

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)

AND

INTERLOCUTORY APPLICATION NOS.20-21, 22-23, 30-31 & 32-33

(Applications for impleadment filed by M/s. Rajinder  
Mathur, Mitter & Mitter Co. and Bimal Roy Jad advocates  
respectively)

AND

INTERLOCUTORY APPLICATION NOS.24-25

(Applications for dismissal of SLP filed by Mr. Harish  
Bhardwaj applicant in person)

AND

INTERLOCUTORY APPLICATION NOS.26-27

(Applications for exemption from filing official translation  
filed by Mr. Satyender Kumar, advocate for respondent No.3)

ND

INTERLOCUTORY APPLICATION NOS.28-29

(Applications for recall/modification of Court's order dated  
25.8.2014 filed by Mr. K.S. Rana, advocate for respondent  
Nos.15-17)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 32845/2013

Kalkaji Mandir Vikreta Sangathan-II

...Petitioner

VERSUS

Mr. Piyush Joshi & Ors.

..Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble  
Court on 25.8.2014 with office report dated 21.8.2014, when  
the Court was pleased to pass the following order:-

"IA No.2 in SLP(C) No.32845/2013 for discharge  
of Advocate is allowed.

Heard Mr. Narasimha, learned ASG, who has  
submitted that he has got records to show that the  
land where the temple is situated and the nearby  
properties really belong to a "Trust". It is his  
submission that in fitness of things, a scheme should  
be framed so that the collection of rent and the  
offerings to the deity can be regulated.

Mr. Bharadwaj and other learned counsel appearing for the respondents submitted that temple is a private one belonging to "Thok Jogias" and "Brahmins". Countering the same, learned ASG submitted that no temple can be a private temple, once it has become amenable for "public darshan" and public offerings are accepted.

Prima facie, we are inclined to think, a temple of this nature would come within the concept of a public temple or a public religious endowment as the public at large have been enjoying the right to have darshan for centuries and give offerings.

Be that as it may, learned ASG undertakes to file a draft scheme within a period of four weeks.

Learned counsel for the respondents and the parties who have already been impleaded, are at liberty to file affidavits within eight weeks indicating their specific right i.e. "Tehbazari" rights and offering/puja-seva in the temple. It is hereby made clear that the affidavit should be filed in respect of the aforesaid aspects and not with regard to the title.

The respondents/impleaded parties having document with regard to any land which is not within the precincts of the temple, may hand over the same to the learned ASG.

List on 18.11.2014."

It is submitted that M/s. Rajinder Mathur, Mitter & Mitter Co., Bimal Roy Jad and Abhijit Sengupta, advocates have on 25.8.2014, 26.9.2014 and 18.10.2014 filed separate applications for impleadment to implead the applicants as party respondents (Regd. as I.A. Nos. 20-21, 22-23, 30-31 and 32-33 respectively) alongwith vakalatnama/appearance on behalf of the proposed applicants. The applications are being circulated herewith.

It is further submitted that Mr. Harish Bhardwaj, Applicant in person in I.A. No.3 (Application for intervention) has on 10.11.2014 filed an application for dismissal of SLP (Regd. as I.A. No. 24-25) as well as affidavit in compliance of above said order. Both the documents are being circulated herewith.

It is further submitted that Mr. Satyender Kumar, advocate for respondent No. 3 has on 10.11.2014 filed affidavit in compliance of above said order alongwith application for exemption from filing official translation of

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annexure-31 (Regd. as I.A. No. 26-27) and the same is being circulated herewith.

It is further submitted that Mr. K.S. Rana, advocate for respondent Nos. 15-17 has on 11.11.2014 filed counter affidavit and application for recall/modification of Court's order dated 25.8.2014 (Regd. as I.A. Nos. 28-29) and the same is being circulated herewith. He has also on 12.11.2014 filed application for impleadment to implead the applicant as party respondent alongwith vakalatnama/appearance on behalf of proposed applicants without serving the same on other side. However, the unregistered application is being circulated herewith.

It is further submitted that M/S. Mitter and Mitter Co., Advocates have on 12.11.2013 filed an application for impleadment to implead the applicants as party respondent without serving the same on counsel appearing for the respondents, hence the application is yet to be registered. However, the same has already been placed with SLP paper books.

It is further submitted that Mr. B. Ramana Murthy, Advocate has on 14.11.2014 filed affidavit in compliance of aforesaid order and the same is being circulated herewith.

It is further submitted that Dr. Subramaniam Swamy Applicant in person has on 15.11.2014 filed applications for impleadment to implead the applicant as party respondent and permission to appear and argue in person alongwith memo of appearance without serving the same on other side. However, the unregistered applications are being circulated herewith.

It is further submitted that counsel for the petitioner No. 1 has on 15.11.2014 filed affidavit with annexures and the same is being circulated herewith.

**SLP (C) No. 32845/2013:-**

It is submitted that counsel for the respondent No.6 has on 15.11.2014 filed additional documents alongwith application for permission to file additional documents without serving the same on counsel for the petitioner and the same is being circulated herewith.

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Service is already complete in SLP(C) Nos. 32452-53/2013 and SLP(C) No. 32845/2013 is a fresh matter.

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

DATED THIS THE 17th DAY OF NOVEMBER, 2014.

**ASSISTANT REGISTRAR**

Copy to:

1. Mr. Balraj Dewan, Adv. Ch. No.
2. Mr. Satyendra Kumar, Adv. Ch. No.
3. Mr. Arun K. Sinha, Adv. Ch. No.
4. Mr. Harish Bhardwaj, Applicant-in person
5. M/s. Mitter and Mitter Co., Adv. Ch. No.
6. Mr. Sarvesh Bhardwaj, Applicant-in-person
7. Mr. P. Parmeswaran, Adv. Ch. No.
8. Ms. Binu Tamta, Adv. Ch. No.
10. Mr. Rohit Kumar Singh, Adv. Ch. No.
11. Ms. Sonal Jain, Adv. Ch. No.
12. Mr. D. S. mahra, Adv. Ch. No.
13. Ms. Sushma Suri, Adv. Ch. No.
14. Ms. Sunita Hazarika, Adv. Ch. No.
15. Mr. Ramamurthy, Adv. Ch. No.
16. Mr. K.S. Rana, Adv. Ch. No.
17. Mr. Rajender Mathur, Adv. Ch. No.
18. Mr. Bimal Roy Jad, Adv. Ch. No.
19. Mr. Abhijit Sen Gupta, Adv. Ch. No.
20. Dr. Subramaniam Swamy, Applicant-in-person

**ASSISTANT REGISTRAR**

p-1