[2025] 5 S.C.R. 2014 : 2025 INSC 700

Ishwar Chanda Sharma
v.
Devendra Kumar Sharma & Ors.

(Civil Appeal No. 6855 of 2025)

15 May 2025

[Bela M. Trivedi and Satish Chandra Sharma,* JJ.]

Issue for Consideration

The issues raised in the present case relates to: (i) the eligibility of a receiver for Sri Giriraj Temple, Govardhan, Mathura; (ii) temples facing severe administrative issues of crowd management.

Headnotes†

Code of Civil Procedure, 1908 – Or. XL, R.1 – Appointment of Receiver –Temples – Mathura Region – Temples in grip of legal battles – Appointment of advocates as receivers – A stop-gap measure – The instant suit pending for 25 years – Temple trust running through receivers – No effort to conclude the civil proceedings – The High Court *vide* its order dated 27.08.2024 held that all these temples should be freed from the clutches of practising advocates of Mathura Court and Courts should make every endeavour to appoint, if necessary, a Receiver who is connected with the management of a temple and has some religious leaning towards the deity – Correctness:

Held: It is an established fact that the historical temples are old structures; they require proper upkeep and other logistic support, and added to the fact is that in a large number of temples, Receivers have been appointed for decades now which was originally intended to be a stop-gap temporary measure – It is unfortunate that while appointing Receivers, the concerned Courts are not keeping in mind that Mathura and Vrindavan, the two most sacred places for Vaishnav Sampradayas and, therefore, persons from Vaishnav Sampradayas should be appointed as Receivers – This will give true meaning to the High Court's directions pertaining to persons who are having adequate administrative experience, historical, religious, social background and not Advocates to be appointed as

* Author

Receivers – The Civil Judge (Senior Division), Mathura is directed to comply with the Impugned Order dated 27.08.2024, and appoint a Receiver having relevant adequate administrative experience, historical, religious and social background preferably belonging to the Vaishnav Sampradaya. [Paras 23, 24]

Public Interest Litigation – Temple Administration – Administrative issues – Maladministration – Intervenor/ Respondent no. 4 apprised that other temples in the belt, including the Shri Banke Bihari Temple, have been facing severe administrative issues of crowd management and it is being administered by a civil judge:

Held: This Court is in *sesin* of the cause *qua* the administration and safety of temples in the Braj region, it is in public interest to decide the issue raised by Respondent no. 4/State of Uttar Pradesh expeditiously in this Court itself – Respondent no. 4 has placed on record the proposed scheme for development for the Temple – Upon a perusal of the same and the consequent assessments, it has been ascertained that 5 acres of land around the temple is to be acquired and developed by constructing parking lots, accommodation for the devotees, toilets, security check posts and other amenities – As observed by the High Court *vide* order dated 08.11.2023, the acquisition of land around the temple and the consequent development project is crucial to ensure the safety of the pilgrims – The State of Uttar Pradesh has undertaken to incur costs of more than Rs.500 Crores to develop the corridor – However, they propose to utilise the Temple funds for purchasing the land in question; which was denied by the High Court *vide* order dated 08.11.2023 – This Court permits the State of Uttar Pradesh to implement the Scheme in its entirety – The Banke Bihari Ji Trust is having fixed deposits in the name of the Deity/Temple – In the considered opinion of this Court, the State Government is permitted to utilize the amount lying in the fixed deposit to acquire the land proposed – However, the land acquired for the purposes of development of the temple and corridor shall be in the name of the Deity/Trust – The order dated 08.11.2023 passed by the High Court of Allahabad in Public Interest Litigation deserves to be modified to the aforesaid extent and it is modified accordingly. [Paras 19 and 20]

Case Law Cited

Sudhir Vasudeva, Chairman & Managing Director, Oil and Natural Gas Corporation Limited & Ors. v. M. George Ravishekaran & Ors. **[2014] 4 SCR 27 : (2014) 3 SCC 373;** *Mrinalini Padhi v. Union of India* **[2019] 16 SCR 811 : (2018) 7 SCC 785;** *Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi and Others v. State of Uttar Pradesh & Ors.* **[1997] 2 SCR 1086 : (1997) 4 SCC 606;** *Rajeev Suri v. Delhi Development Authority & Ors.* **[2021] 15 SCR 283 : (2022) 11 SCC 1;** *DR Subramanian Swamy v. State of Tamil Nadu & Ors.* **[2014] 1 SCR 308 : (2014) 5 SCC 75 – referred to.**

List of Acts

Constitution of India; Code of Civil Procedure, 1908; Societies Registration Act.

List of Keywords

Appointment of Receiver; Temples; Mathura Region; Temples in grip of legal battles; Appointment of advocates as receivers; A stop-gap measure; Persons from Vaishnav Sampradayas; Administrative experience, historical, religious, social background; Public Interest Litigation; Temple Administration; Administrative issues; Maladministration; Crowd management; Development of corridor; Acquisition of land from temple funds.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 6855 of 2025

From the Judgment and Order dated 27.08.2024 of the High Court of Judicature at Allahabad in CNTA No. 4429 of 2023

Appearances for Parties

Advs. for the Appellant:
Kartikey, Abhikalp Pratap Singh.

Advs. for the Respondents:
Vibha Makija, Navin Pahwa, Sr. Advs., Ms. Prachi Nirwan, Kumar Mihir, K.B. Upadhyay, Pushkar Anand, A. Radhakrishnan, Shivansh Bharatkumar Pandya, Ms. Ruchira Goel, Sankalp Goswami, Shivansh B. Pandya.

Judgment / Order of the Supreme Court

Judgment

Satish Chandra Sharma, J.

1. Leave granted.

2. The appeal before us has been preferred by the Appellant against the final judgement and order dated 27.08.2024 in Contempt Application (C) No. 4429 of 2023 (hereinafter "**Impugned Order**") passed by the High Court of Judicature at Allahabad (hereinafter "**High Court**"), whereby the High Court allowed the petition preferred by Respondent No. 1 and Respondent No. 2, and set aside order dated 28.03.2023 passed by the Civil Judge (Senior Division), Mathura/ Respondent No. 3 (hereinafter "**Trial Court**"), and remanded the matter back for fresh consideration.

3. During the course of the hearing, this Court has allowed I.A. No. 15019/2025, being an application for intervention filed by the State of Uttar Pradesh/Respondent No. 4; and I.A. No. 16856/2025, being an application for intervention filed by Shri Dilip Kumar Sharma/ Respondent No. 5.

4. **Factual Background**

   4.1 The Sri Giriraj Sewak Samiti, Bara Bazar, Govardhan, Mathura, is a registered society under the Societies Registration Act, and was constituted to manage the affairs of Sri Giriraj Temple, Govardhan, Mathura on 18.11.1957.

   4.2 The committee elections held in the year 1999 put a hiatus to the peaceful functioning of the administration of the temple, as it resulted in a dispute regarding the validity of two alleged elections held on 24.04.1999 and 30.04.1999. Consequently, Shri Govind Prasad Purohit (hereinafter "**Plaintiff**") filed Original Suit No. 332 of 1999 (hereinafter "**Civil Suit**") seeking a permanent injunction against the Defendant/Respondent No. 5/Dilip Kumar Sharma from causing any hinderance in all types of management and operations of the Giriraj Temple. Both the Plaintiff and the Defendant/Respondent No. 5 also filed two separate election petitions pursuant to the same, which came

to be referred to the Prescribed Authority under Section 25 of the Societies Registration Act.

4.3 Vide order dated 11.02.2000, the Prescribed Authority held the election dated 24.04.1999 to be valid by which Respondent No. 5 was declared to be the Manager.

4.4 Aggrieved, the Plaintiff preferred a Writ Petition before the High Court, being WP (C) No. 9601 of 2000, which came to be dismissed vide order dated 10.02.2006 on the ground of being infructuous.

4.5 Consequently, the Plaintiff passed away in 2006, and his son Jitendra Prasad Purohit (hereinafter "**Plaintiff**") moved an application seeking to be impleaded in the Civil Suit, and setting up his claim to be appointed as Manager of Committee of Management.

4.6 Vide order dated 30.07.2021, the Trial Court in the Civil Suit appointed Shri Nand Kishore Upadhyay, Advocate as Receiver of the temple, who was also the advocate representing the Plaintiff in the Civil Suit.

4.7 Respondent No. 5 preferred a Writ Petition, being No. 4468 of 2021, against the order dated 30.07.2021 and the appointment of an advocate as the receiver. Vide order dated 23.11.2021, the High Court set aside the order dated 30.07.2021 with the consent of the parties, and remanded the matter back to the Trial Court for fresh consideration.

4.8 Pursuant to the aforesaid order, the Trial Court decided the application for appointment of Receiver and appointed a Seven Member Committee (hereinafter "**the Committee**"), which included 3 lawyers. While deciding the constitution of the Committee, Respondent No. 1 herein had made an application before the Trial Court expressing his desire to be appointed. However, Respondent No. 1 did not find mention in the Committee on account of him being in government service and being unable to devote his time sufficiently to the temple management. Pertinently, the Appellant herein was appointed as a member of the said Committee.

4.9 Aggrieved, Respondent No. 1 and Respondent No. 2 preferred a Contempt Petition, being Contempt Application (Civil) No.

4429/2023, for prosecuting and punishing the Ld. Civil Judge/ Respondent No. 3 for her wilful disobedience of the order dated 23.11.2021 passed by the High Court on the ground that instead of appointing a single Receiver, a Seven Member Committee of Receiver has been appointed.

4.10 Vide Impugned Order dated 27.08.2024, the High Court set aside order dated 28.03.2023 passed by the Trial Court as it frustrates the provision of Order XL Rule 1 of the Civil Procedure Code, 1908 (hereinafter "**CPC**"), and remitted the matter back for consideration of the application afresh in the light of directions of the High Court order dated 23.11.2021. The High Court observed that in the present case, the Civil Suit has been pending for over 25 years and only plaintiff evidence has concluded to date. Further, the High Court observed that there are eight temples which are all under the administration of Receivers and most of them are managed by practicing advocates of Mathura. The High Court directed the Trial Court to make every endeavour to appoint, if necessary, a Receiver who is connected with the management of a temple and has some religious leaning towards the deity.

5. Aggrieved, the Appellant who was not a party before the High Court, has preferred the present SLP on the grounds of violation of Article 14 of the Constitution, secular nature of appointment, and eligibility of advocates as receivers.

6. During the course of the hearing, vide interim order dated 09.12.2024, this Court observed as under:

"1. Permission to file SLP is granted.

2. Heard learned counsel for the petitioner, who claims to be one of the Committee Members appointed by the Civil Judge, Senior Division, Mathura (Trial Court) vide the Order dated 28.03.2023 passed in O.S. No. 332/1999 for management and operation i.e. Receiver/Manager of the Temple. The said order has been set aside by the High Court vide the important order dated 27.08.2024, with direction to remit the matter back to the Trial Court for fresh consideration.

3. The impugned order dated 27.08.2024, passed by the High Court of Judicature at Allahabad in Contempt

Application (Civil) No. 4429 of 2023, highlights the glaring state of affairs prevailing in the State of Uttar Pradesh, particularly, in the District-Mathura with regard to the administration of the Trusts in Temples, which are supposed to be very important and sacred places for Hindus.

4. The glaring observations made by the High Court in its impugned order, are reproduced as hereunder;

> *……."1.Receivership in the temple town of Mathura has become the new norm. Most of the famous and ancient temples are in the grip of legal battle, restraining the temple trust, its Shebait and the Committee to manage its affairs and are being run by persons appointed by the Court as Receivers under Order XL of Code of Civil Procedure, 1908 (hereinafter called as 'C.P.C.').*
>
> *2. Out of the list of 197 temples as provided by District Judge, Mathura on 23.05.2024, there are civil litigations pending of these temples situated at Vrindavan, Govardhan, Baldeo, Gokul, Barsana, Maath etc. The litigation ranges from the year 1923 till the year 2024. In these famous temples of Vrindavan, Govardhan and Barasana, practising advocates of Mathura Court have been appointed Receivers. The interest of Receiver lies in keeping the litigation pending. No effort is made to conclude the civil proceedings, as the entire control of temple administration vest in the hands of Receiver. Most of the litigation is in respect of management of temples and appointment of Receivers.*
>
> *3. A practising lawyer cannot devote sufficient time for the administration and management of a temple, especially of Vrindavan and Govardhan, which needs skill in the temple management along with full devotion and dedication. It has become a symbol of status in the city of Mathura.*

4. The present contempt application under Section 12 of Contempt of Courts Act has been filed by a stranger for punishing the opposite party on the ground that earlier Writ Court on 23.11.2021, while disposing of Matters under Article 227 No. 4468 of 2021 had set aside the order of Civil Judge (Senior Division), Mathura passed in Original Suit No. 332 of 1999 appointing an advocate as a Receiver who was also the counsel of the plaintiff.

5. The court below was required to decide the application for appointment of Receiver afresh on merits. Pursuant to order of writ Court, the Court below proceeded to decide the application for appointment of Receiver on 28.03.2023, and appointed a Seven Member Committee of Receiver which included three lawyers.

6. The entire thrust of the applicant counsel is that court below should not have appointed a Committee of Receiver, but should have considered the application moved by the applicant for being appointed as a Receiver, it should have appointed any one person connected with temple as Receiver, and not a Committee.

7. Learned counsel then contended that on 18.11.1957 Sri Giriraj Sewak Samiti, Bara Bazar, Govardhan was constituted to manage the affairs of Sri Giriraj Temple, Govardhan, Mathura, which was registered under Societies Registration Act, and the Committee continued till 1998 without any dispute.

8. As dispute arose between office bearers of the Committee, an election petition was filed which was referred to Prescribed Authority on 13.12.1999. The Prescribed Authority on 11.02.2000 held the election to be valid. Against the said order, Writ-C No. 9601 of 2000 was

filed. In the meantime, one Govind Prasad filed Original Suit No. 332 of 1999 for declaring him as Manager of the Committee of Management in pursuance of the election dated 21.04.1999. On 10.05.1999, an

interim injunction was granted. The Writ Petition No. 9601 of 2000 which was filed challenging the order of Prescribed Authority was dismissed on 10.02.2006.

9. Unfortunately, Govind Prasad Purohit passed away on 28.11.2006, and one Jitendra Prasad Purohit moved an impleadment application in the original suit setting up his claim to be appointed as Manager of Committee of Management. It was in the year 2021 that one Nand Kishore Upadhyay, Advocate was appointed as Receiver of the temple who was the advocate of Ramakant Kaushik, who was also impleaded in the Original Suit No. 332 of 1992 by removal of Jitendra Prasad Purohit. The order of appointment of Nand Kishore Upadhyay, Advocate dated 30.07.2021 was challenged by way of Matters under Article 227 No. 4468 of 2021 which was disposed of on 23.11.2021 requiring the application to be considered afresh.

10. This Court on 21.05.2024 had required the counsel appearing for Allahabad High Court to seek information from the District and Sessions Judge, Mathura as to pending civil suits in respect of temples situated in District-Mathura, and also furnish complete information in regard to date of institution of suit, stage of suit, appointment of Receiver in the suit along with the date, and also information as to the advocate appointed as Receiver in the said suits.

11. On 24.05.2024, Sri Chandan Sharma, learned counsel appearing for Allahabad High

Court placed before the Court the instructions so received by him from District Judge, Mathura along with list of 197 civil suits which are pending in the Civil Court at Mathura in respect of old temples with the entire details of temple name and its location, date of institution of suit, stage of suit, whether Receiver appointed or not, if appointed date of appointment and name and details of advocates appointed as Receiver.

12. Another instruction dated 27.05.2024 has also been received from District Judge, Mathura giving the entire details of the cases mentioned from Serial No. 1 to 8 of list submitted earlier.

13. Sri Sharma raised a preliminary objection as to the maintainability of the contempt application on the ground that the applicant is neither a party in the suit nor was under the zone of consideration for appointment of Receiver, thus, could not maintain the present contempt application. He then contended that earlier round of litigation was filed by one Dileep Kumar Sharma who was a party to Original Suit No. 332 of 1999 and impleadment application of the applicant till date has not been decided.

14. I have heard respective counsel for the parties and perused the material on record.

15. The concept of appointment of Receiver lies under Order XL of C.P.C. Relevant provision of Order XL Rule 1 reads as under:-

"1. Appointment of receivers.—(1) Where it appears to the Court to be just and convenient, the Court may by order—

(a) appoint a receiver of any property, whether before or after decree;

(b) remove any person from the possession or custody of the property;

(c) commit the same to the possession, custody or management of the receiver; and

(d) confer upon the receiver all such powers, as to bringing and defending suits and for the realisation, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and

disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit. (2) Nothing in this rule shall authorise the Court to remove from the possession or custody of property, any person whom any party to the suit has not a present right so to remove.

16. From perusal of provision of Order XL Rule 1 C.P.C., it is clear that the object of appointing a Receiver is to protect, preserve and manage the property during the pendency of a suit. The words "to be just and convenient" have been substituted for the words "to be necessary for the realization, preservation or better custody, or management of any property, movable or immovable, subject of a suit or attachment". The effect of this amendment is that the Court may now appoint a Receiver not only in a particular case specified in the old section, but in every case in which it appears to the Court to be just and convenient to do so.

17. The power of the Court to appoint a Receiver under this order is subject to the controlling provision of Section 94 and is to be exercised for preventing the ends of justice from being defeated. Section 94 CPC reads as under;

"94. Supplemental Proceedings.-In order to prevent the ends of justice from being defeated the Court may, if it is so prescribed,—

(a) issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance, and if he fails to comply with any order for security commit him to the civil prison;

(b) direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or order the attachment of any property;

(c) grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold;

(d) appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property;

(e) make such other interlocutory orders as may appear to the Court to be just and convenient."

18. The source of power of the Court to grant interim relief is under Section 94. However, exercise of that power can only be done if the circumstances of the case fall under the rules. Therefore, when a matter comes before the Court, the Court has to examine the facts of each case and ascertain whether the ingredients of Section 94 read with rules, in an order, are satisfied and accordingly grant an appropriate relief.

19.The word 'may' gives discretion to the Court where it is alleged that the suit property is under threat and protection, preservation, management and improvement of the property, along with collection of rents and profits is required, then the Court may exercise its power during the pendency of litigation by appointing any person as Receiver.

20. In Satyanarayan Banerji & Another Vs. Kalyani Prosad Singh Deo Bahadur & Others, AIR 1945 CAL 387, the Court held that object and purpose of appointment of a Receiver may generally be stated to be the preservation of subject matter of the litigation pending, a judicial determination of the rights of the parties thereto. The Receiver is appointed for the benefit of all concerned, he is the representative of the Court and of all parties interested in the litigation, wherein he is appointed. The appointment of a Receiver is an act of Court and made in the interest of justice. He is an officer or representative of the Court subject to its order. His possession is the possession of the Court.

21. In T. Krishnaswamy Chetty (supra) Madras High Court had laid five principles which can be described as "panch sadachar" of our Courts exercising equity jurisdiction in appointing Receivers. Relevant paragraph no. 13 of the judgment is extracted here as under;

"13. The five principles which can be described as the 'panch sadachar' of our Courts exercising equity jurisdiction in appointing receivers are as follows:

(1) The appointment of a receiver pending a suit is a matter resting in the discretion of the Court. The discretion is not arbitrary or absolute: it is a sound and judicial discretion, taking into account all the circumstances of the case, exercised for the purpose of permitting the ends of justice, and protecting the rights of all parties interested in the controversy and the subject-matter and based upon the fact that there is no other adequate remedy or means of accomplishing the desired objects of the judicial proceeding: — 'Mathusri v. Mathusri,' 19 Mad 120 (PC) (Z5); — 'Sivagnanathammal v.

Arunachallam Pillai', 21 Mad LJ 821 (Z6); — 'Habibullah v. Abtiakallah', AIR 1918 Cal 882 (Z7); — 'Tirath Singh v. Shromani Gurudvvara Prabandhak Committee', AIR 1931 Lah 688 (Z8); — 'Ghanasham v. Moraba', 18 Bom 474 (Z9); — 'Jagat Tarini Dasi v. Nabagopal Chaki', 34 Cal 305 (Z10); — 'Sivaji Raja Sahib v. Aiswariyanandaji', AIR 1915 Mad 926 (Z11); — 'Prasanno Moyi Devi v. Beni Madhab Rai', 5 All 556 (Z12); — 'Sidheswari Dabi v. Abhayeswari Dabi', 15 Cal 818 (Z13); — 'Shromani Gurudwara Prabandhak Committee, Amritsar v. Dharam Das', AIR 1925 Lah 349 (Z14); — 'Bhupendra Nath v. Manohar Mukerjee', AIR 1924 Cal 456 (Z15).

(2) The Court should not appoint a receiver except upon proof by the plaintiff that prima facie he has very excellent chance of succeeding in the S. suit. — 'Dhumi v. Nawab Sajjad Ali Khan', AIR 1923 Lah 623 (Z16); — 'Firm of Raghubir Singh Jaswant

v. Narinjan Singh', AIR 1923 Lah 48 (Z17); — 'Siaram Das v. Mohabir Das', 27 Cal 279 (Z18); — 'Muhammad Kasim v. Nagaraja Moopanar', AIR 1928 Mad 813 (Z19); — 'Banwarilal Chowdhury v. Motilal', AIR 1922 Pat 493(Z20).

(3) Not only must the plaintiff show a case of adverse and conflicting claims to property, but, he must show some emergency or danger or loss demanding immediate action and of his own right he must be reasonably clear and free from doubt. The element of danger is an important consideration. A

Court will not act on possible danger only; the danger must be great and imminent demanding immediate relief. It has been truly said that a Court will never appoint a receiver merely on the ground that it will do no harm. — 'Manghanmal

Tarachand v. Mikanbai', AIR 1933 Sind 231 (Z21); — 'Bidurramji v. Keshoramji', AIR 1939 Oudh 61 (Z22); — 'Sheoambar Ban v. Mohan Ban', AIR 941 Oudh 328 (Z23).

(4) An order appointing a receiver will not be made where it has the effect of depriving a defendant of a 'de facto' possession since that might cause irreparable wrong. If the dispute is as to title only, the Court very reluctantly disturbs possession by receiver, but if the property is exposed to danger and loss and the person in possession has obtained it through fraud or force the Court will interpose by receiver for the security of the property. It would be different where the property is shown to be 'in medio', that is to say, in the enjoyment of no one, as the Court can hardly do wrong in taking possession: it will then be the common interest of all the parties that the Court should prevent a scramble as no one seems to be in actual lawful enjoyment of the property and no harm can be done to anyone by taking it and preserving it for the benefit of the legitimate who may prove successful. Therefore, even if there is no allegation of waste and mismanagement the fact that the property is more or less 'in medio' is sufficient to vest a Court with jurisdiction to appoint a receiver. — 'Nilambar Das v. Mabal Behari', AIR 1927 Pat 220 (Z24); — 'Alkama Bibi v. Syed Istak Hussain', AIR 1925 Cal 970 (Z25); — 'Mathuria Debya v. Shibdayal Singh', 14 Cal WN 252 (Z26); — 'Bhubaneswar Prasad v. Rajeshwar Prasad', AIR 1948 Pat 195 (Z27). Otherwise a receiver should not be appointed in supersession of a bone fide possessor of property in controversy and bona fides have to be presumed until the contrary is established or can be indubitably inferred.

(5) The Court, on the application of a receiver, looks to the conduct of the party who makes the application and will usually refuse to interfere unless his conduct has been free from blame. He must come to Court with clean hands and should not have disentitled himself to the equitable relief by laches, delay, acquiescence etc."

22. The discretion given to the Court has to be exercised with great care and caution. It cannot in a routine manner appoint Receiver and continue the management of the temple/trust through such appointments. Every endeavour should be there to get the dispute decided at the earliest without prolonging it and running the entire show through the Receivers.

23. The present case is an example where the original suit was filed in the year 1999 claiming relief of permanent injunction restraining defendants from interfering in management and running of the temple. The suit is pending for last 25 years, and report of District Judge reveals that only plaintiff evidence has taken place. No effort has been made by court concerned to expedite the matter and decide it. Only application for appointment of Receiver has been considered on number of occasions and the temple trust is being run through Receivers. The entire dispute hingesm around the appointment of Receiver. Earlier this Court in the year 2021 had set aside the order of court below appointing an advocate as Receiver and remanded back the matter for consideration afresh.

24. The officer against whom contempt has been alleged has now proceeded to appoint a Seven Member Committee of Receivers which includes three advocates. The order dated 28.03.2023 frustrates the provision of Order XL Rule 1 C.P.C.

25. In the garb of provisions of Order XL Rule 1 C.P.C., the Courts cannot prolong litigation and run a temple/trust or manage any suit property through Receiver without making any effort to decide the lis. 25 long years have elapsed and only plaintiff evidence has taken place. Successive litigations have come to this Court only questioning the very legality of appointment of Receiver. The suit is proceeding at snail pace. There is no effort either on the part of the court below or the Receiver who has been appointed to get the suit decided. Rule 1(d) of Order XL clearly provides that all powers, such as, bringing and defending suits and for realisation, management, protection, preservation and improvement of the property, collection of rents and profits thereto, the application and disposal of such rents and profits and the execution of documents are all conferred upon the Receiver.

26. It appears that the Receiver appointed by the Court made no effort to get the suit decided. His only interest is to continue as a Receiver and control the entire administration of the temple.

The instant contempt application at the behest of Devendra Kumar Sharma clearly reveals that he has only moved an impleadment application in the suit of 1999 to be impleaded as a party and has applied to be appointed as a Receiver which has not been considered by court below.

27. The averment made in the contempt application by the applicant and submission of his counsel reveals his intention to become a Receiver. It is not only the interest of the applicant but also of other persons to continue as a Receiver in the temples of District-Mathura without there being any adjudication to the civil litigation.

28. The list of eight temples placed by District Judge demonstrates that, Radha Vallabh Mandir, Vrindavan; Dauji Maharaj Mandir, Baldeo; Nandkila Nand Bhawan Mandir, Gokul; Mukharbind, Goverdhan; Danghati, Goverdhan; Anant Shri Bhibhushit, Vrindavan and Mandir Shree Ladli Ji Maharaj, Barsana are all under the grip of Receivers and most of them are managed by practising advocates of Mathura.

29. Now, time has come when all these temples should be freed from the clutches of practising advocates of Mathura Court and Courts should make every endeavour to appoint, if necessary, a

Receiver who is connected with the management of a temple and has some religious leaning towards the deity. He should also be well versed with the Vedas and Shastras. Advocates and people from district administration should be kept away from the management and control of these ancient temples. Effort should be made for disposing of the suit, involving temple disputes at the earliest and matter should not be lingered for decades.

30. From perusal of list of pending cases provided by District Judge, Mathura, it appears that oldest of the suit being Original Suit No. 94 of 1923 of Dauji Maharaj Mandir was decided by a compromise decree on 15.10.1924. However, on a regular misc. application filed before court below, a Receiver has been appointed and the matter is being continued and the temple is being managed by a Receiver. The court below should make every endeavour to decide the misc. application which is pending therein and not run the temple through a Receiver.

31. The present case which was filed on 10.05.1999 till date has not been decided despite 25 years having elapsed. The court below is

requested to expedite the matter and proceed to decide the same without wasting any time in appointment of Receiver and continuing the management through them. The order dated 28.03.2023 passed by Civil Judge (Senior Division), Mathura appointing a Seven Member Committee is liable to be set aside as it is not based on any sound principle of law. The court below is expected to comply the order passed by writ Court on 23.11.2021 in Matters under Article 227 No. 4468 of 2021 and decide the application for Receiver in consonance with provisions of Order XL Rule 1 making every effort keeping away the advocates from the said responsibility.

32. Considering the facts and circumstances of the case, this Court requests the District Judge, Mathura to take personal pain and inform his officers about this order and also make every endeavour to conclude the civil disputes regarding temples and trusts of District-Mathura as expeditiously as possible.

33. Prolonging the litigation is only creating further disputes in the temples and leading to indirect involvement of practising advocates and district administration in the temples, which is not in the interest of the people having faith in Hindu religion."……...

5. Having regard to the above observations, it appears that the issues of Temple administration, and the appointment of Receivers in the suits pertaining to the Temple administration, have become most difficult conundrum for the Courts and very lucrative court proceedings for the Advocates in the State of Uttar Pradesh, especially in the District Mathura.

6. It may be noted that the Courts, which are considered to be the temples of justice, cannot be permitted to be used or misused for the benefit of a group of people, who would

have vested interest in prolonging the litigations. Nobody should be permitted to abuse or misuse the process of law under the guise of prolonged litigations in the Court.

