

Court No. - 40

Case :- WRIT - C No. - 41969 of 2024

Petitioner :- The Yog Satsanga Samiti Through Its Director/
General

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Amit Kumar Srivastava

Counsel for Respondent :- C.S.C.,Kartikaya Saran

Hon'ble Shekhar B. Saraf,J.

Hon'ble Ms. Nand Prabha Shukla,J.

Civil Misc. Amendment Application No.2 of 2024

1. The present application has been filed seeking amendment in the writ petition.
2. For the reasons stated, the amendment application is allowed.
3. Let necessary amendment be carried out in the writ petition.

Writ Petition

4. Heard Sri Anil Tiwari, learned Senior Advocate assisted by Sri Amit Kumar Srivastava, learned counsel appearing on behalf of the petitioner, learned Standing Counsel appearing on behalf of the State and Sri Anoop Trivedi, learned Senior Advocate assisted by Sri Varun Singh, learned counsel appearing on behalf of the respondent Nos.3 & 4.

5. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the allotment letter, which has been downloaded on December 17, 2024, issued to it.

6. From the said letter, it appears that approximately 50,000 square feet of land has been allotted to the petitioner on 50 feet

road.

7. Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has vested right in being allotted land on the junction of Triveni Marg and Mukti Marg during the Mahakumbh Mela, as it was earlier allotted the same land during the Kumbh Mela held earlier in the years 2001, 2007 and 2013.

8. It is to be noted that in the year 2019, the petitioner was allotted a land in a different location and no challenge to the said allotment was made by the petitioner.

9. Learned Senior Advocate appearing on behalf of Prayagraj Mela Pradhikaran submits that the particular location, which is being sought for by the petitioner, has been allotted or in the process of being allotted to the Shankaracharyas, Akharas and Maha Mandleshwars. He submits that any change in the allotment made to the petitioner would require further changes to be made in the allotment to the Shankaracharyas, Akharas and Maha Mandleshwars.

10. In our view, the petitioner cannot claim a vested right for allotment, even if a particular piece of land had been allotted in the past to the petitioner. The particular Mahakumbh Mela being organised this year would obviously be different from the earlier organised Kumbhmela, as the extent of the Kumbhmela keeps increasing each year. Being a Mahakumbh, we do appreciate that the State authorities are taking great care in allotting the land to the different institutions/organisations as per the policy established. No particular organisation can claim a vested right for being allotted a particular land only because the said land may have been allotted to it in the previous years.

11. In the present case, in fact, it is observed that the petitioner

was allotted a different land in the year 2019 and it had not raised any objection to the same at that time. This year, an allotment of land has been made to the petitioner to the extent of 50,000 square feet.

12. In light of the same, we do not find any reason to intervene with the said allotment. However, it will be left open to the petitioner to once again make a representation to the State authorities with regard to the prayer sought in this writ petition and the authorities are directed to consider the same and pass a reasoned order on the same within a period of seven days from the date such a representation is made. The State authorities are also directed to look into the fact that the petitioner has been a part of this tradition for a very long time and, if possible, land may be granted closer to the petitioner's choice.

13. With the aforesaid direction, the writ petition is disposed of.

Order Date :- 20.12.2024

Kuldeep

(Ms. Nand Prabha Shukla, J.) (Shekhar B. Saraf, J.)