



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 8519 of 2025

Buddheshwar Mahadev (Deity) Thru.Pujari,Ramu
Upadhyay Alias Ramu Ji Pujari And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. (Home) Lko. And 2
Others

.....Respondent(s)

Counsel for Petitioner(s)

: Piyush Asthana

Counsel for Respondent(s)

: C.S.C.

Court No. - 2

HON'BLE MRS. SANGEETA CHANDRA, J.

HON'BLE BRIJ RAJ SINGH, J.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State-respondents.

2. This petition has been filed by the petitioners with the following main prayers:-

"I. Issue order or direction in the nature of MANDAMUS directing the opposite party no.3 to immediately open the locks of Sita Rasoi and Kanwar Bhawan of Buddheshwar Temple which was requested vide representation dated 04.07.2025 (Annexure No.1) to various authorities including Chief Minister, Uttar Pradesh, District Magistrate, Lucknow (i.e. opposite party no.2), Chief Secretary, Government of Uttar Pradesh and Principal Secretary, Home, Government of U.P., ie., opposite party no.1."

3. It has been submitted by learned counsel for the petitioners that petitioner no.2 is the Pujari of Buddheshwar Mahadev Temple situated at Mohan Road, Police Station-Para, District Lucknow and is performing functions and duties of Pujari of the aforesaid Temple. He is residing in a room built in the Temple for Pujari's residence since last more than 25 years and he belongs to a family that has been serving the same Temple for several decades. In the month of Savan, a huge Mela is celebrated in the premises of Buddheshwar Mahadev Temple in which, lacs of people throughout India come for worship of Lord Shiva. After the murder of the then Pujari in the year 1999-2000, the District Administration had taken over the Buddheshwar Mahadev

Temple and appointed the Sub Divisional Magistrate, Sadar, Lucknow (for short 'the SDM') as Custodian. The Dan Patras installed in the premises were locked by the District Administration and could be opened only in the presence of the SDM, Tehsildar, Revenue Inspector and Lekhpal and the proceeds were deposited in the Temple's Bank account, whose responsibility was entrusted to the SDM as Custodian.

4. The petitioners have made repeated representations to the respondents for providing adequate security arrangements in the Temple and its maintenance and repairs, and when no heed was paid, the petitioners approached this Court in Writ Petition No.4534 (MB) of 2018 (*Buddheshwar Mahadev, Through Pujari Ramu Ji and Another vs. State of U.P. and others*). In pursuance of an order passed by this Court on 13.2.2018, directing the District Administration to consider the representation of the petitioners with regard to security arrangements at the Temple, security arrangements were made. The said writ petition remained pending. In compliance of the then SDM's order, certain persons, who were creating nuisance, were also warned not to create any nuisance in the Temple. Since then, functioning of the Temple continued smoothly under the Custodianship of the SDM. Later on, Sita Rasoi and Kanwar Bhawan were illegally locked by the present SDM, in the year 2024. Feeling aggrieved, the petitioners again approached this Court in Writ-C No.2644 of 2024 (*Buddheshwar Mahadev Deity through its Pujari Ramu Ji and Another vs. State of U.P. and others*), wherein an order was passed by this Court, disposing of the writ petition on 22.3.2024, by observing that the learned Standing Counsel had placed before it the instructions that no locks had been placed by the District Administration and no Committee had been constituted for Temple administration. It has been submitted that the new SDM, despite such orders being passed by the Court, has again forcibly locked Sita Rasoi and Kanwar Bhawan since July, 2025. Hence, need arose to file present writ petition.

5. Learned Standing Counsel has placed before this Court the instructions dated 01.09.2025 sent by the SDM, wherein it has been stated that petitioner no.2 is an impostor, who has no right or entitlement to file the instant writ petition. He has stated that he has been living and working as Pujari in the Temple premises for the past 25 years, but the petitioner no.2 has shown his age as 35 years only in the affidavit filed in support of the writ petition. He could not have acted as Pujari, who was ten years of age. It has been stated in the said instructions that the earlier Mahant of the Temple Late Fauji Baba

died mysteriously in the year 2000 and his Disciple Mahant Leelapuri continued to perform pooja and other rituals in the Temple. Later on, certain local persons had started interfering in the management of the Temple, therefore, Mahant Leelapuri had written an application to the District Administration on the basis of which, an order was passed by the SDM on 26.7.2000, taking over the management of the Temple. Mahant Leelapuri is quite old and still alive. She resides in the Temple premises. Because she is old, the petitioner has filed this writ petition to take over the management of the Temple. The petitioner no.2 has never been the Incharge of any pooja in the Temple.

6. It has also been stated in the said instructions that Sita Rasoi is a place where utensils and other materials are kept and in case any devotee wants Bhandara to be arranged in the Temple premises, the said place is used. The Area Lekhpal is the Incharge and having keys of Sita Rasoi, who makes necessary arrangements. It has also been stated that the Kanwar Bhawan had been constructed by the Tourism Department of the State of U.P. where the devotees who come on Kanwar Yatra are allowed to stay, but these premises were being misused by the petitioners and others for several nefarious activities, therefore, a lock was placed on the said premises over which, the petitioners otherwise have no right.

7. Learned counsel for the petitioners, at this stage, submits that arbitrary locking of the Temple premises and obstruction of various religious/social functions in the Temple, violate the fundamental rights guaranteed under Articles 25 and 26 of the Constitution of India, apart from infringing Article 14 of the Constitution of India.

8. Since there are specific instructions that the Temple has not been locked, there is no question of obstruction to religious functions/rituals being performed at the Buddheshwar Mahadev Temple.

9. However, without going into the allegations regarding the present SDM to take over the management of the Temple, we are of the, *prima facie*, opinion that since the Temple in question is an ancient Temple and the general public have faith in Lord Mahadev, the Secretary, Department of Religious Affairs (Dharmarth Karya Vibhag), State of U.P., may look into the affairs of the said Temple and propose a scheme of administration.

10. Learned counsel for the petitioners is directed to implead Principal

Secretary, Department of Religious Affairs (Dharmarth Karya Vibhag), State of U.P., as respondent no.4 in the writ petition during course of the day.

11. By the next date, the Secretary, Department of Religious Affairs (Dharmarth Karya Vibhag), U.P., may submit a proposal regarding administration of the Temple to be given to the Government officials/members of the public, who have faith in Lord Mahadev and want to do some public service.

12. The SDM, shall submit a report to the District Magistrate, Lucknow, who shall in turn, inform the Secretary, Department of Religious Affairs (Dharmarth Karya Vibhag), U.P., of the need to frame a scheme of administration for proper management of Buddheshwar Mahadev Temple.

13. List this case on 23.9.2025.

(Brij Raj Singh,J.) (Mrs. Sangeeta Chandra,J.)

September 4, 2025
Sachin