7. Having regard to the state of affairs narrated by the High Court in its impugned order, it is directed that the Principal District Judge, District Court at Mathura shall submit a Report with regard to the following, through the Registrar (Nazir) of the District Court, so as to reach to this Court on or before 19.12.2024;

i. List of Temples in the District of Mathura in respect of which the litigations are pending and in which the Receivers appointed by the Courts.

ii. Since when such litigations are pending and the status of such proceedings.

iii. The names and status of the persons, particularly of the Advocates appointed by the Courts as Receivers.

iv. The remuneration, if any, being paid to the Receivers appointed in such proceedings.

8. Issue notice, returnable on 19.12.2024.

9. Registry is directed to send a copy of this Order to the concerned Principal District Judge, District Court Mathura."

Accordingly, this Court directed that the Principal District Judge, District Court at Mathura shall submit a Report with regard to (i) List of Temples in the District of Mathura in respect of which the litigations are pending and in which the Receivers appointed by the Courts; (ii) since when such litigations are pending and the status of such proceedings; (iii) the names and status of the persons, particularly of the Advocates appointed by the Courts as Receivers, and (iv) the remuneration, if any, being paid to the Receivers appointed in such proceedings.

7. Further, several interim applications came to be filed by interested parties for permission to intervene and to be heard in the present case. Vide order dated 29.01.2025, this Court permitted the State of Uttar Pradesh/Respondent No. 4 to intervene, upon an application highlighting the following issues:

"3. The applicant submits that the applicant is concerned with poor facilities at most of the Temple sites particularly in the Braj region which include Vrindavan, Govardhan, Bandeo, Barsana, Matth, etc. The applicant is also concerned with the rising cases of untoward incidents of stampedes, law and order, etc. at the Temple sites. There is an emergent need to create better facilities for the devotees which would involve creation of infrastructure at the Temple sites besides also creating an effective and transparent management of the Temples.

4. The applicant submits that the State of Uttar Pradesh has already enacted The Uttar Pradesh Braj Planning and Development Board Act, 2015 and has constituted Braj Planning and Development Board (hereinafter referred to as 'the Board')…

5. This Board is thus formed and constituted for the purpose of preparing and implementing plans to be in conformity with the Brij Culture and Architecture in the Braj region. The Board is thus a body which is empowered to do all that is needed to preserve the rich heritage culture of the Braj region.

…

8. This Hon'ble Court has further noted that the District Judge, Mathura has placed a further list of eight Temples which explains that Radha Vallabh Mandir, Vrindavan; Dauji Maharaj Mandir, Baldeo; Nandkila Nand Bhawan Mandir, Gokul; Mukharbind, Goverdhan; Danghati, Goverdhan; Anant Shri Bhibhushit, Vrindavan and Mandir Shree Ladli Ji Maharaj, Barsana are all under the grip of Receivers and most of them are managed by practising Advocates of Mathura. The present Special Leave Petition deals with the issue of Receiverships being appointed by the Civil Courts who have been interested only in the delays of the proceedings for their extraneous reasons. It is submitted that it is in these circumstances that the role of State Government becomes pivotal in ensuring early resolution of the present problem.

…

11. The applicant submits that one of the holiest and sacred Temples in the Braj region is Shree Banke Behari Temple at Vrindavan. This is one of the most holiest, famous and pious temples of Krishna which is stated to have been constructed sometime in 1864. This Temple holds immense spiritual significance and the Temple attracts large crowd of devotees which most of the time leads to untoward incidents and even deaths. There are serious issues of crowd management besides provision for basic amenities for the devotees in and around the Temple. This 162 year old temple is spread over on a limited area of 1200 sq.ft only. On an average, number of devotees who visit Temple are about 40 to 50 thousands per day and during the weekends and some holidays, the number go beyond 1.5 Lakhs to 2.5 Lakhs per day. During festival and auspicious days such as Janamashtmi, Raksha Bandhan, Sharad Purnima, etc., the number of devotees cross figure of 5 Lakh in number.

12. The applicant submits that even with respect to this temple, a Civil Judge (JD)/ Munsif, Mathura is acting as an administrator and is managing the affairs of the Temple since the year 2016. The temple was the site of an unfortunate stampede in the year 2022, resulting in the death and injuries of devotees. A Public Interest Litigation (PIL) No. 1509 of 2022 came to be filed before the Hon'ble High Court of Judicature at Allahabad seeking directions to ensure public order in and around the Temple of Shri Bankey Behari. The Hon'ble High Court required the State Government to submit a plan/ scheme for the development of the entire area. The applicant prepared and submitted a Scheme in the said proceedings for development of the temple area as a Corridor with the purchase of about 5 Acres of land around the Temple for facilitating Darshan and Pooja by the Devotees. For this, the State Government proposed that the Court may permit utilization of the Temple funds so that the land so purchased for the purpose of Temple remains to be the ownership of the Temple/ deity. It is submitted that it would be necessary that such land is purchased by the Temple management as it would allow

the Temple management to have complete control of the entire Temple premises without any outside interference.

…

14. The Applicant submits that if the present Application is allowed, it will bring on record the Scheme for Shri Banke Bihari Temple, to make provisions for basic amenities and facilities including parking area, etc. and create a corridor on the lines of the corridor made in respect of Kashi Vishwanath Temple at Varanasi."

(emphasis supplied)

8. Further, this Court also heard an intervention application filed by Shri Dilip Kumar Sharma/Respondent No. 5, who is also the Defendant in the Civil Suit before the Trial Court, wherein it was stated:

"4. That Applicant herein being a duly elected Secretary of Shri Giri Raj Sevak Samiti is a necessary party. However, the Petitioner with ulterior motives has neither made the Applicant nor the Sri Giriraj Sewak Samiti a party to the present SLP wherein Petitioner seeks a relief that an advocate be appointed as a receiver of the Sri Giriraj Sewak Samiti. The Applicant's name though finds mentioned in the synopsis of the instant SLP as a Defendant in the main Suit being Original Suit No. 332 of 1999, the Petitioner purposefully did not make the Applicant a party so that several facts which are crucial for the adjudication of the present matter may not come to light before this Hon'ble Court."

Vide order dated 06.02.2025, this Court permitted the applicant/ Respondent No. 5 to intervene and be heard in the present case.

9. **Submissions by the Appellant**

9.1 Learned Counsel for the Appellant has strongly urged before us that the directions given by the High Court is contrary to law and prays for the same to be set aside.

9.2 It is vehemently submitted before us that the High Court failed to consider the application of contempt before it, and observe that the same is impermissible and without basis as there is

no contempt committed in the present case. This is because the Trial Court (i) appointed a fresh Receiver, and (ii) provided an opportunity to be heard to all the parties. (Reliance placed on ***Sudhir Vasudeva, Chairman & Managing Director, Oil and Natural Gas Corporation Limited & Ors. v. M. George Ravishekaran & Ors. (2014) 3 SCC 373, para 19)***.

9.3 That as per Order XL of the CPC, there is no statutory bar against appointing advocates as Receivers. Their legal expertise is beneficial in managing complex legal and administrative issues associated with temple affairs. For instance, Order XL Rule 1(d) of the CPC provides the kind of power that can be conferred upon the Receiver, such as defending suits for the realisation and management of the property.

9.4 That the High Court's order creates an unreasonable and arbitrary classification between individuals devoted to the temple with religious knowledge and practicing advocates, violating the constitutional guarantee of equality before the law under Article 14 of the Constitution. It is argued that the administration and management of a temple and full devotion and dedication to the temple are two distinct things which need to be separated from each other. A person's religious beliefs and their devotion and dedication is personal to them and its expression varies from person to person. It is baseless to gauge and relate a person's management competence with his/her beliefs and their ability to understand the religious texts.

9.5 That the High Court failed in not considering that the omnibus allegations such as an advocate's vested interest in keeping litigation pending and therefore them not being a right fit to be Receivers are both unsubstantiated and legally unsound. However, an advocate is more capable than anyone else to function as a neutral party and have a deep understanding of the administrative issues.

10. **Submissions by the Respondent No. 1 and Respondent No. 2**

10.1 Mr. Kumar Mihir, AOR, Learned Counsel for the Respondent No. 1 and Respondent No. 2, has first attempted to provide a historical background to the Giriraj temple. It is submitted that the Danghati Temple, Govardhan is a privately owned

temple which was founded by one Sakta Ram baba, a local Godhaniya brahmin, who was survived by four sons namely, Udho, Madho, Narayan and Murli and the lineage continues till date and each lineage of the said sons is known as 'Thok'. As per the byelaws of the Giriraj Samiti, each 'Thok' was entitled to elect members for representation in Committee. This committee of Management, in-turn, was empowered to elect 6 posts i.e. Sabhapati, Up-Sabhapati, Pradhan Matri, Up-Mantri, Treasurer and Temple Manager, for a term of 3 years, pertinently the byelaws provided that the except for the local brahmins of the aforesaid 'Thoks', no other person would be the member of the general body.

10.2 It is submitted that the Appellant herein lacks any locus standi to file the present appeal. That the Impugned Order dated 27.08.2024, passed by the High Court, has been duly complied with by the Trial Court through its order dated 12.09.2024, as one Sh. Krishna Kumar Sharma (Sewayat) has been appointed as the caretaker. It is further submitted that the order dated 28.03.2023 through which the Appellant was appointed as one of the members of the committee managing the affairs of the temple, has already been set aside by the High Court vide the Impugned Order. Consequently, the Appellant's appointment as a committee member stands nullified, rendering the present appeal infructuous.

10.3 That the very essence of appointing a receiver/caretaker is to ensure that the temple's management is in the hands of someone well-versed in its traditions and practices. A practicing advocate cannot adequately devote time to the administration and management of a religious institution. Given the intricate religious and customary practices associated with the temple, the need for a skilled and knowledgeable caretaker is paramount.

10.4 It is further argued that the present Receiver is ineligible, and there is a need for an impartial custodian. Despite the appointment of the present receiver, the suit is still at the stage of recording the evidence of Plaintiff's Witness No. 1. The High Court has emphasized the necessity of appointing a receiver who not only has religious affinity towards the

deity but is also knowledgeable in the Vedas and Shastras. While the present receiver is the son of the Vice-President of the Respondent No. 5's Committee faction, as such he holds a vested interest in the ongoing litigation as well. It is submitted that a receiver is a representative of the Court and he must be an independent custodian and where the question of managing a temple is concerned such person should also have an understanding of the temple's management. Given the receiver's vested interest, his appointment is legally untenable and requires reconsideration, which has been challenged by the Respondent No. 1 before the Trial Court in Appeal No. 90/2024 titled '*Devendra Kumar Sharma vs Giriraj Sewak Samiti & Ors.*'.

10.5 Respondent Nos. 1-2 belong to the 'Sewayat Samaj' and are from Narayan and Udho thok respectively. It is jointly proposed by them that either of them be appointed as Caretaker of the temple subject to the orders of this Hon'ble Court as being lifelong adherents of the temple's customs, Respondent Nos. 1-2 possess an intimate understanding of its traditions and religious significance. It is also submitted that appointing a person who lacks familiarity with the temple's religious practices would endanger the trust and faith of the devotees. Additionally, due to appointment of Receivers who are unfamiliar with practices of the temples, over 400 families of the Sewayat Samaj depend on temple-related benefits for their livelihood related expenses, such as Kanyadaan, Ansh Daan, pensions, scholarships, temple development grants, and facilities for devotees, which have not been functioning properly despite this being essential tradition/practice of the temple.

10.6 Further, the parties have pressed for expedited proceedings and avoidance of administrative delays.

10.7 Lastly, it has been vehemently argued that the proposal by the State/Respondent No. 4 to appoint a caretaker is vague and ineffective, and the same has been strongly opposed. It is argued that the sudden interest exhibited by the State appears to be a reactionary measure following the High Court's observations on the glaring issues plaguing the temples in Mathura, rather than a well-planned administrative decision.

11. **Submissions by Respondent No. 4/State of Uttar Pradesh**

11.1 Mr. Navin Pahwa, learned senior counsel for the State of Uttar Pradesh/Respondent No. 4 has sought intervention in the present case highlighting the glaring state of affairs in the state, particularly, in Mathura with regard to the administration of temples.

11.2 The State has placed an affidavit on record citing its obligations under Article 25(2) of the Constitution read with the judgement rendered in ***Mrinalini Padhi v. Union of India (2018) 7 SCC 785***, and requested that the State (i) be permitted to appoint administrators in the eight temples highlighted, and (ii) to utilize the funds of Shri Banke Bihari Temple only to the extent of purchase of 5 acres of land around the temple to create a holding area.

11.3 It is argued that the Uttar Pradesh Braj Planning and Development Board Act, 2015 came to be enacted for the development, preservation and maintaining the Braj Heritage in the District of Mathura. Under the Act, a Parishad has been constituted which has the necessary expertise to administer the temples in the region, and accordingly its services can be utilized for appointing Administrators/Receivers for these temples.

11.4 The primary thrust of the Respondent No. 4's argument rests upon the dire situation of the Banke Bihari Temple in Mathura, and the lack of proper administration and amenities therein. The Temple is spread on a limited area of only 1200 sq.ft. The number of devotees/visitors visiting per day is about 50,000, of which the figure swells to about 1.5 Lakhs to 2.0 Lakhs per day during the weekends and to a figure of almost 5 Lakhs plus during the festival days. It is submitted that considering the existing area, there is almost unmanageable number of devotees who throng the Temple every day. The exigency of the situation demands urgent and immediate remedial measures.

11.5 It has been apprised to the Court that at present, a Civil Judge (JD), Munsif, Mathura is acting as an administrator of the Temple since 2016. This Temple was the site of an unfortunate stampede in the year 2022 resulting into death and injuries to large number of devotees.

11.6 The learned senior counsel has placed on record a Scheme for the development of the Banke Bihari Temple, which contained a provision for the development of the temple area as a corridor with the purchase of about 5 acres of land around the temple to facilitate *darshan* and *pooja* by the *devotees*. The infrastructure in the holding area would include the construction of a huge parking lot, accommodation for the devotees, toilets, security check posts and various other amenities. As per the Report of the district administration and trusted architect, the cost of purchase of the land was to be about Rs. 207 Crores, and the cost of construction to be about Rs. 507 Crores. The State further submits that the temple fund is currently more than Rs. 300 Crores. Accordingly, the State has filed a PIL, being No. 1509 of 2022, before the High Court seeking directions to ensure the same.

11.7 It is further submitted that in order to ensure that the land purchased remains in the name and ownership of the temple/ deity, the temple fund can be utilised to purchase the land. The State has proposed to incur more than Rs. 500 Crores to develop and construct the corridor. In relation to the same, while the High Court has accepted the Scheme it has refused to permit the State to utilize the temple funds.

11.8 The learned senior counsel relies on the judgement in the case of ***Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi and others v. State of Uttar Pradesh & Ors. (1997) 4 SCC 606***, wherein this Court upheld the validity of the Kashi Vishwanath Temple Act, 1983 and reaffirmed the delicate balance between religious freedom and state regulation.

11.9 That under Article 142 of the Constitution, this Court has the power to do complete justice and give directions even in respect of matters which was not directly under consideration or directly impugned before this Court. (Reliance placed on ***Rajeev Suri v. Delhi Development Authority & Ors. (2022) 11 SCC 1).***

12. **Submissions by Respondent No. 5/Dilip Kumar Mishra**

12.1 Ms. Vibha Datta Makhija, learned senior counsel for the Respondent No. 5 has sought intervention in the present case

highlighting the misuse of the temples that have fallen into the hands of a Receiver that have vested interest in prolonging litigation.

12.2 That the election of Defendant No.1/Respondent No. 5 was held and has been recognised under section 25 of Societies Registration Act, vide Order dated 11.02.2000 by the statutory Prescribed Authority. The challenge to the said order has been dismissed by the High Court, including the recall application. The election of the present Respondent No. 5 has attained finality, however despite that, the original Plaintiff in the suit, and the stranger Advocates/Receivers have continued to prolong the litigation to subserve their private agenda. Moreover, there are more than 3,500 Applications filed by strangers to the Suit related to managerial works of the temple. Further, subsequent elections have been regularly held in the Society managing the Shri Thakur Giriraj Ji Temple and a duly elected body exists for management and administration of the temple.

12.3 That suits challenging the election of a duly elected body are barred in view of statutory remedy available under section 25 of Societies Registration Act which empowers the prescribed authority for that purpose. The present suit is continuing for almost 25 years and judicial officials/receivers/advocates as Receivers have been appointed with respect to the temple in the garb of meeting the requirements of Order XL Rule 1 of CPC. The High Court in contempt jurisdiction has expressed its strong displeasure with respect to such appointments.

12.4 That the request of the State of Uttar Pradesh to be able to administer the temples ought to be rejected as it has always maintained the stand that all temple management committees have the fundamental right under Article 25 to manage and administer the temples/deities, and there is no enactment empowering the State of UP to take over the administration and management of Religious Endowment or Trusts, whether temporarily or permanently. (Reliance placed on **DR *Subramanian Swamy v. State of Tamil Nadu & Ors. (2014) 5 SCC 75***).

12.5 The following suggestions have been placed on record for the expeditious end to the prolonged litigation:

"i. Time bound steps must be taken to return the administration and management of the 197 temples wherever judicial officers or advocates, or other persons are appointed as Receivers as per the report furnished to this Hon'ble Court and the Hon'ble High Court;

ii. Wherever the elections have taken place and the temple management Trusts or Societies are statutorily recognized, including U/s 25 of the Societies Registration Act, in the recent past, i.e., within the last 3 years, which includes the election of Sri Dilip Kumar Sharma/ Defendant No. 1/ Respondent No.5, shall be handed over the accounts and charge of the temple (Shri Thakur Giriraj Ji) by the Receiver within 1 month;

iii. Wherever election could not take place due to a pending litigation, fresh elections as per the statutory requirements must be conducted, and handover of the management by the Receiver to the elected body must be ensured.

iv. For the effective implementation of the above directions (i) to (iii), a special 3 member committee may be appointed by this Hon'ble Court headed by an Hon'ble Retired Judge, and consisting of the statutorily Prescribed Authority under the Societies Registration Act, and one eminent person of the region who is familiar with the religious functions of the temples in the area, which shall ensure that the above directions are carried out in a time bound manner of two months from the date of formation of the Committee.

v. The temple management committees, being a statutory and primary stakeholder, will duly interact with the State, which in mutual consultation will evolve suitable schemes for development of the heritage and tourist infrastructure in the Braj area in strict accordance with the provisions of the U.P. Braj Planning and Development Board Act, 2015."

Discussion and Analysis

13. We have given our careful consideration to the submissions made on both sides of the bar, and by the intervenors. We have perused the materials placed before us, including the several reports as to the pending litigations across temples in the region. Mathura is a place where Lord Krishna (an Avatar of Lord Vishnu) is said to have been born over 5000 years ago in a prison cell because his parents were held captive by King Kansa. Vrindavan, which is a few kilometres away from Mathura, is a pilgrimage destination of immense and spiritual significance. Lord Krishna spent his early years in Vrindavan and where he performed the *Raas Leela* with *Gopis*, lifted the Govardhan Parbat and his flute was heard by everyone in Vrindavan. Bhagwat Puran and Mahabharata describes Lord Krishna's divine acts and teachings.

14. In Vrindavan and Mathura, there are large numbers of temples of Vaishnav Sampradayas, including the Banke Bihari Ji temple, Shree Krishna Janam Bhoomi, Prem Mandir, Radha Raman temple, Govindji temple and the list is long and all the temples are of great significance.

15. Mathura and Vrindavan, being historical cities, have found their descriptions in most of the religious scriptures and are visited by millions of people every year. There is a great rush of pilgrims to visit the historical temples and to seek blessings of Lord Krishna and other deities. Mathura and Vrindavan both, keeping in view of the influx of devotees, need wider roads, parking spaces, Dharamshalas, hospitals and other public amenities. The Trust formed by the State of Uttar Pradesh/Respondent No. 4 is already doing a great job for the development of Mathura and Vrindavan corridor, and the Act enacted by the Uttar Pradesh Legislature, i.e. The Uttar Pradesh Braj Planning and Development Board Act, 2015, provides for development of both the cities keeping in view their historic importance. The development of Mathura and Vrindavan cannot be done by parties individually, let it be the various trusts, which are managing the temples, or even by the Government. It has to be a collective effort by the Government, Trusts, people of Mathura and Vrindavan and other agencies in order to achieve a peaceful and spiritual journey for all pilgrims visiting these holy sites. The Yamuna river which is considered a Goddess in Hinduism and revered as sister of Yama, the God of death, also requires attention as Yamuna Ji is believed to be purifying and a

dip in its water is said to cleanse one's sins. The Kashi Ghat and Vishram Ghat requires to be expanded and renovated. Similarly, the lake of flowers i.e. Kusum Sarovar which is located near Govardhan Parbat also requires beautification. In short, there is a great work which has to be done to ensure that the pilgrims going to Mathura and Vrindavan are able to seek blessings of Lord Krishna and other Gods and Goddesses without any discomfort.

16. It is suffice to say that the buck does not stop at the issue raised in the present SLP relating to the eligibility of a receiver for Sri Giriraj Temple, Govardhan, Mathura. The fact that the Civil Suit has been pending for over 25 years, with only receiver's running the show, goes to show that the issue of maladministration runs deep and wide. During the hearings, we have been apprised by Intervenor/ Respondent No. 4 that other temples in the belt, including the Shri Banke Bihari Temple, have been facing severe administrative issues of crowd management and it is being administered by a civil judge.

17. It pains this Court to take notice of the fact that the temple was a site of an unfortunate stampede in 2022, caused due to the lack of infrastructure that can support the large crowd of devotees that visit the temple brimming with *bhakti* to offer their prayers. We have been apprised of the fact that the High Court of Judicature at Allahabad is currently seized of Public Interest Litigation No. 1509 of 2022, which was filed seeking directions in the aftermath of the stampede. While the High Court has accepted the State of Uttar Pradesh' scheme for the development of the area around the temple, it has refused to permit the State to utilize the Temple fund for the purpose of purchase of the land around the Temple premises by observing that the said issue is not yet adjudicated. The order dated 08.11.2013 passed in PIL No. 1509 of 2022 reads as under:

> *"1. The instant writ (PIL) has been filed inter-alia to ensure public order in and around the Temple of "Shree Banke Behari" situate at Mohalla Beharipura, Vrindavan, District Mathura. The petition espouses the need for preparation of a proper scheme for management and upkeep of Shri Thakur Banke Behari Ji Maharaj Temple so that the devotees can have easy access and proper darshan of the deity Shri Thakur Ji. The petition asserts that on normal days, the average number of devotees who visit*

the Temple are about 40 to 50 thousands per day and on weekends like Saturday, Sunday and on some holidays, the number swells to 1.5 lacs to 2.5 lacs per day. On festival days and auspicious days, the number of devotees visiting the Temple for Darshan of Thakur Ji is about 5 lacs per day. The approach roads to the Banke Behari Temple are very narrow, congested and incapable of accommodating large crowds and facilitate free movement. The narrow lanes have been encroached upon and unauthorized constructions including guest houses, shops selling Bhog for Thakur Ji, Vastra and other items for Thakur Ji have mushroomed hampering the free movement of the devotees, who comprise of young and old as also children. The gatherings are unmanageable and untoward incident sometimes leading to death occur often.

2. The writ (PIL) refers to a Scheme of Management framed under the decree drawn consequent to the judgment dated 31.3.1939 rendered in Original Suit No. 156 of 1938. The suit was instituted amongst Goswamis who perform Sevas of the deity classified as Raj Bhog, Shayan Bhog and Shringar Bhog. The writ (PIL) asserts that the Scheme of Management under the decree provides for setting up of a Committee of Management which shall perform the administrative functions, however, the Committee of Management as conceived under the decree is not functioning and the Civil Judge (Jr. Div.)/Munsif, Mathura is acting in the capacity of receiver and managing the administrative affairs of the Temple.

3. The writ (PIL) further asserts that on account of huge gathering of the devotees for Darshan there is law and order problems and numerous FIRs have been registered for theft, loot and loss of property. Details of cases have been mentioned in the petition. Instances of deaths of the devotees on account of huge gathering of crowd have been highlighted in the petition. It is vehemently submitted that the local administration which is duty bound to manage the gathering and ensure that proper walking corridors to approach the Temple are created to facilitate the devotees to have Darshan of the deity Shri Thakur Banke Behari

Ji Maharaj, has utterly failed in its obligation. In spite of numerous mishappenings, no steps have been taken by the District Administration or by the State Government itself in this regard. Learned counsel for the petitioner, in the above realm of the circumstances, has prayed for entertaining the writ (PIL) and issuance of the directions prayed for.

4. The writ (PIL) has been opposed by Goswamis who are stated to perform the Sewa in the Temple by raising all sorts of objections i.e. non-joinder/mis-joinder of parties, material concealment and lack of credentials and bona fides of the petitioner, the writ (PIL) being collusive and filed for personal interest, PIL under Article 32 of the Constitution of India, being Writ Petition (Civil) No. 369 of 2004 filed for similar relief having been dismissed reliefs claimed barred under Order 23 Rule 3-A CPC and violative of the Article 300-A of the Constitution of India besides being violative of the provisions of the Religious Endowment Act, 1863 and the Places of Worship Act, 1981, the Temple being a private Temple, no interference can be claimed in respect of its management and upkeep.

5. The State Government has filed an application supported by an affidavit of the Special Secretary, Religious Affairs Department, Government of U.P., Lucknow highlighting the untoward incident that occurred on 20.8.2022 resulting in the death of two devotees in a stampede inside the Temple which incident was ordered to be inquired by an Inquiry Committee headed by Shri Sulakhan Singh, former D.G.P., U.P. assisted by Shri Gaurav Dayal, Commissioner, Aligarh Division. The affidavit filed by the State Government in substance brings out the need for creation of better facilities for devotees, effective management of Thakur Behari Ji Temple and proper utilization of the Temple funds for resource creation. The affidavit asserts that the State Government intends to provide for social welfare of the general public by creation of a Trust to manage the facilities that are required to be established under the order dated 20.12.2022 of this Court. The affidavit also asserts that the public order would mandate creation of new and

upgraded facilities in and around the temple inasmuch as, the buildings surrounding the Temple area are in a dilapidated condition which result in mishaps.

6. Several persons claiming themselves to be Goswamis, priest (Shebait) of the Deity, Sevayats, Sevadars or Sewadhikaris associated with the affairs of the Temple and its management have filed impleadment/intervention applications raising objections to the writ (PIL) on similar grounds enumerated here-in-before. All such applicants have been permitted to intervene in the proceedings by order dated

7. We have heard learned counsel for the petitioner in support of the writ (PIL), learned counsel for Goswamis as also learned Advocate General along with the learned Addl. Advocate General and the learned Chief Standing Counsel for the State and have perused the records.

8. The Bankey Behari Temple, Vrindavan is amongst the holiest, famous and pious Temples of Lord Krishna in India. This Temple is stated to have been constructed sometime in 1864 with the contributions of Goswamis. Banke Behari Ji is worshiped and looked after as a child. The deity is also believed to be a combined form of Radha and Krishna. The Temple holds immense spiritual significance, offering a profound understanding of the philosophy of Bhakti Yog. Devotees believe that dedicating oneself to the path of devotion and surrendering to the divine love of Banke Bihari Ji leads to spiritual enlightenment and liberation. The popularity of the Temple attracts large crowd of devotees which most of time leads to untoward incidents and even deaths of the devotees who come to have a glimpse of their God. There exists eminent and persistent need for crowd management both outside the temple premises and inside as well.

9. From the order dated 31.8.2022, we find that this Court had adjourned the matter as learned State Counsel had sought time to place before the Court the Scheme which the State proposed for management of pilgrims in the Temple. The subsequent order dated 18.10.2022 records

that the proposed Scheme of the State Government has been brought on record by an affidavit sworn by Special Secretary, Dharmarth Karya, Government of U.P., Lucknow dated 28.9.2022. Briefly, the Scheme refers to development of Temple area as corridor, with purchase of about 5 acres of land around the Temple for facilitating Darshan and Puja by the devotees. The Scheme records that there would be no interference of any kind in the Puja- Archana or Shringar carried out by the Goswamis and whatever right they have shall be continued to be enjoyed by them. The Scheme further mentions that besides use of purchase of 5 acres of land around the Temple, provisions for other facilities, such as parking area and other public amenities shall be provided for which the cost would be borne by the State. The order dated 18.10.2022 further records the factum that the Goswamis have expressed their apprehension that the funds lying in the account of the Deity in the Temple may be utilized for purchase of the land of 5 acres around the Temple as proposed by the State and strongly object to the same. They, however, have expressed no objection in case the land is acquired by the State on its own expenses. However, ancient Temples in the vicinity of Bankey Behari Ji Temple may be included in the Scheme and preserved.

10. Learned counsel appearing for the State in order to demonstrate the viability of the proposed Scheme displayed 3-D video presentation before this Court and all other affected parties during the course of the proceedings. The counsel, however, submitted that the proposed Scheme is being opposed by the Goswamis even for its implementation outside the Temple premises. This Court had required the parties to mediate the dispute on at least two occasions, but the mediation proceedings were not successful. The counsel has asserted that the Scheme and the blue prints of the maps/drawings etc., have been got prepared by technical experts and are entirely viable, however, it requires the co-operation of the Goswamis and Temple management for its effective implementation. The State Counsel also contends that for the construction of the proposed corridor the co-

operation of the other persons occupying the land around the Temple is also necessary.

11. Records further reveal that on the request of the Goswamis who perform Sewa in the Temple, the proposed Scheme by the State Government was got examined by a retired Judge of this Court. The report submitted by the learned retired Judge of this Court is on record.

12. From the order dated 18.10.2022, we find that the exercise for getting the Scheme, proposed by the State Government examined by a retired Judge of this Court, was with regard to Crowd Management in the temple and surrounding areas. Though objections have been filed against the said report but the same relate mainly to the Crowd Management within the temple premises.

13. From the arguments advanced before us by the learned counsel appearing for the Goswamis, in opposition to the writ (PIL), in substance, we find that the opposition is with regard to interference in management of crowd within the temple premises. They also apprehend that the State Government would interfere in the management of affairs of the Temple.

14. Learned counsel appearing for the Goswamis have clearly expressed that they would have no objection to the proposal of the State Government so far as the crowd management outside the Temple premises is carried out. Their only apprehension is that Temples in the vicinity and places of religious significance may be preserved.

15. We are conscious of the issues of public importance highlighted in the instant writ (PIL) relating to the difficulties faced by the Devotees/ visitors to the Temple. We are also conscious of the numerous untoward incidents leading to the deaths of the Devotees young and old on account of crowd mismanagement that have been occurring time and again particularly, when significant religious festivals such as Krishna Janamastami, Rakshabandhan, Sharad Purnima etc. take place, on which dates the crowd is stated to be not less than five lacs per day. The Court is also

conscious of the fact that proper Darshan of the Deity is also at the whims and fancies of the Sevayats. The acrimony between the Sevayats belonging to the Raj Bhog and the Shayan Bhog often leads to difficulties being faced by the devotees in performance of their religious pujas. We have no doubt in our minds that proper management of the Temples, pilgrimage centres religious places of great importance is a matter of public interest. These places are of undoubted, religious, social, historical and architectural importance, representing cultural heritage of our country. Millions of people visit these places not only for tourism but also for seeking inspiration for the righteous values and for their well being. They also make huge offerings and donations for advancement of such values.

16. The Apex Court while considering the difficulties faced by the visitors to Shri Jagannath Temple at Puri and their harassment or exploitation by the Sevaks of the Temple in the case of Mrinalini Padhi versus Union of India reported in 2018 (7) SCC 787 observed as under:-

"20. The issue of difficulties faced by the visitors, exploitative practices, deficiencies in the management, maintenance of hygiene, proper utilization of offerings and protection of assets may require consideration with regard to all Shrines throughout the India, irrespective of religion practiced in such shrines. It cannot be disputed that this aspect is covered by List III Item 28 of the Seventh Schedule to the Constitution of India and there is need to look into this aspect by the Central Government, apart from State Governments."

17. In the same judgment, the Apex Court in Paragraph 30.9 observed that difficulties faced by the visitors, deficiencies in management, maintenance of hygiene, appropriate utilization of offerings and protection of assets with regard to shrines, irrespective of religion is a matter for consideration not only for the State Government, Central Government but also for Courts.

18. Then again, the Apex Court in the subsequent decision in the case of Mrinalini Padhi versus Union of

India reported in 2019 (18) SCC 1 in Paragraph 40.6 observed as under:-

"When there is a vast congregation of people, it becomes the Government's duty to ensure welfare, law and order, hygiene and provide proper amenities and sanitation facilities. The State Government is, therefore, directed to work out and prepare a plan in this regard. The Temple Administration is directed to coordinate with the Government in this regard for providing shelter place and facilities to the pilgrims."

19. From the records, we find that the State Government has already submitted a detail proposal with regard to immediate, short terms and long term suggestions for better management of temple and its surrounding areas. The immediate suggestions include amongst others, the increase of temple visitation time, online registration of devotees with time slots, Darshan through digital screens, creation of ramps and new barricading inside the temple etc. Short term suggestions include creation of trust to manage the the temple property in the absence of any management in place, increase in the space around the temple, structural audit of temple etc. Long term suggestions include amongst others development of a large corridor for better crowd management with various facilities for the devotees, expansion of lane surrounding the temple, development of the Ghats near the temple so that devotees can be diverted to these ghats for crowd management etc. Since, the immediate and short terms suggestions relate mainly to the internal crowd management of the temple, we at this stage, leave the same open for further deliberations. However, as regards the long term suggestions for better management of the area around the temple i.e. constructions of corridor for better crowd management with various facilities for the devotees, we are of the opinion that the restrictions of public order morality and heath as enshrined under Article 25 and 26 of the Constitution of India would compel us to direct the State Government to act in accordance with law for providing letter facilities to the devotees in and around the

Temple premise. We further direct the State Government to proceed with the implementation of the Scheme and Plan submitted before this Court, in accordance with law.

20. Human life cannot be put at stake just because somebody has objection. In our opinion, even the private Temples where devotees come for Darshan, safety of human life is required to be treated of utmost importance and the Government is bound to make necessary arrangements. Under the Constitution certain religious rights have been protected by Article 25 and 26 but these fundamental rights are not absolute and are subject to maintenance of public order. These restrictions find importance and have been specifically mentioned in Articles 25 and 26. Furthermore, no religious community denomination can claim that suggestion in the interest of public order, as per Article 25 and 26 can be destructive of their fundamental rights. The Supreme Court in Gulam Abbas Vs. State of U.P. and others reported in 1984 (1) SCC 81 has reiterated as above.

21. We are not in agreement with the argument of the State Counsel that for construction of the Corridor, the funds deposited in the Bank belonging to the Deity may be permitted to be utilized. This amount of Rs.262.50 Crores lying in the Bank, shall remain untouched particularly as we have not adjudicated the inter se rights of the State viz a viz the Sevayats (Goswami Samaj) and the Government is free to utilize its own money for the secular activity of facilitating public interests.

22. Considering the public importance highlighted in the writ (PIL) coupled with the fact that the State Government is obligated to take steps to ensure public order in and around the Temple and also to ensure the health and safety of the public at large, taking note of the fact that Darshan of the Devotees should not be hampered in any manner at this stage, we direct as under:-

i) The State Government to proceed with the implementation of plans and scheme submitted to this Court, which the Court finds appropriate and necessary in the interest of

justice. We leave it open for the State Government to take whatever steps it deems appropriate, after consultation with the technical experts in the field, for implementing the Scheme. The State Government is also free to take appropriate steps for removing the encroachment over the approach roads (galis) to the Temple.

ii) The State Government, after implementation of the Scheme, is expected to ensure that no further obstructions/ encroachment be allowed to come up on the approach roads to the Temple. In the event any such offending act is undertaken by anyone, the Government is free to take action against such erring persons in accordance with law.

iii) We make it clear that the Darshan of the devotees shall not be hampered in any manner, except for the implementation of the Scheme, during which appropriate alternative arrangements shall be made. The present Management along with all the stakeholders are directed to ensure that the Darshan of the devotees are not restricted in any manner and by anyone. The District Authorities are also directed to ensure strict compliance of the above directions and any act of violation shall be reported to this Court.

23. We place on record our appreciation for the stand taken by the Goswami Samaj in extending their wholehearted support in implementing the Scheme for the benefit of devotees and members of the general public.

24. While passing this order, we are not touching the respective rights of the parties and such questions are left open for consideration.

25. List this case on 31st January, 2024."

18. In ***Rajeev Suri v. Delhi Development Authority & Ors. (2022) 11 SCC 1***, or commonly known as the '***Central Vista case'***, this Court decided a matter in larger public interest even though a separate court was seized of the same under Article 142 of the Constitution. This Court observed:

"*518. No doubt, by way of the exclusive jurisdiction clause in Section 29, the jurisdiction of civil Courts is barred on*

these subject matters, but there is no impact whatsoever on the jurisdiction of this Court, being a Court of record and bestowed with original and appellate jurisdiction including superior powers to do complete justice under Article 142 in special circumstances. In other words, the jurisdiction of this Court is not controlled or guided by the form of jurisdiction vested in NGT in terms of the 2010 Act. The considerations before this Court can be diverse and expansive and the moment a lis comes before this Court, the subject matter comes out of the ambit of limited statutory consideration and falls in the realm of plenary constitutional consideration - wherein the duty of the Court is to do complete justice between the parties before it and in public interest jurisdiction to a class of persons.

…

574. […] In any case, once a cause reaches this Court and of this nature, the fundamental concern of the Court is and must be not only of doing substantial and complete justice, but also expeditious resolution of all aspects in larger public interest. This we must do within the constitutional bounds. Judicial activism to this limited extent is certainly permissible, in national interest. In doing so, the Court would not merely exercise its power under Article 139A while transferring the case before itself, rather, the underlying principle at play is the duty of this Court to do complete justice as envisaged under Article 142 and to obviate possibility of project of national importance being stuck, embroiled and delayed due to engagement of the project proponent before multiple legal forums/proceedings.

…

578. The character of a public interest proceeding is necessarily non-adversarial in nature and it is not a matter of two individuals fighting against each other at all possible forums. […]

579. The expression "complete justice" does not contemplate a narrow view of doing justice to the petitioners or the respondents. Rather, the principle entails looking

> *at the parties, their respective positions and the subject matter/cause before it as a whole. The Court needs to be even more vigilant and proactive in its pursuit of complete justice when the subject matter involves an exercise of power in rem and considerations of public interest traverse beyond the immediate expectations of the parties before the Court. It is not a case where parties have approached the Court for the vindication of personal rights, as already noted above, and the nature of subject matter is entirely different.*"

19. As this Court is *in sesin* of the cause *qua* the administration and safety of temples in the Braj region, it is in public interest to decide the issue raised by Respondent No. 4/State of Uttar Pradesh expeditiously in this Court itself. Respondent No. 4 has placed on record the proposed scheme for development for the Temple. Upon a perusal of the same and the consequent assessments, it has been ascertained that 5 acres of land around the temple is to be acquired and developed by constructing parking lots, accommodation for the devotees, toilets, security check posts and other amenities. As observed by the High Court vide order dated 08.11.2023, the acquisition of land around the temple and the consequent development project is crucial to ensure the safety of the pilgrims.

20. The State of Uttar Pradesh has undertaken to incur costs of more than Rs.500 Crores to develop the corridor. However, they propose to utilise the Temple funds for purchasing the land in question; which was denied by the High Court vide order dated 08.11.2023. We permit the State of Uttar Pradesh to implement the Scheme in its entirety. The Banke Bihari Ji Trust is having fixed deposits in the name of the Deity/Temple. In the considered opinion of this Court, the State Government is permitted to utilize the amount lying in the fixed deposit to acquire the land proposed. However, the land acquired for the purposes of development of the temple and corridor shall be in the name of the Deity/Trust. The order dated 08.11.2023 passed by the High Court of Allahabad in Public Interest Litigation deserves to be modified to the aforesaid extent and it is modified accordingly.

21. We now shift our attention to the issue arising out of the present SLP in relation to the appointment of receivers. Accordingly, Order XL Rule 1 is reproduced here below:

> *"**1: Appointment of receivers.--***
>
> *(1) Where it appears to the Court to be just and convenient the Court may by order--*
>
> *(a) appoint a receiver of any property, whether before or after decree;*
>
> *(b) remove any person from the possession or custody of the property;*
>
> *(c) commit the same to the possession, custody or management of the receiver, and*
>
> *(d) confer upon the receiver all such powers, as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit.*
>
> *(2) Nothing in this rule shall authorise the Court to remove from the possession or custody of property any person whom any party to the suit has not a present right so to remove."*

22. At this juncture, it is appropriate to reproduce the findings of the High Court which have been assailed before us by the Appellant:

> *"1. Receivership in the temple town of Mathura has become the new norm. Most of the famous and ancient temples are in the grip of legal battle, restraining the temple trust, its Shebait and the Committee to manage its affairs and are being run by persons appointed by the Court as Receivers under Order XL of Code of Civil Procedure, 1908 (hereinafter called as 'C.P.C.').*
>
> *2. Out of the list of 197 temples as provided by District Judge, Mathura on 23.05.2024, there are civil litigations pending of these temples situated at Vrindavan, Govardhan, Baldeo, Gokul, Barsana, Maath etc. The litigation ranges from the year 1923 till the year 2024. In these famous temples of Vrindavan, Govardhan and Barasana, practising advocates of Mathura Court have been appointed Receivers. The*

interest of Receiver lies in keeping the litigation pending. No effort is made to conclude the civil proceedings, as the entire control of temple administration vest in the hands of Receiver. Most of the litigation is in respect of management of temples and appointment of Receivers.

3. A practising lawyer cannot devote sufficient time for the administration and management of a temple, especially of Vrindavan and Goverdhan, which needs skill in the temple management along with full devotion and dedication. It has become a symbol of status in the city of Mathura.

[…]

22. The discretion given to the Court has to be exercised with great care and caution. It cannot in a routine manner appoint Receiver and continue the management of the temple/trust through such appointments. Every endeavour should be there to get the dispute decided at the earliest without prolonging it and running the entire show through the Receivers.

23. The present case is an example where the original suit was filed in the year 1999 claiming relief of permanent injunction restraining defendants from interfering in management and running of the temple. The suit is pending for last 25 years, and report of District Judge reveals that only plaintiff evidence has taken place. No effort has been made by court concerned to expedite the matter and decide it. Only application for appointment of Receiver has been considered on number of occasions and the temple trust is being run through Receivers. The entire dispute hinges around the appointment of Receiver. Earlier this Court in the year 2021 had set aside the order of court below appointing an advocate as Receiver and remanded back the matter for consideration afresh.

24. The officer against whom contempt has been alleged has now proceeded to appoint a Seven Member Committee of Receivers which includes three advocates. The order dated 28.03.2023 frustrates the provision of Order XL Rule 1 C.P.C.

25. In the garb of provisions of Order XL Rule 1 C.P.C., the Courts cannot prolong litigation and run a temple/trust or manage any suit property through Receiver without making any effort to decide the lis. 25 long years have elapsed and only plaintiff evidence has taken place. Successive litigations have come to this Court only questioning the very legality of appointment of Receiver. The suit is proceeding at snail pace. There is no effort either on the part of the court below or the Receiver who has been appointed to get the suit decided. Rule 1(d) of Order XL clearly provides that all powers, such as, bringing and defending suits and for realisation, management, protection, preservation and improvement of the property, collection of rents and profits thereto, the application and disposal of such rents and profits and the execution of documents are all conferred upon the Receiver.

26. It appears that the Receiver appointed by the Court made no effort to get the suit decided. His only interest is to continue as a Receiver and control the entire administration of the temple. The instant contempt application at the behest of Devendra Kumar Sharma clearly reveals that he has only moved an impleadment application in the suit of 1999 to be impleaded as a party and has applied to be appointed as a Receiver which has not been considered by court below.

[…]

28. The list of eight temples placed by District Judge demonstrates that, Radha Vallabh Mandir, Vrindavan; Dauji Maharaj Mandir, Baldeo; Nandkila Nand Bhawan Mandir, Gokul; Mukharbind, Goverdhan; Danghati, Goverdhan; Anant Shri Bhibhushit, Vrindavan and Mandir Shree Ladli Ji Maharaj, Barsana are all under the grip of Receivers and most of them are managed by practising advocates of Mathura.

29. Now, time has come when all these temples should be freed from the clutches of practising advocates of Mathura Court and Courts should make every endeavour to appoint, if necessary, a Receiver who is connected with the

management of a temple and has some religious leaning towards the deity. He should also be well versed with the Vedas and Shastras. Advocates and people from district administration should be kept away from the management and control of these ancient temples. Effort should be made for disposing of the suit, involving temple disputes at the earliest and matter should not be lingered for decades.

[…]

31. The present case which was filed on 10.05.1999 till date has not been decided despite 25 years having elapsed. The court below is requested to expedite the matter and proceed to decide the same without wasting any time in appointment of Receiver and continuing the management through them. The order dated 28.03.2023 passed by Civil Judge (Senior Division), Mathura appointing a Seven Member Committee is liable to be set aside as it is not based on any sound principle of law. The court below is expected to comply the order passed by writ Court on 23.11.2021 in Matters under Article 227 No. 4468 of 2021 and decide the application for Receiver in consonance with provisions of Order XL Rule 1 making every effort keeping away the advocates from the said responsibility.

32. Considering the facts and circumstances of the case, this Court requests the District Judge, Mathura to take personal pain and inform his officers about this order and also make every endeavour to conclude the civil disputes regarding temples and trusts of District-Mathura as expeditiously as possible.

33. Prolonging the litigation is only creating further disputes in the temples and leading to indirect involvement of practising advocates and district administration in the temples, which is not in the interest of the people having faith in Hindu religion."

23. It is an established fact that the historical temples are old structures; they require proper upkeep and other logistic support, and added to the fact is that in a large number of temples, Receivers have been appointed for decades now which was originally intended to be a

stop-gap temporary measure. It is unfortunate that while appointing Receivers, the concerned Courts are not keeping in mind that Mathura and Vrindavan, the two most sacred places for Vaishnav Sampradayas and, therefore, persons from Vaishnav Sampradayas should be appointed as Receivers. This will give true meaning to the High Court's directions pertaining to persons who are having adequate administrative experience, historical, religious, social background and not Advocates to be appointed as Receivers.

24. Accordingly, the order dated 08.11.2023 passed by the High Court of Allahabad in PIL No. 1509 of 2022 is modified to the extent that the State of Uttar Pradesh/Respondent No. 4 is permitted to utilise the temple fund in order to purchase the land around the Temple as per the Scheme proposed, provided that the land so acquired shall be in the name of the Deity/Trust. Further, the Civil Judge (Senior Division), Mathura is directed to comply with the Impugned Order dated 27.08.2024, and appoint a Receiver having relevant adequate administrative experience, historical, religious and social background preferably belonging to the Vaishnav Sampradaya. The present appeal, along with the IAs, are disposed of in the aforementioned terms.

25. Parties to bear their own costs. Pending applications, if any, shall stand disposed of.

Result of the case: Appeal disposed of.

[†]*Headnotes prepared by:* Ankit Gyan