

ITEM NO.9

COURT NO.3

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) 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

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 : 31/03/2015 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,Adv.  
Mr. Rajiv M. Brahma, Adv.  
Mr. Rohit Kumar Singh,Adv.

For Respondent(s) Mr. P.S. Narsimha, ASG  
Mr. Sridhar Potaraju, Adv.  
Ms. Sadhna Sandhu, Adv.  
Ms. Sushma Suri, Adv.  
Ms. Pinky Anand, ASG  
Mr. P.K. Dey, Adv.  
Ms. Haripriya, Adv.  
Mr. Balendu Shekhar, Adv.  
Ms. Tanvi Kaushal, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. D.S. Mahra, Adv.

Applicant-in-person, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Arun K. Sinha, Adv.

Mr. K.K. Tyagi, Adv.

Mr. Balraj Dewan, Adv.

Mr. Bimal Roy Jad, Adv.

Mr. B. Ramana Murthy, Adv.

Mr. Sashibushan, Adv.

Mr. K.S. Rana, Adv.

Mr. Anil Kumar Sharma, Adv.

Dr. J.N. Singh, Adv.

Mr. Narender Kumar Verma, Adv.

Ms. Tanuj Bagga Sharma, Adv.

Mr. Rajinder Mathur, Adv.

Mr. Rakesh Kumar, Adv.

Mr. Rohit Kumar Singh, Adv.

Mr. R.K. Bhardwaj, Adv.

Mr. Neeraj Bhardwaj, Adv.

Mr. Dheeraj Bhardwaj, Adv.

Ms. Sunita Bhardwaj, Adv.

Mr. Satyendra Kumar, AOR

Ms. Binu Tamta, Adv.

Mr. Amit Gupta, Adv.

Mr. Anant A. Pangi, Adv.

For M/s Mitter & Mitter Co., Adv.

Mr. Rajeev Dhavan, Sr. Adv.

Ms. Sumita Hazarika, Adv.

Mr. Pravas, Adv.

Respondent-in-person, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Praveen Sarup, Adv.

Mr. Rakesh Kumar, Adv.

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

Mr. Arjun Singh Bawaa, Adv.

Mr. Sarvesh Bhardwaj, Intervenor-in-person

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

It is submitted by Mr. Narsimha, learned ASG, that he has got a series of affidavits and he would like to scan through them and, if necessary, file a comprehensive affidavit which will facilitate framing of a scheme.

At this juncture, we are obliged to state that a submission is conversed by Mr. Dhavan, learned senior counsel appearing for one Mr. Surendra Nath, who assumes himself to be the *mahant*, that no scheme can be framed by this Court in exercise of power under Article 142 of the Constitution of India or otherwise in view of the specific provisions under the Charitable and Religious Trusts Act, 1920 and Section 92 of the Code of Civil Procedure, 1908. We will deal with this issue along with other issues so that the matter can finally be disposed of. However, Mr. Dhavan, learned senior counsel appearing for the said Surendra Nath, have to satisfy in respect of six issues, namely :

- i) When does a *mahant* come in?
- (ii) Can there be a *mahant* without a *math*?
- (iii) What is the concept of a *math*?
- (iv) What is the difference between a temple and a *math*?
- (v) Whether anybody can assume or claim himself to be a *mahant* without any kind of '*Guru-Shishya Parampara*'?
- (vi) What is the locus of a *mahant* in such kind of things, if there is a *mahant* in a *math*?

Ms. Pinky Anand, learned Additional Solicitor General, appearing for the NCR of Delhi shall obtain instructions in the matter, whether the State Government shall conceive of a legislation so that the 'Kalkaji Temple' can properly be managed. The aforesaid direction is issued without prejudice to the contentions to be raised by the parties.

Let the matter be listed on 8<sup>th</sup> July, 2015.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master