

Court No. - 44

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2482 of 2023

Petitioner :- Pankaj Saraswat

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Priyanka Mishra,Utkarsh Birla

Counsel for Respondent :- C.S.C.,Dharmendra Singh Chauhan

Hon'ble Siddhartha Varma,J.

Hon'ble Madan Pal Singh,J.

1. This writ petition has been filed with the following reliefs :-

(a) Issue a suitable writ, order or direction in the nature of mandamus commanding the Respondents not to demolish the 'Kunj Galis' (lanes) of Vrindavan and Temples around the temple of Thakur Shri Bankey Bihari Ji Maharaj and not to change the swaroop of Vrindavan for construction of the proposed corridor;

(b) Issue a suitable writ, order or direction in the nature of mandamus commanding the Respondents not demolish structures and not to do any construction within 100 metres radius of ASI protected monuments being temples of Thakur Shri Radhavallabh Lal Ji Maharaj and Thakur Shri Madan Mohan Ji Maharaj;

(c) Issue a suitable writ, order or direction in the nature of mandamus commanding the Respondents not to convert the Kunj Galis and Temples of various sects and denomination into the place of worship of Haridasi Sampraday/ sect/ religious denomination and not to violate provisions of the Places of Worship (Special Provisions) Act, 1991 for the Corridor project.

(d) Issue a suitable writ, order or direction in the nature of mandamus commanding the Respondents not to use force to obtain consent for acquisition from common people whose houses and shops are proposed to be acquired/taken over and conduct acquisition of land in accordance with provisions of the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013."

2. Today, learned counsel appearing for the petitioner has

pressed for interim relief contained in the writ petition.

3. However, learned counsel appearing for the State Sri Kunal Ravi Singh, learned Chief Standing Counsel has opposed the writ petition and has submitted that after the Supreme Court has passed the order on 15.5.2025, a few of the residents namely Devendra Nath Goswami and Rasik Raj Goswami had filed modification applications and the prayers in their applications are as follows :

"PRAYERS IN THE APPLICATION FILED BY DEVENDRA NATH GOSWAMI :

"a) Modify the judgment dated 15.05.2025 passed in Special Leave Petition (Civil) 29702 of 2024, particularly Paragraphs 19, 20 and 24, to the extent that they :

- i. approve the redevelopment scheme proposed by the State of Uttar Pradesh for Shri Banke Bihari Ji Maharaj Temple, and
- ii. Permit the use of temple funds for the acquisition of land for the purposes of the said scheme,

as the same was granted without affording any opportunity of hearing to the present Applicant and other key stakeholders, and without consideration of the historical, spiritual, legal, and cultural aspects surrounding Shri Banke Bihari Ji Maharaj Temple and its adjoining areas;

b) Stay the implementation of the redevelopment scheme and any further acquisition, demolition, or construction activities pursuant to the Judgement dated 15.05.2025, pending the final disposal of this Miscellaneous Application;

c) Direct the constitution of a heritage and stakeholder consultation committee to examine any proposed redevelopment plan in a fair, transparent, and inclusive manner; and

d) Pass such other or further orders as may be deemed just and proper in the facts and circumstances of the case, in the interest of justice, equity,

and protection of religious and cultural heritage.

PRAYERS IN THE APPLICATION FILED BY RASIK RAJ GOSWAMI :

- a. Clarify the judgment dated 15.05.2025 that the order dated 08.11.2025 passed by Allahabad High Court in PIL No.1509 of 2022 has been modified only to the extent as detailed in Para 24 of the Judgment dated 15.05.2025 of this Hon'ble Court;
- b. Clarify that the directions in para 24 of the Judgment dated 15.05.2025 of this Hon'ble Court in relation to Deity/Trust relates to only to the Deity;
- c. Pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. For the prayers made, there are various grounds and the ground Nos. **d, f, r, s** and **t** are important for our purpose. They are being reproduced here as under :

"d) Because the redevelopment plan proposed by the State Government, which includes the acquisition of approximately 5 acres of land surrounding the temple for construction of parking lots, toilets, accommodation, and other amenities, is insensitive to the historical, cultural, and spiritual sanctity of the temple premises and adjoining streets. It is submitted here that the streets around Shri Banke Bihari Ji Temple are not mere public thoroughfares but are revered as sacred by devotees. These streets form an integral part of the temple's spiritual ecosystem, where devotees believe that Lord Krishna himself performs Ras Leela. The demolition or alteration of these sacred paths would amount to desecration of the holy site. The proposed plan, if implemented, would result in irreversible damage to the centuries-old heritage and unique religious character of the temple and its surroundings, thereby violating the fundamental right of devotees under Article 25 of the Constitution to freely practice and profess their religion.

f) Because the Banke Bihari Temple in Vrindavan is a place of great spiritual significance, and the surrounding streets also hold historical and devotional importance. Demolishing these streets would indeed impact the

temple's sanctity. The temple's association with Swami Haridas and the divine tales surrounding it, along with its unique craftsmanship, contribute to its significance. The streets are integral to the overall devotional environment, and any alterations could alter the temple's sacred aura.

r. Because while permitting the redevelopment plan proposed by the State of Uttar Pradesh, this Hon'ble Court did not have the benefit of examining critical historical and cultural aspects intrinsic to the Vrindavan region, especially the area surrounding Shri Banke Bihari Ji Maharaj's Temple. The region is home to a dense concentration of ancient temples and sacred sites that represent invaluable religious and cultural heritage for generations of devotees. According to various traditional accounts such as the *Dushyant Varnana*, *Purohit Paro Varnana*, *Maniparo Varnana* and *Lakho Paro Varnana*, the old city of Vrindavan houses more than 50 historically and spiritually significant temples. These include :

- * 6 ancient temples under *Purohit Paro Varnana*,

- * 6 ancient temples under *Maniparo Varnana*,

- * 24 ancient temples in *Thakur Shri Radha Mohan Ji Ka Gheara*, and

- * 15 ancient temples in the vicinity of *Thakur Shri Banke Bihari Ji Maharaj* under *Lakho Paro Varnana*.

Among these are well-known temples such as Thakur Shri Radha Gopal Ji Maharaj, Radhan Mohan Mandir, and Thakur Shri Dan Bihari Ji Temple, all of which are proposed to be demolished or adversely affected under the State's plan to construct a corridor.

s. Moreover, the sacred *Kunj Galis* - narrow alleys intimately connected to the divine Ras Leela of Lord Krishna are also proposed to be cleared or altered under the redevelopment proposal. These streets are not just physical pathways but are considered by lakhs of devotees as divine Leela-sthalis. They are referenced in both spiritual scriptures and historical records. Their proposed demolition would permanently erase a living tradition central to the Vaishnava bhakti movement.

t. It is submitted that such large-scale demolition and alteration of ancient temples and spiritual spaces is a direct assault on the cultural, historical

and religious fabric of Vrindavan, and stands in violation of:

>Article 26 of the Constitution (right to manage religious affairs),

>Article 25 (freedom of religion), and

>Article 49 (duty of the State to protect monuments and places of artistic or historic interest)."

5. From the perusal of the grounds and the prayers made in the application before the Supreme Court, it appears that for the same relief for which the applications had been filed before the Supreme Court, the petitioner in this Court had also filed the instant writ petition and is pressing the writ petition.

6. Under such circumstances, we are definitely of the view that since the Supreme Court is seized with the matter and the hearing is going on, we should adjourn the instant matter.

7. Considering that the writ petition is pending since 2023, we direct the State to file a counter affidavit to the writ petition.

8. List this case on 03.07.2025 at 2.00 PM.

Order Date :- 29.5.2025

GS

(Madan Pal Singh, J.) (Siddhartha Varma, J.)