

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- **OWP No. 166/2006**

Mandir Laxmi Narayan Ji Maharaj and another

.....Petitioners

Through: Mr. K. S. Johal, Sr. Advocate with
Mr. Supreet Singh Johal, Advocate.
Mr. R. K. Jain, Sr. Advocate with
Mr. Mohit Jain, Advocate.

Vs

State of J&K and others

..... Respondents

Through: Mr. U. K. Jalali, Sr. Advocate with
Ms. Shivani Jalali, Advocate.
Mr. Adarsh Sharma, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(24.11.2025)

सत्यमेव जयते

- 01.** The Hon'ble Supreme Court of India in the case of
**“Vishwanath and another Vs Thakur Rada Ballabh LI
and others” AIR 1967 SC 1044** has stated the position of
a Hindu Deity to be a minor.
- 02.** In the case of **“Sri Ganapathi Dev Temple Trust Vs
Balakrishna Bhat (deceased) by his LRs and others,”
2019(9) SCC 495**, the Hon'ble Supreme Court of India has
reiterated well entrenched position of law with respect to
Hindu Deity/ies, Idol/s, Temple/s and property/ies related
therewith stating that it is a bounden duty of an archak/

mohtamim/manager/shebait to protect the temple property and not to usurp such property for his/their own gains.

- 03.** A Hindu Deity consecrated/enthroned in a Temple is in position of a perpetual minor in the context of management of its affairs, temple and the properties therewith for which purpose a Hindu Deity is to be guided and guarded, be it through shebait/mohtamim/manager/archak and in case of their default in doing the duty in due manner for due end, then a court of law is always there to step into arena so as to preserve and protect a Hindu Deity's assets and properties which includes very temple premises as well.
- 04.** In the present writ petition, the petitioner No. 1 is Deity-Shri Laxmi Narayan Ji Maharaj installed in a temple which is popularly known as Dewan Mandir, Pacca Danga, Jammu establishment of which is dating back to Century being related to its founder – Shri Dewan Jawala Sahai.
- 05.** The original mohtamim/pujari of Deity Shri Laxmi Narayan Ji Maharaj is claimed to be Pandit Narayan Dass from whom onwards the seat of mohtamimship/pujariship is said to have descended unto his successors-in-interest literally to the point of losing the track and leaving the Divine Deity in a state of lurch in terms of its affairs, property and temple management.
- 06.** It is a well established and known fact that Dewan Mandir, Pacca Danga, Jammu was and is one of the most spacious

and revered temples in Jammu City which is otherwise known as City of Temples. Majority portion of the temple premises has come to suffer loss of position in one form or other to the occupants/users making best exploit of it for business and commercial purposes and at one point of time even for residential purposes as well.

07. There seems to be no rotational system of pujariship/ mohtamimship obtaining amongst the present body of successors-in-interest of the seat of the mohtamimship/ pujariship, as otherwise the affairs of Dewan Mandir, Pacca Danga, Jammu would not have gone to such a state of neglectful concern as the same obtain.

08. In fact, way back in 1974, the successors-in-interest of original mohtamim/pujari-Pandit Narayan Dass had got entangled in a civil litigation in this Court in the form of a civil suit No. 34 of 1974 which came to be disposed of by virtue of a purported compromise amongst the stakeholders as parties to the suit in terms of an order dated 26.06.1986 setting the share holding surely not with respect to the property of Deity and Mandir but with respect to the donation/offerings to the Deity/Temple out of which mohtamim/pujari is supposed to draw his sustenance and maintenance and not to become a proprietor and shareholder with Deity but it appears that the successors-in-interest of late Pandit Narayan Dass had fallen in a

misconception that they are de-facto owners of Deity Shri Laxmi Narayan Ji Maharaj and its temple Dewan Mandir, its property and premises related therewith.

09. Somewhere in 1995-96, the respondent No. 2 – Jammu Development Authority (**“JDA”** in short) had conceived of developing a parking space for busy Kacchi Chawni locality in which regard some back portion of premises of Dewan Mandir was required and that led to six (6) kanals parcel of land of Dewan Mandir taken over by the respondent No. 2 – JDA whereupon some licensees/tenants of Mandir were the residents for quite long time who were promised alternate accommodation which is said to have been so provided so as to remove them from the site and thus six (6) kanals of land became available with the respondent No. 2 – JDA where at present is obtaining a spacious parking place serving the locality of Kacchi Chawni, Jammu.

10. In connection with working out modalities of acquiring of said six (6) kanals of land, a purported meeting is said to have taken place with the respondent No. 2 – JDA through its Vice-Chairman and other officials with the then successors-in-interest of Pandit Narayan Dass who were Vijay Kumar Sharma S/o late Pandit Lal Chand, Bansilal S/o late Pandit Tarlok Nath, Narinder Sharma & Mohinder Sharma, both sons of late Tej Parkash Sharma, Madan Mohan S/o Raj Kumar and Sat Dev S/o late Pandita Tarlok

Nath all of whom being collaterals to each other but drawn from common ancestor Pandit Narayan Dass.

11. In this deliberation with the respondent No. 2- JDA and its officials, it was agreed that the respondent No. 2- JDA shall not pay compensation @ Rs. 8 lac per kanal for six kanals land of Dewan Mandir to be used for Kacchi Chawni parking place and the modalities in which the compensation is to be paid was also set out but also attend to periodic maintenance of the temple premises.
12. In this documented deliberation, the respondent No. 2 – JDA thus volunteered to take unto itself the renovation of Dewan Mandir complex and beautify the same in consultation with the Temple Management Committee and also for its annual repair and maintenance.
13. The institution of this writ petition came to take place purportedly upon a cause of action that the respondent No. 2 – JDA was not fulfilling its commitment and, therefore, acting for and on behalf of the Deity Shri Laxmi Narayan Ji Maharaj, Vijay Kumar Sharma S/o Lal Chand claiming himself to be Mohtamim came forward with the institution of the present writ petition on 28.02.2006.
14. In terms of an order dated 12.12.2006, this Court called upon the respondent No. 2 – JDA to deposit the compensation, as proposed and payable in terms of the meeting having taken place in the year 1996 drawn into

minutes of meeting with the Registrar Judicial, Jammu of this Court by or before 30.01.2007.

- 15.** In compliance to the direction so given in order dated 12.12.2006, deposit of an amount of **Rs. 1,00,17,282/-** (one crore, seventeen thousands, two hundred and eighty two) comprising of **Rs. 48 lacs** as compensation for six kanals of land @ **Rs. 8 lac** per kanal with accrued interest of **Rs.52,17,282/-** came to be deposited on **24.01.2007** with respect to which deposit this Court came to confirm in its order dated 26.02.2007 as the respondent No. 2 – JDA had made the deposit vide **cheque No.001682** dated **24.01.2007** issued from the end of the respondent No. 2-JDA.
- 16.** During the pendency of this writ petition bearing no meaningful and purposeful proceedings, many applications came to be preferred mostly in the form of seeking intervention on one pretext or other by the persons reeling under an impression as if the property and money compensation relatable to the Deity and Dewan Mandir is meant for distribution amongst themselves for their personal gain and benefit.
- 17.** No application came to be ever preferred by anyone bearing a concern for the Deity and the development of the Dewan Mandir and that is real sorry state of this litigation which is reflective of the fence eating the crop scenario.

- 18.** This Court is under no obligation to reckon the current shareholders of seat of mohtamimship/pujariship, whomsoever they may be, to be entitled to any single penny of the compensation amount so paid by the respondent No. 2 – JDA for acquiring, though without any formal acquisition process, six kanals area of land of Dewan Mandir premises which in terms of title always vested in the Deity before getting parted in favour of the respondent No. 2-JDA.
- 19.** Since said amount is lying in deposit with this Court which is serving as a corpus and is meant only for the purpose and in service of Deity and development of its temple-Dewan Mandir with respect to which the matter cannot be left into the irresponsible hands of the successors-in-interest of Pandit Narayan Dass who have branched out in good numbers without even any bare understanding obtaining amongst them as to how to efficiently and beneficially manage the seat of mohtamimship and pujariship.
- 20.** Therefore, this Court is left with no other option but to appoint a Commissioner-cum-Receiver with respect to Dewan Mandir (Temple), Pacca Danga, Jammu for the purpose of attending the affairs of the Deity seated therein and the property attached with the Deity which is temple

premises as well as any other property whatsoever known or unknown.

- 21.** Accordingly, this Court hereby appoints Shri Suresh Sharma (District & Sessions Judge, Retd.) to be an interim Commissioner-cum-Receiver of Dewan Mandir, Pacca Danga, Jammu to administer and manage the affairs matters of Mandir for and in service of Deity Shri Laxmi Ji Maharaj and property vested in it.
- 22.** Mr. Suresh Sharma, as Commissioner-cum-Receiver on account of his appointment as such, shall be entitled to deal with the corpus amount of Rs. 1,00,17,282/- in deposit along with intervening interest accrued thereupon whatsoever to be appropriated for the upkeep, maintenance and development of Dewan Mandir, Pacca Danga, Jammu and the visitors and worshippers related to said Mandir.
- 23.** Mr. Suresh Sharma, Commissioner-cum-Receiver shall be all entitled and fully authorized to administer and manage the assets of Dewan Mandir, Pacca Danga including its land premises in whatsoever status the same is obtaining, be it in vacant position or in use and occupation of the users and occupiers, be it on the basis of some legal status or otherwise. In case of any unauthorized encroachment of property of Dewan Mandir having taken place then to take appropriate measures for securing the encroached property and get it free from unauthorized encroachments.

- 24.** Mr. Suresh Sharma, as Commissioner-cum-Receiver, shall be well within his right to co-opt any person of eminence and social status in assisting him in discharge of his office including service of an accountant for maintaining proper accounts of the appropriation and expenditure of the assets, donations, income and offerings to the Dewan Mandir and also of the compensation amount deposit with this Court which he shall be entitled to withdraw from this Court by laying a motion at any given point of time as and when required as may be deemed fit at his end.
- 25.** On account of appointment of Mr. Suresh Sharma as Commissioner-cum-Receiver of Dewan Mandir, Pacca Danga, Jammu, the Jammu Municipal Corporation (JMC), Jammu Development Authority (JDA), Deputy Commissioner (District Magistrate), Jammu and the Sr. Superintendent of Police (SSP), Jammu shall be all obliged to and assist Mr. Suresh Sharma as and when solicited in discharging of his authority and office for the purpose for which Mr. Suresh Sharma is hereby appointed by this Court.
- 26.** Any dereliction on the part of the aforesaid officials in lending due and timely assistance to Mr. Suresh Sharma, Commissioner-cum-Receiver of Dewan Mandir shall be reckoned to be interference in the administration of justice rendering them liable for answerability.

- 27.** Mr. Suresh Sharma, Commissioner-cum-Receiver, Dewan Mandir, to conduct survey and prepare a detailed report with respect to the administration and management of Dewan Mandir, Pacca Danga, Jammu and submit the same to this Court within a period of one month from the date a copy of this order is made available to him.
- 28.** List on **30.12.2025**.
- 29.** Registrar Judicial, Jammu to send a copy of this order to Mr. Suresh Sharma (District and Sessions Judge, Retd.) as Commissioner-cum-Receiver for notice and compliance.

JAMMU
24.11.2025
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