

ITEM NO.8

COURT NO.5

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) 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 impleadment and intervention and interim relief and office report)

WITH S.L.P. (C) No.32845/2013

(With appln.(s) for permission to file additional documents and interim relief and office report)

S.L.P. (C)...CC 20364/2014

(With appln.(s) for permission to file SLP and office report)

Date: 28/10/2015 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. Rohit Kumar Singh, AOR

For Respondent(s) Dr. Rajiv Dhavan, Sr. Adv.  
Ms. Sumita Hazarika, AOR  
Mr. Prabhash Chandra, Adv.  
Mr. Ritesh Dhar Dubey, Adv.  
Mr. Ashok Kumar Juneja, Adv.  
Mr. Chand Qureshi, Adv.

Mr. Mahabir Singh, Sr. Adv.  
Mr. Gorav Sharma, Adv.  
Mr. Kirti Kumar, 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. C.P. Pandey, Adv.  
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Mr. Bimal Roy Jad, AOR

Mr. B. Ramana Murthy, AOR

Ms. Snidha Mehra, Adv.  
Ms. Hari Priya, Adv.  
Mr. Balendu Shekar, Adv.  
Mr. Zeeshan Dewan, 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. Praveen Swarup, Adv.  
Mr. Prabhat Kaushik, Adv.

Mr. Rohit Kumar Singh, AOR

Ms. Binu Tamta, AOR

Mr. A. Gupta, Adv.  
Mr. Sarva Mitter, Adv.  
for M/s Mitter & Mitter Co.

Respondent-in-person

Mr. P. Parmeswaran, AOR  
Mr. S.K. Ray, Adv.  
Mr. M.L. Bhardwaj, Adv.

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

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

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 1<sup>st</sup> 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 Mehant 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 15<sup>th</sup> 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.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master