

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026  
(Arising out of SLP(C) No.7023/2024)

MAULANA KAMALUDDIN WELFARE SOCIETY DHAR, M.P.

APPELLANT(S)

VERSUS

HINDU FRONT FOR JUSTICE (REGD. TRUST NO.976) &  
ORS.

RESPONDENT(S)

O R D E R

1. Through a separate oral order of even date, we have disposed of IA No.527 of 2026 filed in the instant petition, wherein urgent directions have been issued. After the hearing on that application concluded and the order disposing it was dictated, on the oral request and with the consent of learned counsel for the parties, the special leave petition is taken on board for final disposal.

2. Leave granted.

3. The issue that arises for consideration before this Court is whether the High Court of Madhya Pradesh at Indore was justified in issuing interim directions through the impugned order dated 11.03.2024 in Writ Petition No.10497 of 2022. The Writ Petition pertains to a historical site in District Dhar, M.P., which, according to one set of

claimants, is the Bhojshala Saraswati Temple, whereas the other set of parties opposing such claims assert it to be the Maulana Kamal Maula Mosque.

4. The directions issued by the High Court on an application moved by respondent nos.1-7, *inter alia*, obligate the Archaeological Survey of India (in short, the 'ASI') to undertake a complete scientific investigation, survey, and excavation by adopting latest methods, techniques, and modes, including carbon dating of the various structures and a GPR-GPS Survey of the subject site. The above-mentioned directions issued to the ASI are meant to identify the real and true form, nature, and character of the historical building.

5. There are also other ancillary directions, such as for proper documentation of the report of the Expert Committee of not less than five senior-most officers of ASI, besides photography and videography of the entire survey proceedings. The locked/sealed halls and rooms were also directed to be opened so that the artifact(s), idol(s), etc. or any other structure found in the said areas could also be inventoried and scientifically examined by the expert team.

6. Against the above-stated order dated 11.03.2024 of the High Court, the instant appeal came up for hearing before this Court on 01.04.2024, when it was directed that no action should be taken on the outcome of the survey ordered by the High Court. It was also made clear that no physical

excavation should be undertaken, which may alter the character of the Bhojshala Saraswati Temple-cum-Maulana Kamal Maula Mosque.

7. At the outset, it is pointed out by Shri K.M. Nataraj, learned Additional Solicitor General of India, who is representing the State of Madhya Pradesh, as well as, on our asking, the Archaeological Survey of India, that the scientific survey, as directed by the High Court, had begun before this Court issued the interim order on 01.04.2024, and the same now stands concluded. Learned Advocate General for the State of Madhya Pradesh also endorses this statement. The report is presently lying in a sealed cover before the High Court.

8. On our suggestion, Shri Salman Khurshid, learned senior counsel for the appellant, fairly submits that a copy of the survey report may be ordered to be supplied to the parties, and thereafter the appellant may be permitted to submit the objections, if any. Such like liberty can also be granted to the other side. These objections, thereafter, may be considered by the Division Bench of the High Court at the time of final hearing.

9. In view of the fair stand taken by all the stakeholders, we dispose of this appeal with the following directions:

(i) The Writ Petition No. 10497 of 2022 pending before the Indore Bench of the High Court may be taken up by a Division Bench, preferably presided over by the Hon'ble Chief Justice

of the High Court or the senior most judge of the High Court Bench, presiding the said Bench of the High Court, within a period of three weeks;

(ii) The Division Bench is requested to unseal the report in open Court and supply copies thereof to both sides. If any part of the report cannot be copied, the parties may be permitted to inspect such part of the report in the presence of expert(s) and their counsel;

(iii) Thereafter, the parties may be granted two weeks' time to submit their respective objections, opinions, suggestions, and/or recommendations;

(iv) The Division Bench of the High Court may, thereafter, take up the case for final hearing and all the submissions of the parties may be duly considered at the time of final hearing; and

(v) Till the Writ Petition is finally decided, the parties shall maintain *status quo* re: alteration in the character of the Bhojshala Saraswati Temple-cum-Maulana Kamal Maula Mosque. Meanwhile, the parties shall continue to abide by and implement the order dated 07.04.2003 issued by the Director General of the Archaeological Survey of India.

10. It seems that the order dated 07.04.2003 passed by the Director General of Archaeological Survey of India was also separately challenged in a writ petition before the High Court, which was dismissed by a learned Single Judge. An intra-Court Writ Appeal against the order of the Single Judge is stated to be pending before the High Court. Let that appeal, along with any other connected matter, be also heard by the Division Bench with the main writ petition.

11. Ordered accordingly.

12. It is clarified that we have not expressed any opinion on the merits of the case, and all the contentions raised on behalf of the parties are kept open to be raised and considered by the High Court.

