

ITEM NO.9

COURT NO.4

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 New Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II & ORS      Petitioner(s)

VERSUS

PIYUSH JOSHI & ORS.      Respondent(s)

(with appln. (s) for discharge of advocate on record and  
impleadment and intervention and interim relief and office report)

WITH  
SLP(C) No. 32845/2013  
(With appln.(s) for permission to file additional documents and  
Interim Relief and Office Report)

S.L.P.(C)...CC No. 20364/2014  
(With appln.(s) for permission to file SLP and Office Report)

Date : 15/12/2015 These petitions were called on for hearing today.

CORAM :                      HON'BLE MR. JUSTICE DIPAK MISRA  
                                    HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)	Mr. Sonal Jain, AOR Ms. Heena Sharma, Adv.
	Mr. Ramesh K. Mishra, Adv. Mr. Krishna Kumar Singh, Adv. Mr. Rohit Kumar Singh, AOR
	Mr. A. Sharan, Sr. Adv. Mr. Amit Kumar, AOR
Signature Not Verified	Mr. Shaurya Sahay, Adv. Mr. Arijit Pal Tripathi, Adv.

Digitally signed by  
Gulshan Kumar Arora  
Date: 2015.12.16  
17:14:56 IST  
Reason:

For Respondent(s)	Dr. Rajeev Dhavan, Sr. Adv. Ms. Sumita Hazarika, AOR Mr. Prabhash Chandra, Adv.
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Ms. Ipsita Behura, Adv.  
Mr. Ritesh Dhar Dubey, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Applicant-in-person

Mr. Abhijit Sengupta, AOR

Mr. Arun K. Sinha, AOR  
Mr. Basant Kr. Gupta, Adv.  
Mr. Sumit Sinha, Adv.

Mr. S.N. Tripathi, Adv.  
Mr. K.B. Upadhyay, Adv.  
Mr. C.P. Pandey, Adv.  
Mr. Balraj Dewan, AOR

Mr. Sridhar Potaraju, Adv.  
Mr. V.D. Makhija, Adv.  
Mrs. Sadhna Sandhu, Adv.  
Ms. Sushma Suri, AOR

Mr. Bimal Roy Jad, AOR

Mr. B. Ramana Murthy, AOR

Mr. P.K. Dey, Adv.  
Ms. Hari Priya, Adv.  
Mr. Balendu Shekar, Adv.  
Ms. Sonya Rathore, Adv.  
Mr. D.S. Mahra, AOR

Mr. K. S. Rana, AOR

Mr. Narender Kumar Verma, AOR

Mr. P. Narasimhan, AOR

Ms. Tanvi Bagga, Adv.  
Mr. Rajinder Mathur, AOR

Mr. Rakesh Kumar, AOR  
Mr. Chetan Dutt, Adv.  
Mr. Mithlesh Kumar, Adv.  
Mr. R.S. Rathi, Adv.

Mr. Rohit Kumar Singh, AOR

Ms. Binu Tamta, AOR

M/s Mitter & Mitter Co.

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Respondent-in-person

Mr. P. Parmeswaran, AOR

Mr. R.K. Bhardwaj, Adv.  
Mr. Neeraj Bhardwaj, Adv.  
Mr. Dheeraj Bhardwaj, Adv.  
Mr. Satyendra Kumar, AOR

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

Mr. Suresh Bhardwaj, Intervenor-in-person

Mr. K.B. Rohatgi, Adv.  
Mr. Mahesh Kasana, Adv.  
Ms. Aparna Rohatgi Jain, Adv.

Mr. Pradeep Kumar Yadav, Adv.  
Mr. P. Jitendra Malkan, AOR

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

The official committee that was constituted on 17.09.2015, on the last occasion, had made the following suggestions :

"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

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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."

As far as item no.1 is concerned, it is submitted by Mr. Rakesh Kumar, learned counsel appearing for the South Delhi Municipal Corporation (Corporation) that the Corporation is cleaning outside the premises but it has no authority to enter inside the temple. On a suggestion being given, Mr. Bhardwaj, learned counsel, has given a list of 17 people who have agreed to lift the garbage from inside the temple and put it in a place which will be identified by the Corporation within a week hence. The garbage shall be lifted from the identified place on regular basis so that the atmosphere is kept clean. If there is any dirt, the Corporation will squarely be responsible.

As far as item nos. 2 and 4 are concerned, it is submitted by Mr. Suresh Tripathi, learned counsel appearing for the Delhi Jal

Board that there is no leakage or overflow in praesenti.  
the sewage facility inside the temple is concerned, the Delhi Jal  
Board shall file a scheme/plan before this Court.  
Delhi Jal Board authorities to go inside the temple for this  
purpose and submit the scheme/plan as directed hereinabove.

As far as  
We permit the  
temple for this

As far as item no.3 is concerned, it is submitted by Ms. Binu  
Tanta, learned counsel appearing for the Delhi Development  
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Authority (DDA) that the garbage and any other material which is  
being kept over there shall positively be cleared by 15.01.2016 and  
the DDA will in coordination with the Department of Horticulture  
shall see to it that appropriate green patches are developed.

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s  
requested by the learned counsel, the green patches to look  
appropriate shall take three months. Regard being had to the facts  
and circumstances of the case, we grant two months time. The Delhi  
Jal Board shall render necessary assistance to the DDA so that the  
work can be completed without any kind of impediment.

As far as item no.5 is concerned, we have not been apprised  
about the position as regards the construction of toilets.

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e  
command the South Delhi Municipal Corporation to construct the  
toilets, as directed, within ten weeks failing which the  
Commissioner of the South Delhi Municipal Corporation of the said  
area shall be taken to task.

As far as item no.6 is concerned, it is submitted by Mr. Kush  
Bhardwaj, learned counsel appearing for the respondent no.20 that  
50 dustbins have been put at suitable locations inside the temple  
complex .

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We have directed the aforesaid aspects to be done in  
particular time frame with the exclusive purpose of keeping the  
temple clean, regard being had to the sanctity of the temple.  
Keeping in view the issue of verification, we would like to appoint  
a Committee which will visit the temple and submit a report to this  
Court. The following advocates are nominated as the members of the  
Committee :

1. Mr. Ashok Kumar Gupta, Sr. Adv.
2. Mr. Gaurav Agarwal, Adv.
3. Mr. Gopal Shankar Narain, Adv.

Let the Committee shall submit a report to this Court within  
two months hence indicating all the aspects that we have  
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highlighted hereinabove.

Let the matter be listed on 15.03.2016.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master