**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 29891 of 2026**

Gaurav Agarwal

.....Petitioner(s)

Versus

Union Of India And 7 Others

.....Respondent(s)

---

Counsel for Petitioner(s) : Yashwant Pratap Singh
Counsel for Respondent(s) : A.S.G.I., C.S.C., Mayank Kumar Agrawal

---

**Court No. - 1**

**HON'BLE AJIT KUMAR, J.**
**HON'BLE GARIMA PRASHAD, J.**

1. Heard Sri Yashwant Pratap Singh, learned counsel for the petitioner, Sri Saroj Giri, learned Advocate holding brief of Sri Mayank Kumar Agrawal, learned counsel for the contesting respondents and Sri Purnendu Kumar Singh, learned counsel for the respondent No.- 1.

2. Petitioner has approached this Court for removal of unauthorized construction of temple standing upon the land of cantonment board and according to him, the cantonment does admit that the construction is an unauthorized one.

3. Upon a pointed query being made Sri Giri, learned counsel appearing for the respondent submits that State officer has passed final order under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 holding the structure of temple to be unauthroized one on the premises of the cantonment board and accordingly deserved removal. However, since the structure is a temple and it being a religious structure, it needed prior permission of Defence Ministry for the purposes of its demolition/ removal and for which a letter has already been sent to the Ministry of Defence and the permission is awaited.

Let Sri Giri, learned counsel for the respondent place before this Court the order passed by the State Officer exercising power under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and the letter written to the Ministry of Defence for carrying out the order passed

by the State Officer under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

The order be placed by way of instruction by the next date fixed.

List on 7th September, 2026.

In the meanwhile, Sri Purnendu Kumar Singh shall have instruction about the status of pending request made by the cantonment board to the Ministry of Defence.

**(Garima Prashad,J.)  (Ajit Kumar,J.)**

**August 21, 2026**
Atmesh

Digitally signed by :-
ATMESH KESARI
High Court of Judicature at Allahabad

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 29891 of 2026**

Gaurav Agarwal

.....Petitioner(s)

Versus

Union Of India And 7 Others

.....Respondent(s)

---

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Yashwant Pratap Singh |
| Counsel for Respondent(s) | : | A.S.G.I., C.S.C., Mayank Kumar Agrawal |

---

**Court No. - 1**

**HON'BLE AJIT KUMAR, J.**
**HON'BLE GARIMA PRASHAD, J.**

1. In compliance with the previous order of this Court, learned counsel appearing for the Cantonment Board, Jhansi has placed before us the final order dated 24.04.2026 passed by the Prescribed Authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, whereby the temple structure in question has been held to be unauthorised and its removal has been directed.

2. A letter has also been placed before us whereby prior approval for removal of the structure, being a temple in character and nature, has been sought from the Principal Director, Defence Estates, Southern Command, Pune, in terms of the proposal contained therein.

3. Shri Saroj Giri, learned Advocate holding brief of Shri Mayank Kumar Agarwal, learned counsel for the contesting respondents, submits that no approval has been granted till date.

4. Let the Principal Director, Defence Estates, Southern Command, Pune, take a decision in the matter regarding removal of the structure pursuant to the final order dated 24.04.2026 passed by the prescribed authority under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

5. Shri Giri shall communicate this order to the Principal Director, Defence Estates, Southern Command, Pune within 48 hours. In case no decision is taken in the matter, this Court will be compelled to take a serious view thereof on the next date fixed.

6. List this matter on 02.11.2026.

7. The Registrar (Compliance) shall also ensure that a copy of this order is served upon the concerned respondent within a week.

**(Garima Prashad,J.)  (Ajit Kumar,J.)**

**October 1, 2026**
Sachin Mishra

Digitally signed by :-
SACHIN MISHRA
High Court of Judicature at Allahabad

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 29891 of 2026**

Gaurav Agarwal

.....Petitioner(s)

Versus

Union Of India And 7 Others

.....Respondent(s)

---

Counsel for Petitioner(s) : Yashwant Pratap Singh
Counsel for Respondent(s) : A.S.G.I., C.S.C., Mayank Kumar Agrawal

---

**Court No. - 1**

**HON'BLE AJIT KUMAR, J.**
**HON'BLE GARIMA PRASHAD, J.**

Sri Mayank Kumar Agrawal, learned counsel for the respondents submits that it is the Ministry of Defence which has to take a decision and the Principal Director, Defence Estates, Southern Command, Pune has forwarded the letter of the petitioner to the Director General, Defence Properties, Ministry of Defence, Government of India for necessary approval.

Let the Ministry of Defence, Government of India, New Delhi take a final decision in the matter of removal of religious structure within the next four weeks' time.

Let Mr. S.P. Singh, learned Additional Solicitor General of India obtain necessary instructions in this regard and file compliance report by the next date fixed, failing which, we will be compelled to take serious view of the matter.

Learned counsel for the petitioner shall intimate this order and so also Mr. Mayank Kumar Agrawal to Sri S.P. Singh, learned Additional Solicitor General for necessary compliance within three days.

The Registrar Compliance of this Court shall also intimate this order to Secretary, Ministry of Defence, Government of India,

New Delhi within the next three days.

List on 09.12.2026.

**(Garima Prashad,J.)  (Ajit Kumar,J.)**

**November 2, 2026**
IrfanUddin

Digitally signed by :-
IRFAN UDDIN SIDDIKI
High Court of Judicature at Allahabad