.....CJI.  
(SURYA KANT)

.....J.  
(JOYMALYA BAGCHI)

.....J.  
(VIPUL M. PANCHOLI)

NEW DELHI;  
JANUARY 22, 2026

ROP/2 (SIGNED ORDER)

ITEM NO.42

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).1246/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[ONLY I.A. NO. 527 OF 2026 IN SLP (C) NO. 7023 OF 2024 IS LISTED UNDER THIS ITEM]

WITH

SLP(C) No.7023/2024 (IV-C)

IA No. 527/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 22-01-2026 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE JOYMALYA BAGCHI  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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M/S. Ram Sankar & Co, AOR

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

SLP(C) No.7023/2024

1. With the consent of learned counsel for the parties, the special leave petition is taken on Board.
2. Leave granted.
3. The appeal is disposed of in terms of the signed order.
4. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR  
(signed order is placed on the file)

ITEM NO.42

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).1246/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[ONLY I.A. NO. 527 OF 2026 IN SLP (C) NO. 7023 OF 2024 IS LISTED  
UNDER THIS ITEM]

WITH

SLP(C) No.7023/2024 (IV-C)

IA No. 527/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 22-01-2026 This application was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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Mr. Sarim Naved, Adv.  
Mr. Saurabh Sagar, Adv.  
Mr. Zeeshan Ahmad, Adv.  
Mr. Mohammed Nouman, Adv.  
Ms. Sugandha Anand, AOR

Mr. Mrigank Prabhakar, AOR  
Ms. Sakshi Banga, Adv.  
Ms. Astha Singh, Adv.

M/S. Ram Sankar & Co, AOR

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

I.A. No.527/2026 in SLP (C) No.7023 of 2024

1. The special leave petition challenges interim directions issued by a Division Bench of the High Court of Madhya Pradesh (Indore Bench) for a scientific examination of the Bhojshala Saraswati Temple-cum-Maulana Kamal Maula Mosque in District Dhar. The small issue that is required to be urgently resolved, emanates from an order dated 07.04.2003 passed by the Director General of Archaeological Survey of India in exercise of powers conferred under the Ancient Monuments and Archaeological Sites and Remains Rules, 1959.

2. In terms of that order, the following directions have been issued:

"1. That the Muslim community shall be allowed access to the premises as at present for Friday Namaaz between 1 to 3 p.m.

2. That the Hindu community shall be permitted access to the premises to hold traditional ceremonies on the occasion of Basant Panchami every year.

3. That the Hindu community shall be permitted access to the premises, free of charge every Tuesday from sunrise to sunset the normal time fixed for opening, and closure of the protected monument. On that day, the visitor could take a flower or two had a few grains of rice.

4. That apart from the relaxations enumerated above, the premises shall be open to tourists on all other days. An entry fee of Rupee 1.00 per person will be charged. Children (up to the age of 15) would be given free entry."

3. The urgent situation, which requires our attention, is that Basant Panchami this year falls on Friday, 23.01.2026, i.e., tomorrow. It would, therefore, cause difficulty to the Authorities to ensure the compliance of direction nos.1 and 2 issued by the ASI.

4. In this regard, we have heard Shri Salman Khurshid, learned senior counsel for the petitioner(s), Shri K.M. Nataraj, learned Additional Solicitor General of India as well as learned Advocate General, both representing the State of Madhya Pradesh. On our request, Shri K.M. Nataraj also represents the ASI. Similarly, we have heard Shri Vishnu Shankar Jain, learned counsel on behalf of the applicant.

5. Learned ASG as well as learned Advocate General have fairly suggested that, after knowing that how many persons belonging to Muslim community are likely to come tomorrow for Namaaz between 1 to 3 p.m., an exclusive and separate space within the same compound/premises shall be made available, so that the Namaaz can be performed at the prescribed time. Similarly, a separate space, as per the past practice, shall be made available to the Hindu community to hold the traditional ceremonies on the occasion of Basant Panchami.

6. Shri Salman Khurshid, learned senior counsel for the petitioner, while accepting this proposal, states that the approximate number of persons belonging to Muslim community, who will come for Namaaz tomorrow between 1 to 3 p.m., will be furnished to the District Magistrate, Dhar well in time and preferably today itself. The District Administration may, with a view to ensure maintenance of law and order, issue appropriate passes, free of cost, for the visitors or may adopt any other fair measures to ensure that no untoward incident takes place and the rituals are performed peacefully.

7. Learned ASG and learned Advocate General have assured that law and order situation shall be well-maintained.

8. We appeal to all stakeholders, including the members of both communities, to observe mutual respect and tolerance and cooperate with the State and District Administration in maintaining law and order.

9. The instant Interlocutory Application is, accordingly,  
disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR