

ITEM NO.56

COURT NO.8

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 N. Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II

Petitioner(s)

VERSUS

PIYUSH JOSHI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., impleadment and permission and prayer for interim relief and office report)

WITH SLP(C) No. 32845/2013

(With prayer for Prayer for Interim Relief and Office Report)

Date : 18/07/2014 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Sonal Jain ,Adv.
Mr. Rajiv M. Brahma, Adv.

Mr. Balraj Dewan, Adv.
Mr. Deepak Dewan, Adv.
Mr. Vansh G., Adv.

For Respondent(s) Mr. Satyendra Kumar ,Adv.

Mr. Arun K. Sinha ,Adv.
Mr. Basant Gupta, Adv.

Mr. Ramesh K. Mishra, Adv.
Mr. Krishna K. Singh, Adv.

Ms. Binu Tamta ,Adv.

Signature Not Verified

Digitally signed by Mr. P. Parmeswaran ,Adv.

Naveen Kumar

Date: 2014.07.21

17:00:42 IST

Reason:

Mr. P.S. Narsimha, ASG
Mr. K. Radhakrishnan, Sr. Adv.
Ms. Anjani Aiyagari, Adv.
Mr. R. Rajesh, Adv.

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Ms. Sushma Suri ,Adv.

R.3 Mr. R.K. Bhardwaj, Adv.

Respondent-in-person

Mr. K. Radhakrishnan, Sr. Adv.
Ms. Anjani aiyagari, Adv.
Mr. V.K. Biju, Adv.
Mr. D. S. Mahra, Adv.

Mr. Vinay Garg ,Adv.

Ms. Sumita Hazarika, Adv.

Ms. Ipsita Behura, Adv.

Mr. S. Sasibhusan, Adv.

Mr. B. Ramana Murthy ,Adv.

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

UPON hearing the counsel the Court made the following

O R D E R

All applications for impleadment, that are listed today, are allowed.

This Court on 21.10.2013 had passed the following order:

1. Mr. R.K. Bhardwaj, learned counsel for respondent No. 3 may produce sufficient material to show that the land initially had not been endowed to the deity rather it had been given to the Pujaris who claim to inherit the said property and manage the same.

2. In Volume II of the paper book at page 157, there is a document which shows that the Municipal Corporation had allotted the piece of land measuring 7' X 5' PCO to one Mr. Manish Jain, from handicapped quota, near Fire Brigade Office. Therefore, Mr. Sanjiv Sen, learned counsel appearing for respondent no. 7 Municipal Corporation of Delhi may explain under what authority of law, such an allotment had been made and how many such allotments have been made by the Corporation.

3. Mr. R.K. Khanna, learned ASG along with Mr.

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D.S. Mahra, Advocate appearing for respondent nos. 8 and 9 is directed to take notice on behalf of respondent nos. 2 and 4 and he assures us that some responsible officer of the respondent nos. 2 and 4 shall file an affidavit at the earliest making everything clear regarding the ownership, title, entitlement of the land inside the temple and around the temple, its area and who was the donor of the land and whether it was given to the deity or Pujaris and in case it had been given to the deity, under what circumstances, the administration had remained a silent spectator when so much encroachment had been made illegally on the land and under what circumstances the Pujaris etc. are accepting the rent from the tenants, if any.

4. In spite of service on respondent no. 6 DDA, none appears. Ms. Binu Tamta, Adv. is directed to take instructions and file its reply by next date.

List the matters on 18.11.2013 at 2.00 p.m. Interim order granted on 12th October, 2013 shall continue till then."

Thereafter, on 18.11.2013, the following order came to

be passed:

"Learned Counsel for the parties may give the photocopies of the title deeds which are in their possession or the copies of the judgment given earlier either by the Civil or the Revenue to Mr. D.S. Mahra, learned counsel assisting Mr. Rakesh K. Khanna, learned Additional Solicitor General, appearing for Union of India within a period of three weeks. Shri Khanna, learned ASG may examine the documents/translations etc. and seek assistance from the revenue officers and prepare the short notes and the learned S.D.M, South District, New Delhi, who would be free from the election duty by then may examine the documents and prepare a proper reply mainly throwing light regarding the title of the land in dispute or part thereof."

On 13.1.2014, this Court took note of the suggestions given by the learned ASG that he would take further instructions whether the State Government is willing to come out with any particular legislation.

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We have heard Mr. P.S. Narsimha, learned ASG and other learned counsel. Mr. Narsimha, learned ASG submitted that he shall obtain instructions from the Delhi Government, peruse the documents that have already been filed on record and shall, with the help of authorities, file a Scheme before this Court so that the temple, namely, Kalkaji Mandir, can be appositely managed. Be it clarified, as advised at present, we are not adverting to any aspect relating to any kind of right, title or interest of any party. We have only given suggestion to the learned ASG to come up with the Scheme for proper management.

Learned ASG prays for four weeks' time to do so. Registry is directed to hand over a copy of the brief to the learned ASG.

Let the matter be listed on 25.08.2014. Interim order passed earlier to continue until further orders.

Needless to say all others who have been added as parties, are also at liberty to give their suggestions to the Scheme, after the Scheme is filed by the learned ASG.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER