the petitioner, he belongs to Dimri (Brahmin) family of District Chamoli and is having customary right of vriti (worship) at Sri Badrinath Ji temple and other adjacent temples. He is aggrieved by the order dated

03.06.2016 passed by Sri Badrinath Dimri Dharmik Kendreya Panchayat (respondent no. 2), whereby he has been denied the said right on the ground that he is not eligible to do vriti in Sri Badrinath Ji temple.

3. Petitioner admits in paragraph no. 3 of the writ petition that respondent no. 2 is a registered society.

4. Having regard to the nature of relief sought by the petitioner in the present writ petition, that too against a society, which is a private body, it is apparent that petitioner is raising a civil dispute, for adjudication whereof, this Court will be required to go into disputed questions of fact, which is not permissible in view of the law laid down by Hon'ble Apex Court in the matter of M/s Swati Ferro Alloys Pvt. Ltd. Vs. Orissa Industrial Infrastructure Development Corporation & others, reported in (2015) 4 SCC 204 and Jacky Vs. Tiny, reported in (2014) 6 SCC 508.

5. In view of the settled legal position that this Court, while exercising powers under Article 226 of Constitution of India, cannot go into disputed questions of fact, no interference is called for in the matter by this Court in exercise of writ jurisdiction.

6. Consequently, the writ petition fails and is dismissed. However, this will not preclude the petitioner from approaching a competent civil Court for declaration of his rights, if any.