

Court No. - 3

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 606 of 2024

Petitioner :- Swami Krishnacharya Alias Kali Prasad Mishra

Respondent :- State Of U.P. Thru. Secy. Excise Deptt. U.P. Govt. Lko. And Others

Counsel for Petitioner :- Satish Kumar Sharma, Harendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner and Sri Indrajeet Shukla, learned additional chief standing counsel who appears on behalf of the State-respondent.

This petition has been filed by the petitioner with the following main prayer:-

"Issue a writ, order or direction in the nature of MANDAMUS thereby commanding the opp. parties No. 1 to 3 to set up inquiry against the illegal work conduct and behavior of the opp. Party No.4 to 6 and take appropriate and strict action against them and also get remove the wine shop from next to the temple with immediate so that the devotees can have offering prayer of Lord Shiva in Shravan month."

It is the case of the petitioner that being a public spirited person, this writ petition is being filed in the nature of PIL as respondents have given 'Theka' of running a wine shop to the private respondent no. 5 and 6 within close proximity of Shravan Shram Mandir Kiharan Tehsil Milkipur, District- Ayodhya and the running of wineshop right next to the premises of the temple would cause undue hardship to devotees offering prayer to lordship during Shravan Month. The petitioner had made a complaint to the Deputy Excise Commissioner Ayodhya, but he disposed of the application on the ground that if the shop was closed, the excise department would face losses.

We have gone through the letter dated 10.04.2024. A copy of which has been filed as annexure no. 2 to this petition. We have also gone through the instructions that have been made available to the office of C.S.C. which have been produced before this Court. The instructions are signed by the District Excise Officer, Ayodhya.

Let personal affidavit be filed by the District Excise Officer, Ayodhya with regard to the procedure adopted for making measurement.

We have gone through the Government Order dated 20.03.2008, a copy of which has been enclosed alongwith the instructions. The photographs of the area i.e. the road on which the wineshop is situated and the measurement carried out from the old gate and the new gate to the boundary wall of the temple concerned, be filed along with the affidavit.

List this matter on **31.7.2024 as fresh.**

Order Date :- 22.7.2024
Mayank