



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 31005 of 2025

Committee of Management, Sarvajanic Arya Inter
College and another

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Mohan Asthana
Counsel for Respondent(s)	:	Bindo Singh, C.S.C., Krishna Kanhaiya Soni, Lalit Prakash, Shiv Pratap Singh Rathore, Suraj Singh

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE VIVEK SARAN, J.

(Order on the memo of Writ Petition)

Prima facie, the impugned order passed by the District Magistrate, Bijnor, making a virtual scheme for holding the traditional fair *Jaahar Divan (Naumi)* at Village Pheona, Tehsil Chandpur, District Bijnor, is without jurisdiction or authority of law. The tenor of the order, though one of an interim arrangement, does show sweeping exercise of powers, as done by a Court of ordinary original civil jurisdiction, when hearing a suit to frame a scheme for the management of a Trust.

We may notice here that earlier, the petitioner-society had filed a suit against the Gaon Sabha and certain rival parties from the village, who are disputing the petitioner's right to hold this traditional fair, seeking an injunction from interfering with that right of the petitioners to hold the fair over Plots Nos. 981 and 997 of the village. The said suit was decreed by the learned 2nd Additional Civil Judge (Senior Division), Bijnor *vide* judgment and decree dated 02.12.1997 passed in Original Suit No. 180 of 1982. The impugned order passed by the District Magistrate, Bijnor

speaks of handing over the management of the traditional fair to the Gaon Sabha and assignment of its revenues to the Gaon Sabha, all to be done by a three-member committee of revenue officials, such as Tehsildar, Chandpur, Mukhya Adhikari, Zila Panchayat, Bijnor and the Khand Vikas Adhikari, Chandpur, Bijnor. The order, therefore, also runs in the teeth of the decree of the Civil Court in favour of the petitioner and against the Gaon Sabha, amongst others.

This Court has, time and again, cautioned District Magistrates not to exercise powers as if they are plenipotentiaries in the district, who can pass any kind of an order, the jurisdiction whereof may lie with another District Level Officer or a Judge, but this is yet another instance of usurpation of jurisdiction, *prima facie*.

Admit.

Notice on behalf of respondent nos. 1 to 4 is accepted by Mr. Sanjay Kumar Ray, learned Standing Counsel, whereas that on behalf of respondent no. 5, by Mr. Shiv Pratap Singh Rathore, learned Counsel. Both the learned Counsel are granted two weeks' time to file a counter affidavit.

Issue notice to respondent no. 6, returnable on 17.11.2026.

Steps for the purpose shall be taken by R.P.A.D. within three working days next.

Adjourned to **17.11.2026**.

To be taken up in the cause list of the day for **orders**, along with a report regarding service and the postal track attached. The office shall also put in

a report regarding status of pleadings.

The affidavit(s), in addition to the ones already filed by any of the respondent(s), may be supplemented through further pleadings.

(Order on Civil Misc. Stay Application No. 1 of 2025)

Issue notice.

Until further orders of this Court, operation of the impugned order dated 29.08.2025 passed by the District Magistrate, Bijnor shall remain **suspended** and the petitioners shall be at liberty to hold and organise the annual religious fair *Jaahar Divan (Naumi)* on Plots Nos. 981 and 997, situate in Village Pheona, Tehsil Chandpur, Bijnor, after seeking necessary permission of the authorities, which shall be granted in due course.

The Registrar (Compliance) is directed to communicate this order to the District Magistrate, Bijnor, the Additional District Magistrate (Administration), Bijnor, the Sub-Divisional Magistrate, Tehsil Chandpur, Bijnor, the Secretary, Devta Jahaar Divan Sevadar Manch, Pheona, Bijnor and the Chairman, Vidya Hitkarini Sabha, Village and Post Pheona, Bijnor, all through the learned Chief Judicial Magistrate, Bijnor **within 24 hours next**.

(Vivek Saran,J.) (J.J. Munir,J.)

October 27, 2026

I. Batabyal