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2026:AH:15921

HIGH COURT OF JUDICATURE AT ALLAHABAD
CONTEMPT APPLICATION (CIVIL) No. - 5608 of 2025

Gaurav Goswami

.....Applicant(s)

Versus

Mr. Justice Ashok Kumar (Rtd.) and 12 others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajeev Goswami
Counsel for Opposite Party(s)	:	

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. This contempt application has been filed under Section 12 of Contempt of Courts Act, 1971 for punishing opposite parties for flouting the order dated 28.11.2022 passed in Public Interest Litigation (PIL) No. 1509 of 2022, and further direct the opposite parties to comply the said order.

2. Facts, giving rise to the present contempt proceedings, are that at Vrindavan, Mathura, temple of Thakur Shri Banke Bihari Ji Maharaj exists. A Public Interest Litigation (PIL) No. 1509 of 2022 was filed regarding preparation of a proper scheme for managing and upkeep of the Temple. In the said Public Interest Litigation, the State Government had filed a plan for development of the entire area and management of the Temple. On 28.11.2022, the Court while hearing the said PIL took note of communication dated 10.11.2022 written by District Magistrate/ Senior Superintendent of Police to District Judge, Mathura. On 14.11.2022, Civil Judge (Junior Division), Mathura increased the *darshan* timing of the Temple and made some adjustments for *aarti* and

bhog. The order passed by Civil Judge (Junior Division), Mathura was stayed by Division Bench. On 15.10.2024, the Court observed that order dated 28.11.2022 was being followed and the application moved by intervenor being Civil Misc. Application No. 46 of 2024 was dismissed.

3. Subsequently, Writ Petition (Civil) No. 704 of 2025 was filed before Hon'ble Supreme Court wherein number of impleadment/intervention applications were filed by different parties which were allowed.

4. The Hon'ble Supreme Court constituted a High-Powered Temple Management Committee (*hereinafter referred as "the Committee"*) to oversee and supervise the day-to-day functioning of inside and outside of the Temple subject to ultimate outcome of proceedings before High Court. The Committee constituted was to be headed by Justice Ashok Kumar (Retd.), a former Judge of this Court along with Members so appointed by Hon'ble Apex Court. A meeting of the Committee was held on 11th September, 2025, wherein Agenda No. 7 was in regard to increasing time for *darshan*. The Committee resolved and increased time. An office memorandum was issued by District Magistrate/Collector, Mathura, Member Secretary of the Committee on 19th September, 2025. Hence, the present contempt application.

5. Counsel for the applicant submitted that once the writ Court in Public Interest Litigation (PIL) No. 1509 of 2022 had passed a restrained order staying the operation of order dated 14.11.2022 passed by Civil Judge (Junior Division), Mathura, the Committee so appointed could not have increased the *darshan* time. He further submitted that again the Division Bench while dealing with issue of increasing time, on 15.10.2024, had rejected the intervenor's application no. 46 of 2024. According to him, the Committee so appointed by Apex Court was to oversee and supervise the day-to-day functioning and could not intervene in the timing of *darshan* as the PIL is still pending.

6. He also submitted that already a modification application has been moved before Apex Court and, thus, a case for contempt has been made

out against Chairperson as well as Members appointed by Hon'ble Apex Court.

7. He has also laid stress to the fact that increasing the *darshan* time would change the daily routine of the deity which cannot be done by an administrative order of the Committee. He also contended that memorandum issued by Member Secretary as well as resolution of the Committee is an administrative act which cannot overpower the judicial order. Reliance has been placed upon the decision rendered in case of **State of Karnataka vs. C Lalitha, (2006) 2 SCC 747**. Relevant paras 23, 24 and 26 are extracted hereasunder:-

“23. A judgment, as is well known, is not to be read as a statute. But, it is also well known that the judgment must be construed as if it had been rendered in accordance with law.

24. In Ramesh Chand Daga v. Rameshwari Bai [(2005) 4 SCC 772] this Court held: (SCC p. 777, para 19)

“19. A judgment, as is well known, is not to be read as a statute. A judgment, it is trite, must be construed upon reading the same as a whole. For the said purpose the attendant circumstances may also be taken into consideration.”

(See also Zee Telefilms Ltd. v. Union of India [(2005) 4 SCC 649] .)

25. ****

26. In Gajraj Singh v. State of U.P. [(2001) 5 SCC 762] this Court held: (SCC p. 768, para 8)

“A doubt arising from reading a judgment of the Court can be resolved by assuming that the judgment was delivered consistently with the provisions of law and therefore a course or procedure in departure from or not in conformity with statutory provisions cannot be said to have been intended or laid down by the Court unless it has been so stated specifically.”

8. Sri Rahul Agarwal, learned senior counsel appearing for opposite party submits that in Public Interest Litigation (PIL) No. 1509 of 2022, the Division Bench found that as the order passed by the court on 14.11.2022 on the basis of a communication dated 10.11.2022 by District Magistrate to District Judge, the said order was stayed. He further submitted that the Apex Court while constituting a High-Powered Temple Management Committee, on 08.08.2025, had observed that previous administerial deadlock and in-fighting have only worsened the

problems plaguing the Temple, causing much distress to the pilgrims who are left without any amenities or redress. Thus, the Apex Court had constituted the Committee to be headed by an impartial person with considerable experience and ability to run the day-to-day affairs of the Temple, apart from undertaking some of the initiatives.

9. Sri Agarwal heavily relied upon paragraph nos. 34 and 35 of order of Apex Court whereby the Committee was empowered to deal with variety of issues incidental to the proper functioning of the Temple, which include essential amenities, such as, clean drinking water, functional washrooms, adequate shelter and seating, dedicated corridors for crowd movement, and special arrangements for the elderly, women, children, and persons with disabilities. Effective crowd control, safety protocols, and maintenance of public order during peak days and festivals. The Court also directed the Committee to oversee and supervise the day-to-day functioning of inside and outside the Temple, subject to ultimate outcome of proceeding before High Court.

10. According to him, it was pursuant to orders of Apex Court that Committee constituted therein in meeting held on 11.09.2025 resolved to increase the *darshan* time and a office memorandum was issued on 19.09.2025.

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

12. The short point for consideration is as to whether the order passed by Division Bench of this Court on 28.11.2022 in Public Interest Litigation (PIL) No. 1509 of 2022 has been willfully disobeyed by opposite parties or not.

13. The controversy regarding preparation of proper scheme of management and upkeep of Shri Thakur Banke Bihari Ji Temple at Vrindavan is in active consideration of both this Court and Hon'ble Apex Court. Through Public Interest Litigation (PIL), certain petitioners have tried to raise the issue for preparation of a proper scheme of management. The State has also come up with a plan to set up a

dedicated corridor so as to enable smooth *darshan* of deity Thakur Shri Banke Bihari Ji by pilgrims. The move of State Government has been vehemently opposed by some of Goswamis of the Temple. Several orders have been passed by this Court in number of judicial proceedings which were carried to Hon'ble Apex Court. Looking to the urgency of the matter and administerial deadlock and in-fighting amongst the people in-charge of the management of the Temple, the Hon'ble Apex Court appointed a High-Powered Temple Management Committee, on 08.08.2025, which was to be headed by a former Judge of this Court along with other Members so appointed by Apex Court, and District Magistrate, Mathura/Collector being Member-cum-Member Secretary.

14. In para no. 34 and 35 of the judgment dated 08.08.2025, the Apex Court formed the Committee and laid down the guidelines for overseeing and supervising the day-to-day functioning inside and outside the Temple. Relevant paragraphs 34 and 35 are extracted hereasunder:-

“34. We are emboldened in this regard by the fair stand taken by the State before us, acquiescing to the establishment of a Committee for the management of the Temple. This Committee may deal with a variety of issues incidental to the proper functioning of the Temple, which include, but are not limited to, the provision of essential amenities such as clean drinking water, functional washrooms, adequate shelter and seating, dedicated corridors for crowd movement, and special arrangements for the elderly, women, children, and persons with disabilities. Effective crowd control, safety protocols, and maintenance of public order during peak days and festivals are also integral to the responsible administration of the Temple, which sees exceptionally high daily footfall. The failure to address these aspects on an urgent basis not only endangers the safety of the devotees but also undermines the sanctity of the Temple itself.

35. We accordingly direct the establishment of a High-Powered Temple Management Committee (hereinafter, “the Committee”) to oversee and supervise the day-to-day functioning inside and outside of the Temple, subject to the ultimate outcome of the proceedings before the High Court. Accordingly, we constitute the High-Powered Temple Management Committee comprising the following persons/authorities:

(i) Shri Justice (Retd.) Ashok Kumar, Allahabad High Court; currently residing at Flat No. B/601, Raj Niwas Residency, Prayagraj, Uttar Pradesh (Mobile No.: +91 94152 36815); (Chairperson)

(ii) Shri Mukesh Mishra, Retired District & Sessions Judge, Uttar Pradesh Judiciary; currently residing at House No. 7-C/260, Sector 7, Awadh Vihar Yojana, Lucknow, Uttar Pradesh; (Member)

- (iii) District & Sessions Judge, Mathura; (Member)*
- (iv) Munsif, Mathura/Civil Judge, Mathura; (Member)*
- (v) District Magistrate, Mathura/Collector, Mathura; (Member-cum-Member Secretary)*
- (vi) Senior Superintendent of Police, Mathura; (Member)*
- (vii) Municipal Commissioner, Mathura; (Member)* *(viii) Vice Chairman, Mathura Vrindavan Development Authority; (Member)*
- (ix) A renowned Architect, to be engaged by the Chairperson; (Member)*
- (x) A representative from the Archaeological Survey of India; (Member)*
- (xi) 2 Persons each from both the Goswami groups. (Members)''*

15. Pursuant to said decision, it appears that the Committee so constituted held its meeting on 11.09.2025 wherein several agendas were placed for consideration. Agenda No. 7 was in regard to increase in timing of *darshan* and after due consideration, resolution was passed by Members of the Committee for increasing the *darshan* time. Subsequently, an office memorandum was issued of Member Secretary/Collector, Mathura on 19.09.2025. The applicant is aggrieved by Resolution No. 7 passed by the Committee increasing the *darshan* time on the ground that Division Bench in Public Interest Litigation (PIL) No. 1509 of 2022 had stayed the order of Civil Judge (Junior Division), Mathura.

16. As the order dated 28.11.2022 takes note of the fact that Civil Judge (Junior Division), Mathura had passed the order increasing the *darshan* time, on 14.11.2022, on the basis of administration communication having been taken place between the District Magistrate and District Judge, the Court, while dealing with Public Interest Litigation (PIL), stayed the said order. The High-Powered Temple Management Committee has been constituted as per direction of Hon'ble Apex Court who has to function as per directions as contained in the said judgment which clearly reveals that Committee is to oversee and supervise the day-to-day functioning inside and outside the Temple. Moreover, some of the parties had challenged the Ordinance issued by State Government before Division Bench of this Court. The Committee

has proceeded to increase the *darshan* time looking to the huge influx of pilgrims at the Temple who are facing great hardship. The Apex Court has not only directed the Committee to look into the day-to-day affairs of the Temple but also has directed to oversee and supervise the functioning inside and outside the Temple.

17. In view of directions of Hon'ble Apex Court, the Committee had resolved to increase the *darshan* time to ease the pressure inside and outside the Temple and pilgrims do not have to face any distress.

18. Reliance placed by applicant counsel on the decision rendered in case of **C Lalitha (supra)** does not help his case but in fact helps the case of opposite party as the Committee is only following the directions of Hon'ble Apex Court making proper arrangement inside and outside the Temple.

19. Considering the facts and circumstances of the case, I find that the order dated 28.11.2022 has not been flouted or violated by opposite parties and no case for contempt is made out as opposite parties are the Committee constituted by Hon'ble Apex Court by order dated 08.08.2025 and are overseeing and supervising the day-to-day functioning inside and outside the Temple.

20. The contempt applications fails and stands dismissed.

(Rohit Ranjan Agarwal,J.)

January 22, 2026
(V.S.SINGH)