

ITEM NO.9

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.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 New Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II & ORS.

Petitioner(s)

VERSUS

PIYUSH JOSHI & ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents and intervention application)

WITH SLP(C) No. 32845/2013 (XIV)

S.L.P.(C)...CC No. 20364/2014 (XIV)

(With appln.(s) for permission to file SLP/TP)

Date : 27-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr. Sonal Jain, AOR
Mr. Kuldeep Singh, Adv.
Ms. Heena Sharma, Adv.

Mr. Ramesh Kumar Mishra, AOR

For Respondent(s)

Mr. Rakesh Kumar-I, AOR
Mr. Shishir Raj, Adv.

Mr. Chirag M. Shroff, AOR
Ms. Monisha Suri, Adv.

Mr. P. Parmeswaran, AOR

Mr. Arun K. Sinha, AOR

Ms. Sunita Sharma, Adv.
Mr. P.K. Dey, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mrs. Sunita P. Mishra, Adv.
Mr. Kuldeep Chauhan, Adv.
Mr. Raj Bahadur, Adv.
Mrs. Anil Katiyar, Adv.
Mr. Sudhir Aggarwal, Adv.
Mr. B. Krishna Prasad, AOR

Ms. Binu Tamta, AOR

Ms. Sushma Suri, AOR

Respondent-in-person

Ms. Sumita Hazarika, AOR
Mr. Prabhas Chandra, Adv.

Mr. B. Ramana Murthy, AOR

Mr. Satyendra Kumar, AOR

Mr. Har Saroop Sharma, Adv.
Mr. Kush Bhardwaj, Adv.

Pt. Gaurav Sharma, Adv.
Mr. Mukesh Sharma, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

Mr. Bimal Roy Jad, Adv.
Mr. N.G. Dev, Adv.

Mr. R.K. Bhardwaj, Adv.
Mr. Neeraj Bhardwaj, Adv.
Mr. Dheeraj Bhardwaj, Adv.
Ms. Sunita Bhardwaj, Adv.
Mr. Satyendra Kumar, Adv.

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

Mr. P.K. Dey, has filed the status report on behalf of the Deputy Commissioner of Police, South East District, New Delhi. A memorandum of three-Member Committee on barricading, access and safety at the Kalkaji Mandir has also been filed. Both the reports have been taken on record.

Mr. Ashok Gupta, the Chairman of the Committee has drawn our attention to paragraph 6, which relates to the recommendation of measures to resolve the attendant issues in the Temple. It reads as follows:-

"6. The Committee recommends that as a first step, the following measures would be necessary to resolve the attendant issues:-

a. The barricade that exists coming towards the sanctum sanctorum of the temple from the metro station side be permitted to be extended by the Police authorities up to the sanctum entry by using temporary structures, especially on Saturdays, Sundays, Ashtami and navratras, so that devotee movement may be unhindered.

b. The existing shops to be restricted to the perimeter of the walking paths without being allowed to jut into them.

c. The metal barriers that are set into the road at the Lotus Temple entrance be removed so that access of the fire Tenders be made as close to the main temple complex as possible.

d. The measures recommended by the Fire Department be accepted on a priority basis:

i. Overhead storage tank of at least 15,000 litres to be constructed as close to the sanctum as possible, which is the central part of the complex.

ii. A terrace pump with a capacity of 900 LPM as boosting arrangement.

iii. A downcomer system and hose reels as well as Manually Operated Electric Fire Alarms.

iv. Fire Extinguishers @ 300 metres square for shops and temples of water CO2 type 9 liters capacity and DCP type 5 kg capacity in combination.

v. The canopies of tarpaulin and canvas to be replaced by tin and asbestos, and all material should be non-combustible in nature.

- vi. The wiring of the shops should be underground and be FRSL.
- e. The Delhi Jal Board be directed to immediately recommence the work on the sewerage as directed and measures be taken to cover and recement the walking paths.
- f. As garbage continues to be strewn across the temple complex, it is necessary that the task of cleaning the temple complex be outsourced to a private company, and the baridars who are an indentified class of trustees of the Temple would undertake the expenses towards the same.
- g. All individuals and entities are to cooperate with the work to be directed to be carried out, and any interference with the same will be deemed to be contempt of this Hon'ble Court's directions."

The measures recommended at clauses (a) and (b) have already been complied with. What remains to be complied with are clauses (c), (d) and (e).

Learned counsel appearing for the Jal Board prays for extension of time to comply with the directions.

Let the matter be listed in the first week of April, 2018, so that the Jal Board can complete the work in the meantime and the competent authorities shall also proceed to complete the work as mentioned in the report.

Mr. P.K. Dey, learned counsel is requested to apprise about the order passed by us today to the concerned department.

As far as prayer (f) of paragraph 6 is concerned, Mr. Rakesh Kumar, learned counsel appearing for the South Delhi Municipal Corporation submits that the authority will engage people to clean the outside area of the temple and the expenditure has to be borne by the persons who are paying to

the Jal Board or who are enjoying the benefit. Be it noted, this shall be done on month to month basis and this will not create any kind of equity in favour of any of the party as we are not concerned in this litigation with regard to determination of any right, title and interest of any person.

List on the date fixed.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar