



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34493 of 2026

Vishv Jaat Sangh Cheritable And Religious Trust
And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE INDRAJEET SHUKLA, J.

Let Chaudhary Ram Kishor with his complete particulars be impleaded as a party respondent to the writ petition during the course of the day.

Issue notice.

Notice on behalf of respondent nos.1 to 4 is accepted by Mr. Anand Bhaskar Srivastava, learned Standing Counsel.

Steps to serve respondent no.5 shall be taken by R.P.A.D. within 48 hours

All the respondents will have two weeks' time to file a counter affidavit.

List this petition for admission on 16.09.2026 along with a report regarding service and the postal track attached. A report regarding status of pleadings shall also be made by the office.

The petitioners' suit for permanent injunction being O.S. No.640 of 2010 has been decreed restraining the 5th respondent from interfering with the petitioners' possession, dispossessing him or dissipating the suit property or transferring it, digging it up or damaging it. The petitioners are a charitable and religious trust. There was persistent disobedience with the decree and the normal course would have been for the petitioners to move the Court for execution of the decree if the public in general, who are litigants including officials of the State were to understand the law and the position of the Court of ordinary original civil jurisdiction.

Of late, we have noticed a trend, where decrees of Civil Courts regarding execution whereof much emphasis is laid have become meaningless because the police and revenue authorities of the State think that the Civil Court is hardly a Court and their orders and decrees are of no consequence. They trifle with such decrees and orders and go to the extent of complaining to this Court on the administrative side if any Judge of the Civil Court takes measures to execute his orders.

It is in these circumstances and rightly so perhaps though not going by the law *stricto sensu*, that the petitioners moved this Court by means of Writ-C No.40723 of 2025 seeking a mandamus of ours against respondent nos.2, 3 and 4 to the aforesaid writ petition not to interfere in the peaceful functioning of the petitioners' trust in any manner and to comply with the judgement and decree dated 06.10.2010 passed by the Civil Judge (Junior Division) in O.S. No.640 of 2010. This Court while deciding the aforesaid writ petition passed the following orders:-

"1. Heard Sri Bimla Prasad, learned counsel for the petitioners and Sri Mukul Tripathi, learned Standing Counsel for the State respondents.

2. By means of this petition filed under Article 226 of the Constitution, petitioner has prayed for following relief:

"(i). Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 2, 3 and 4 not to interfere in the peaceful functioning of the petitioners trust in any manner and to comply with the judgment and order dated 6.10.2010 passed by Civil Judge (Junior Division) in original Suit No. 640 of 2010, Vishwa Jat Maha Sangh Charitable & Religious Trust and another v. Chaudhary Ram Kishore."

3. While entertaining this petition learned Standing was directed to obtain instruction in the matter. The instructions are obtained in the matter and the same are taken on record, a copy of which is also served upon learned counsel for the petitioner.

4. Vide paragraph 9 of the instruction, it has been categorically stated that the suit of the petitioner for permanent injunction against the private party has already been decreed, which has been taken note of and in paragraph 19 it has come to be stated that the police as well as the

district administration is only ensuring the compliance of the civil court's order and no amount of effort is being made to hand over the possession of the property in question to a third party. It has also come in paragraph 19 of the instruction that petitioner continues to be in possession.

5. Since now the State respondents have taken stand that petitioner is in possession of property, petitioner shall continue to remain in possession and shall be entitled to use use and enjoy the property in question. However, in the event petitioner is aggrieved by any act and conduct of a third party, then he should get the decree of permanent injunction executed in accordance with law.

6. With the aforesaid observations and directions, this petition is consigned to records."

One decree of the Civil Court passed in the suit and one order of this Court had not been enough to buy peace for the petitioners. The petitioners want to raise construction on the suit property, which is protected by the decree of the Civil Court as well as this Court's order dated 04.02.2026 passed in Writ-C No.40723 of 2025. Still, undaunted respondent no.5 and at his instance third parties are not permitting the petitioners to raise constructions. It would be the duty of the police to ensure on a 24 hour basis that the petitioners' rights are not interfered with. They have not done that and the petitioner has helplessly gone to the District Magistrate, Mathura seeking to beg him to implement the Civil Court's decree and our order. This is audacity and contempt of the highest order.

Let the Senior Superintendent of Police, Mathura, the District Magistrate, Mathura and the Sub-Divisional Magistrate, Mathura ensure that the decree of the Civil Court and our orders dated 04.02.2026 are punctiliously complied with and no one gets at an arm's length of the suit property, in any event whatsoever, even if it requires deployment of the police force 24 hours of the day. The decree of the Civil Court and our orders of the Court shall be caused to be carried out by the police without fail.

Let this order be communicated to the Senior Superintendent of Police,

Mathura, the District Magistrate, Mathura and the Sub-Divisional Magistrate, Mathura by the Registrar (Compliance) through the learned Chief Judicial Magistrate, Mathura **forthwith.**

(Indrajeet Shukla,J.) (J.J. Munir,J.)

September 1, 2026
S.P.