

ITEM NO.53

COURT NO.8

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).32452-32453/2013

(Arising out of impugned final judgment and order dated 09/10/2013 in WPC No. 4924/2013,09/10/2013 in CMA No. 14098/2013 passed by the High Court Of Delhi At N. Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II & ORS

Petitioner(s)

VERSUS

PIYUSH JOSHI & ORS.

Respondent(s)

(With appln. (s) for intervention, placing on record additional facts and documents, exemption from filing O.T. and interim relief and office report)

WITH SLP(C) No. 32845/2013

(With appln.(s) for discharge of advocate on record and Interim Relief and Office Report)

Date : 25/08/2014 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Sonal Jain, Adv.
Mr. Rajiv M. Brahma, Adv.

Mr. Deepak Dewan, Adv.
Mr. Vansh Gandotra, Adv.
Mr. Balraj Dewan, Adv.

For Respondent(s) Mr. Arun K. Sinha, Adv.
IA No.2/2013 Mr. Basant Kumar Gupta, Adv.
Mr. Sumit Sinha, Adv.

R.3 Mr. R.K. Bhardwaj, Adv.
Mr. Satyendra Kumar ,Adv.

R.1 Mr. Arjun Singh Bawa, Adv.

IA No.6/14 Mr. S. Sasibhusan, Adv.
Mr. B. Ramana Murthy ,Adv.

Mr. P. Parmeswaran, Adv.

Mr. Rudreshwar Singh, Adv.
 Mr. Kaushik Poddar, Adv.
 Mr. Gopal Jha, Adv.

Ms. Binu Tamta ,Adv.

Ms. Sumita Hazarika ,Adv.

M/o. Urban Dev. Mr. P.S. Narasimha, ASG
 Ms. Anjani Aiyagari, Adv.
 Mr. V.K. Bijju, Adv.
 For Ms. Sushma Suri, Adv.
 Mr. D.S. Mahra, Adv.

Intervenor Mr. Sarvesh Bhardwaj, In person
 Ms. Seeraj Bagga, Adv.
 Mr. Rohit Kumar Singh, Adv.
 Mr. Ramesh K. Mishra, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

IA No.2 in SLP(C) No.32845/2013 for discharge of
 Advocate is allowed.

Heard Mr. Narasimha, learned ASG, who has submitted
 that he has got records to show that the land where the
 temple is situated and the nearby properties really belong
 to a "Trust". It is his submission that in fitness of
 things, a scheme should be framed so that the collection
 of rent and the offerings to the deity can be regulated.

Mr. Bharadwaj and other learned counsel appearing for
 the respondents submitted that temple is a private one
 belonging to "Thok Jogias" and "Brahmins". Countering the
 same, learned ASG submitted that no temple can be a
 private temple, once it has become amenable for "public

darshan" and public offerings are accepted.

Prima facie, we are inclined to think, a temple of this nature would come within the concept of a public temple or a public religious endowment as the public at large have been enjoying the right to have darshan for centuries and give offerings.

Be that as it may, learned ASG undertakes to file a draft scheme within a period of four weeks.

Learned counsel for the respondents and the parties who have already been impleaded, are at liberty to file affidavits within eight weeks indicating their specific right i.e. "Tehbazari" rights and offering/puja-seva in the temple. It is hereby made clear that the affidavit should be filed in respect of the aforesaid aspects and not with regard to the title.

The respondents/impleaded parties having document with regard to any land which is not within the precincts of the temple, may hand over the same to the learned ASG.

List on 18.11.2014.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER