

**SECTION XIV**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 32452-453/2013**

**WITH**

**(PRAYER FOR INTERIM RELIEF)**

**AND**

**INTERLOCUTORY APPLICATION NO.3**

(Application for intervention filed by Mr. Harish Bhardwaj applicant in-person in SLP(C) No. 32452-53/2013)

**AND**

**INTERLOCUTORY APPLICATION NOS.38-39**

(Application for impleadment filed by Mr. Narender Kumar Verma, Advocate in SLP(C) No. 32452-53/2013)

**AND**

**INTERLOCUTORY APPLICATION NOS.40-41**

(Application for impleadment filed by Mr. R.P. Goyal, Advocate in SLP(C) No. 32452-53/2013)

**AND**

**INTERLOCUTORY APPLICATION NOS.42-43**

(Application for impleadment filed by Mr. P. Narsimahan, Advocate in SLP(C) No. 32452-53/2013)

**AND**

**INTERLOCUTORY APPLICATION NOS.44-45**

(Application for discharge of Advocate in SLP(C) No. 32452-53/2013)

**AND**

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 32845/2013 AND CC NO. 20364/2014**

**AND**

**INTERLOCUTORY APPLICATION NO.3**

(Application for permission to file additional documents in SLP(C) No. 32845/2013)

Kalkaji Mandir Vikreta Sangathan-II

...Petitioner

VERSUS

Mr. Piyush Joshi & Ors.

..Respondents

**OFFICE REPORT**

The matters alongwith applications above mentioned were listed before the Hon'ble Court on 28.10.2015, when the Court was pleased to pass the following order:-

*"In pursuance of our earlier order, an Inspection Report has been submitted by the team comprising of Assistant Commissioner, Central Zone, Executive Engineer (Environment Management Services) Central Zone, Sanitation Superintendent (Central Zone) and Sanitary Inspector of Ward No.194 (East of Kailash). We shall refer to the Report part by part. The first part of the report states thus:*

*"During the inspection, it was observed that surroundings of Kalkaji Mandir is being cleaned by EMS Department Central Zone which was found in satisfactory condition. However, internal portion of the Kalkaji Mandir Complex was not found satisfactory and in-sanitation was prevailing inside the mandir complex. It is worthwhile to mention here that the*

sanitation of inside Kalkaji Mandir Complex is not maintained by the EMS Department, Central Zone."

On a perusal of the same, it is quite vivid that the cleanliness of the internal portion of the Kalkaji Mandir complex is not satisfactory and in-sanitation is prevailing inside the Mandir complex. The Committee has mentioned that it is not maintained by the EMS Department. We shall advert to the said facet on the next date.

For the present, a suggestion was called for from all the parties as to how the internal complex of the Temple can be kept clean. Learned counsel appearing for the parties have very fairly agreed that it should be done by a batch of volunteers consisting of twenty-eight persons and they will carry out the cleaning work of the Temple on weekly basis. To elaborate, the first seven volunteers will do the cleaning work in the first week and, thereafter, the list shall continue chronologically in that regard. The list provided at the Bar is as follows:

S/Shri

- 1 Surendra Nath, s/o Shri Ram Nath
- 2 Neeraj Bhardwaj, s/o Shri R.K. Bhardwaj
- 3 Harish Bhardwaj
- 4 Kush Bharadwaj, s/o Shri Har Saroop Sharma
- 5 Krishan Chand Sharma, s/o Shri Nityanand
- 6 Vinod Bharadwaj, s/o Shri Hari Chand
- 7 Laxmi Chand, s/o late Shri Kishori Lal
- 8 Sapan Bharadwaj, s/o Shri Gyan Bhardwaj
- 9 Bala Dutt Joshi, s/o Shri Ishwari Datt Joshi
- 10 Gaurav Sharma
- 11 Mahesh Pandey, s/o late Shri Gugan Chand
- 12 Mam Chand Sharma, s/o Shri Bishamber
- 13 Lakshya Bhardwaj
- 14 Luv Bhardwaj, s/o Shri Har Saroop Sharma
- 15 Dheeraj Bhardwaj, s/o Shri R.K. Bhardwaj
- 16 Mahesh Bharadwaj, s/o late Shri Kishan Chand
- 17 Brij Mohan, s/o late Shri Ram Phal
- 18 Rakesh Bhardwaj, s/o Shri Har Saroop Sharma
- 19 Mukhtiyar Singh, s/o late Shri Babu Ram
- 20 Sarvesh Bharadwaj, s/o Shri Gyan Bhardwaj
- 21 Ajay Bharadwaj, s/o late Shri Shree Bhagwan
- 22 Ashok Bharadwaj, s/o late Shri Kashi Ram
- 23 Praveen Bharadwaj
- 24 Deepak Bharadwaj, s/o late Shri Satpal Bhardwaj
- 25 Rajesh Bharadwaj, s/o Shri Har Saroop Sharma
- 26 Akhil Chauhan, s/o Shri Sandip Chauhan
- 27 Dinesh Pandey, s/o late Shri Gugan Chand
- 28 Aditya Sharma, s/o Shri O.P. Sharma

First, the volunteers at Sl. Nos.1 to 7 shall do the cleaning work commencing 1st November, 2015 and the volunteers at Sl. Nos.8 to 14 shall do the same in the second week, the volunteers at Sl. Nos.15 to 21 shall do in the third week and the volunteers at Sl. Nos.22 to 28 shall do in the fourth week and the same shall be carried out in rotation. To elaborate, in the first week of December, 2015, the

first seven volunteers shall clean again.

Needless to say here that the volunteers are purely volunteers and they do not have any status as there has been no determination by this Court so far. They should not harbour any ambition that because of their having any nexus or connection with the Kalkaji Temple they have been chosen, but because they have volunteered to do the cleaning work. While carrying out the cleaning work, the volunteers will maintain discipline and work with dedication in an unobtrusive manner. We may further clarify that they are working on voluntary basis and there cannot be remotely any expectation for wages.

Presently, we shall advert to the other facets of the Report, which read as follows:

" The Committee also observed that there are various government agencies involved such as DDA, DJB and PWD and necessary action is also required to be taken by them. On verbal inquiry from the Mahant of the mandir it was gathered that they have appointed their volunteers to clean the inside area of the Mandir. During the inspections it was observed that inside area of the Mandir Complex was not in good condition from sanitation point of view. A lot of improvement is required to be done by the Temple authorities.

In order to further improve the sanitation condition inside the Mandir Complex, suggestions of the Team are as under:

1. Thousands of devotees visit the Kalkaji Mandir on daily basis and in Navratra days, these numbers increases in lacs. Consequently a lot of garbage is generated which becomes unmanageable during Navratras. In order to cope up with this enhanced quantum of garbage at least 10 Safai Karmcharis may be deputed in and around Kalkaji Mandir Complex. The garbage shall be lifted by deploying auto tippers.

2. There is water pump house situated opposite Sarkata Bhiron Mandir maintained by DJB which is overflowing and also there is leakage of water from pipe line creting acute insanitation in the area of Kalkaji Mandir. It is required to be urgently repaired/improved by the Delhi Jal Board Authorities.

3. There are patches of green land in the Kalkaji Mandir which is owned by DDA. However, the same are not being maintained properly as a result it has become a dumping ground for garbage. Horticulture Department of DDA may be requested to maintain the green patches in proper manner and install benches for pilgrims to sit.

4. It was also observed that there is no proper sewerage system in the Kalkaji Mandir Complex which is resulting into overflowing of sludge water in the open area. The same needs to be improved by DJB urgently for maintaining proper sanitation condition.

5. Since, there is acute shortage of toilet

*in the Mandir Complex, SDMC is constructing a toilet near the parking area.*

*6. Dustbins of appropriate sizes may be placed at suitable locations inside the Mandir Complex.*

*It is submitted that with the implementation of the above suggestions, the sanitary conditions inside the Kalkaji Mandir would improve a lot."*

*On a perusal of the said report, we find that the agencies of the Delhi Development Authority (DDA), Delhi Jal Board (DJB) and Public Works Department (PWD) are required to participate. Regard being had to the same, we direct the Vice-Chairman of the D.D.A., Chief Executive Officer of D.J.B. and Chief Engineer of P.W.D. to nominate an officer each for the said purpose. While nominating the officers, they shall also look into the competency of the persons so nominated and also keep in mind that they will assist this Court.*

*Let the matter be listed on 15th December, 2015.*

*The Registry is directed to send a copy of this order to the Vice-Chairman, Chief Executive Officer and the Chief Engineer of the D.D.A., D.J.B. and P.W.D. respectively."*

It is submitted that the aforesaid Order was communicated to the Vice Chairman, Delhi Development Authority, Chief Executive Officer, Delhi Jal Board and Chief Engineer, Public Works Department. Mr. Suresh Chand Tripathy, advocate has on 08.12.2015 filed vakalatnama/appearance on behalf of Delhi Jal Board. Delhi Development Authority as respondent No. 6 in these matters is already represented by Ms. Binu Tamta, advocate. No one has put in appearance on behalf of Public Works Department (PWD) so far.

It is further submitted that respondent No. 3 has on 01.12.2015 filed applications for discharge of present advocate on record namely Mr. Satender Kumar (registered as I.A. Nos. 44-45) and the same is being circulated herewith as separate volume. Now Mr. K.B. Rohatagi, advocate has on 04.12.2015 filed vakalatnama/appearance on behalf of respondent No. 3 alongwith resolution passed by the governing body of respondent No. 3 whereby he is appointed as its new Advocate on record.

Service is already complete in SLP (C) Nos. 32452-32453/2013 & SLP (C) No. 32845/2013 and CC No. 20364/2014 is a fresh matter.

The matters alongwith applications above mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS THE 14<sup>th</sup> DAY OF DECEMBER, 2015.

**ASSISTANT REGISTRAR**

Copy to:

1. Mr. Balraj Dewan, Adv. Ch. No. 108
2. Mr. Satyendra Kumar, Adv. Ch. No. 222
3. Mr. Arun K. Sinha, Adv. Ch. No. 136
4. Mr. Harish Bhardwaj, Applicant-in person  
359/1, Chirag Delhi, New Delhi-110017
5. M/s. Mitter and Mitter Co., Advs. Ch. No. 21
6. Mr. Sarvesh Bhardwaj, Applicant-in-person  
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7. Mr. P. Parmeswaran, Adv. Ch. No. 242
8. Ms. Binu Tamta, Adv. Ch. No. 331
10. Mr. Rohit Kumar Singh, Adv. Ch. No. 315
11. Ms. Sonal Jain, Adv.,  
C-23A, Sector-14, Noida-201301 (U.P)
12. Mr. D. S. mahra, Adv. Ch. No.- Centre Agency
13. Ms. Sushma Suri, Adv. Ch. No. - Centre Agency
14. Ms. Sunita Hazarika, Adv. Ch. No. 235
15. Mr. Ramamurthy, Adv. Ch. No. Library - II
16. Mr. K.S. Rana, Adv. Ch. No. 106
17. Mr. Rajender Mathur, Adv. Ch. No. 129
18. Mr. Bimal Roy Jad, Adv. Ch. No.
19. Mr. Abhijit Sen Gupta, Adv. Ch. No. 225
20. Dr. Subramaniam Swamy, Applicant-in-person  
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21. Mr. Narender Kumar Verma, Adv. Ch. No.
22. Mr. R.P. Goyal, Adv.
23. Mr. P. Narsimahan, Adv.
24. Mr. K.B. Rohatgi, Adv.
25. Mr. Suresh Chand Tripathy, Adv.

**ASSISTANT REGISTRAR**

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