

Most Urgent/Out at once

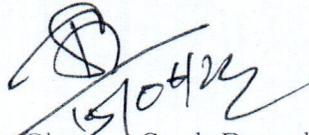
**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI**

No. 13905 - 920 Genl./HCS/2022

Dated, Delhi the 15 JUN 2022

**Sub:** Copy of the letter no. 13919-X dated 10.06.2022 bearing office diary No. 650 dated 10.06.2022 along with copy of order dated 01.06.2022 passed by Hon'ble Ms. Justice Prathiba M. Singh in FAO No. 36/2021 titled "Neeta Bhardwaj Vs Kamlesh Sharma", **Pending before the Hon'ble High Court of Delhi for further hearing on 15.07.2022**, is circulated for information and necessary action to :-

1. Court of Sh. Mukesh Kumar Gupta, Ld. ADJ-11, Central, THC, Delhi.
2. Court of Sh. Rakesh Pandit, Ld. ADJ-09, Central, THC, Delhi.
3. Court of Sh. Mridual Gupta, Ld. ACJ-cum-CCJ-CUM-ARC, Central, THC, Delhi.
4. Court of Ms. Neha Garg, Ld. Civil Judge-01, Central, THC, Delhi.
5. Court of Sh. Kartik Taparia, Ld. Civil Judge-02, Central, THC, Delhi.
6. Court of Ms. Aneeza Bishnoi, Ld. Civil Judge-06, Central, THC, Delhi.
7. Court of Ms. Sonam Singh, Ld. Civil Judge-07, Central, THC, Delhi.
8. Court of Ms. Helly Fur Kaur, Ld. Civil Judge-08, Central, THC, Delhi.
9. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
10. PS to Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
11. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
12. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
13. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
14. For uploading the same on Centralized Website through LAYERS.

  
Officer-in Charge, Genl. Branch, (C)  
Addl. District & Sessions Judge,  
Tis Hazari Courts, Delhi.

**Encl.: As above.**

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REFERENCE "KALKAJI MANDIR" MATTER

COPY OF ORDER  
FOR 15-07-2022

MOST URGENT (OUT TODAY)

D-5

IN THE HIGH COURT OF DELHI AT NEW DELHI

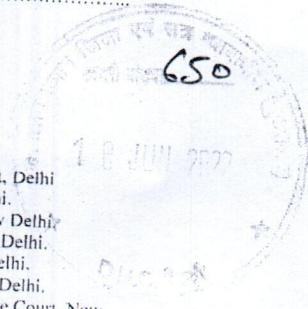
No. 13919/x

Dt. 10/6/22

From  
The Registrar General  
High Court of Delhi  
New Delhi.

To

- ✓ 1. The Principal District & Sessions Judge, (Headquarter), Tis Hazari Court, Delhi
2. The Principal District & Sessions Judge, East, Karkardooma Courts, Delhi.
3. The Principal District & Sessions Judge, South-West, Dwarka Court, New Delhi.
4. The Principal District & Sessions Judge, Shahdara, Karkardooma Courts, Delhi.
5. The Principal District & Sessions Judge, South-East, Saket Court, New Delhi.
6. The Principal District & Sessions Judge, District-West, Tis Hazari Court, Delhi.
7. The Principal District & Sessions Judge, District-New Delhi, Patiala House Court, New Delhi.
8. The Principal District & Sessions Judge, District, North-West, Rohini Courts, Delhi.
9. The Principal District & Sessions Judge, District-North, Rohini Courts, Delhi.
10. The Principal District & Sessions Judge-cum-Special Judge, Rouse Avenue, New Delhi.
11. The Principal District & Sessions Judge, North-East, Karkardooma Courts, Delhi.
12. The Principal District & Sessions Judge, South, Courts, New Delhi..



FAO No. 36/2021

NEETA BHARDWAJ & ORS.  
Vs.  
KAMLESH SHARMA

.....Appellant/s

.....Respondent/s

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action on a copy of order dt. 01.06.2022 passed by Hon'ble Ms. Justice Prathiba M. Singh of this Court in the above noted case.

Please acknowledge the receipt.

Encl: - Copy of Order dated: - 01.06.2022

Gen'l. Secy.  
offg. [Signature]  
10/06/22

Yours faithfully,

[Signature] 10/06/22  
Admn. Officer (I) C-IV/(on duty)  
For Registrar General

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IN THE HIGH COURT OF DELHI AT NEW DELHI

FAO NO. 36/2021

IN THE MATTER OF:

NEETA BHARDWAJ & ORS. ....APPELLANTS

VERSUS

KAMLESH SHARMA & ORS. ....RESPONDENTS

AMENDED MEMO OF PARTIES

1. Neeta Bhardwaj,  
W/o late Sh. Ajay Sharma @ Ajay Bhardwaj,
  2. Vishal Sharma,  
S/o late Sh. Ajay Sharma @ Ajay Bhardwaj,
  3. Himanshu,  
S/o late Sh. Ajay Sharma @ Ajay Bhardwaj,
  4. Shruti,  
D/o late Sh. Ajay Sharma @ Ajay Bhardwaj,
  5. Priyanka Bhardwaj,  
D/o late Sh. Ajay Sharma @ Ajay Bhardwaj,
- All R/o H.No.6, Gali No.1,  
Indra Garden Colony,  
Mohan Nagar,  
Ghaziabad (U.P.)
- ....APPELLANTS

VERSUS

1. Kamlesh Sharma,  
W/o Sh. K.C. Sharma,  
D/o late Sh. Kaicharan,  
R/o H.No.531, Chirag Delhi,  
New Delhi-110017

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2. Ramesh,  
S/o Smt. Prem Lata & Sh. Bharat Singh,
3. Rakesh,  
S/o Smt. Prem Lata & Sh. Bharat Singh,  
  
Both Respondent No.2 and 3 are R/o  
  
C-1, Janakpuri,  
New Delhi.
4. Ashok @ Kalu,  
S/o Smt. Shanti Devi & Sh. Jagan Nath,  
R/o Village Bhartal,  
Near Govt. School,  
Delhi
5. Kapoori Devi,  
D/o Late Sh. Kalicharan & Birmo Devi,  
R/o Village Dujana,  
District Ghaziabad, U.P.
6. Pushpa @ Pushplata,  
D/o Late Sh. Kalicharan & Birmo Devi,  
R/o Village Sampla,  
District Sonapat Haryana
7. Sanjay Bhardwaj, (impleaded vide Order dated 05.02.2021)  
S/o Shri Sukh Lal Bhardwaj,  
R/o 520-B, Chirag Delhi,  
New Delhi
8. Himanshu Bhardwaj, (impleaded vide Order dated 05.02.2021)  
S/o late Sh. Satish Bhardwaj,  
R/o 513-B, Chirag Delhi,  
New Delhi
9. Shree Kalkaji Mandir Prabandhak Sudhar Committee,  
(SKMPSC)  
Shree Kalkaji Mandir,  
New Main Bhawan,  
433, Chirag Delhi,  
New Delhi-110017  
(impleaded vide Order dated 05.02.2021)

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3 500

10. Mahant Surendra Nath,  
Cheia of Mahant Ram Nath,  
Gaddi Nashin of Avdhoot Jogis,  
Dera Avdhoot Jogi,  
Shree Kalkaji Mandir,  
New Main Bhawan,  
433, Chirag Delhi,  
New Delhi-110017  
(impleaded vide Order dated 17.02.2021)

....RESPONDENTS

FILED BY

*Mkaur*

**JAYA GOYAL/ MANPREET KAUR**  
(ENRL. D/387/1987) (ENRL. D/287/2004)  
ADVOCATES  
NEO JURIS  
ADVOCATES & SOLICITORS  
COUNSELS FOR THE APPELLANTS  
F-2, KAILASH COLONY,  
NEW DELHI - 110048  
(MOB): 9811131012  
Email: jayagoyal@neojuris.com

NEW Delhi  
Dated: 08/04/2021



**Appearances:-**

Mr. Kirti Uppal, Sr. Advocate with Mr. Sudhir Naagar, Mohd. Saquib Siddiqu, Ms. Simran Gill & Mr. Ankur Prakash, Advocates.  
 Mr. Mohit Auluck, Advocate for Mr. Vinay Bhardwaj (M-9999903936)  
 Ms. Sonia Singhani, Advocate for DDA (M-9810172501)  
 Mr. Mukul Kumar, Advocate (M-9891766002).  
 Mr. Satyam Thareja & Ms. Kritika Gupta, Advocates (M-8826331177)  
 Mr. Rohit K. Naagpal and Mr. Dipanshu Gaba, Advocates in FAO 36/2021. (M:9873730191)  
 Mr. Vishal Bhardwaj, Advocate (M-9205103230)  
 Mr. R. K. Bhardwaj, Advocate for Appellant in FAO 36/2021. (M:9312710547)  
 Mr. U.M. Tripathi, Advocate.  
 Mr. Kush Bhardwaj, Advocate. (M:9891074686)  
 Mr. Luv Bhardwaj, Advocate. (M:9990693140)  
 Mr. Harkirat Singh and Ms. Shambhavi Kala, Advocates. (M:9818668876)  
 Mr. Neeraj Bhardwaj, Advocate for Mr. Vipul Gaur. (M:9350271061)  
 Mr. Sarvesh Bhardwaj, Advocate for Plaintiffs/LRs/Defendants (M:9350301058).  
 Mr. Sanjeev Kumar Dubey, Sr. Advocate with Mr. Rajmangal Kumar, Advocate for Applicants in CM Nos.18207/2022 & 17247/2022. (M:9871211544)  
 Mr. Arun Birbal, Advocate for DDA. (M:9958118327)  
 Mr. Siddharth Panda, Standing Counsel for SDMC. (M:9891488088)  
 Mr. Zoheb Hossain, with Mr. Dewang Singh Chauhan, Advocates. (M:866910977)  
 Mr. Nitin Jain, Mr. Vishal Chauhan, Ms. Komal Jain, Mr. Rishabh Singhal and Ms. Kavita Singh, Advocates for Shopkeepers. (M:9716569056)  
 Mr. Prabhas Chandra, Advocate for D-2. (M:9871254033)  
 Mr. Anuj Chaturvedi, Advocate with Mr. K. Mahesh, CEO, DUSIB with Mr. A.K. Shrivastav, Law Officer (DUSIB) (M-9810473166).  
 Mr. Kamal Mehta, Advocate.  
 Ms. Sangeeta Bharti, Standing Counsel, DJB  
 Mr. Jameel Ahemad, & Ms. Kunti Mathur, Advocates. (M:9810961212)  
 Mr. Goonmeet Singh Chauhan, Architect.  
 Inspector Balbir Singh, SHO/Kalkaji and SI Manu Dev PS Kalkaji in person.  
 Mr. Gautam Narayan, ASC with Mr. Adithya Nair, Advocate for GNCTD. (M:8007515131)  
 Mr. Sunil Fernandes, SC BSES-RPL with Mr. Shubham Sharma, Advocates.  
 Mr. Anurag Ahluwalia, CGSC with Mr. Binod Kumar Mandal, US (Ministry of

Housing and Urban Affairs). (M:9811418995)  
Mr. Lokesh Bhardwaj, General Secretary for SKMPSC  
(maakalkamandir@gmail.com)(M:9971576388)  
Mr. Kaoliangpou Kamei & Mr. Paul Kumar Kalai, Advocates.  
(M:9899754667)

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. These matters pertain to the *Kalkaji Mandir*, which this Court has been hearing from time to time. These are part-heard matters.
3. At the outset, the Minutes of the Meeting dated 30th May, 2022 submitted by the Id. Administrator has been perused by this Court. The said Minutes deal with various aspects relating to the *Kalkaji Mandir*. As per the said Minutes, *Mahant* Shri Surender Nath is stated to be the current *baridaar*. The said Minutes record that there has been non-compliance of the directions issued by the Id. Administrator in respect of arranging qualified *pandits* for distributing *prasad* and providing other services in the *bhawan*, the *pandits* following a uniform dress code, as also, non-compliance of directions regarding recycling of *prasad*. The relevant portion of the Minutes of the Meeting dated 30th May, 2022 is set out below:

***"D. Non-compliance of the direction dated 23.05.2022 regarding entry of Pandits only in the Temple***

***13. In the meeting dated 23.05.2022, the Baridaar, i.e. the Mahant was directed to arrange for qualified Pandits to give prashad and provide other services inside the Bhawan with effect from 30.05.2022. However, the direction has not yet been complied with. The Mahant has sought a review of the decision***

taken in this regard.

14 An inspection of the Bhawan was carried out by the undersigned and videos/ photographs were taken of the persons present inside the Bhawan. The undersigned has reconsidered the request of the Mahant for review of the decision and reiterates the decision taken in the meeting dated 23.05.2022. The reason for reiterating the said decision is that in all Temples and religious places, the services are performed by qualified pandits only and there is no reason to deviate from the well-established universal practice all over the country. It is further directed that the said pandits shall follow a uniform dress code, to be approved by the undersigned. The said decision is to be communicated to the Mahant.

**E. Non-compliance of the direction regarding re-cycling of the prashad**

15. The direction dated 23.05.2022 to return the prashad (nariyal, chunni and other items) to the devotees to stop re-cycling of the prashad has still not been complied with by the present baridaar. i.e. the Mahant

16. The Mahant, has once again been requested to return the prashad to the devotees either inside the Temple, or by at the exit gate of the Mandir, by putting an additional point at the exit gate, with immediate effect. The Mahant assured to do the needful without delay."

4. Mr. Aly Mirza and Mr. Prabhash Chander, Id. Counsel appearing on behalf of the Mahant submit that the Mahant has been adhering to the directions issued by the Id. Administrator and has been rendering complete cooperation to the Id. Administrator. Ld. Counsels submit that insofar as the puja sewa and other rituals being performed are concerned, the practice of the same being conducted by pujaris who are qualified Pandits shall

continue. However, insofar as the other voluntary work including distribution of *prasad* and providing of other services is concerned, the same can be permitted to be performed by the volunteers, so long as they are suited to serve in a *Mandir*, their credentials are verified in terms of their background and they follow a uniform dress code, for the purposes of identification. This stand of the *Mahant* is also supported by the Id. Counsels for the *Baridaars*. Accordingly, this stand is accepted and taken on record. The *Mahant* to ensure that with this modification, the directions, given by the Id. Administrator, are duly adhered to. Copy of the Minutes of the Meeting dated 30<sup>th</sup> May, 2022 be supplied to Id. Counsel for the *Mahant*.

5. Ld. Administrator has also reported that a fire had broken out at the *Parikrama* (i.e., the rooftop of the Temple) on the midnight of 29th/30th May, 2022. It was reported that the fire took place due to the flame from the lamps offered by the devotees at the *Parikrama*. The minutes record that various steps have been taken and directions have also been issued by the Id. Administrator to address the potential risk of fire. With the consent of all concerned, it was directed that the roof top be locked immediately. The decision of the Id. Administrator to not allow any devotees to go at the rooftop of the *Kalkaji Mandir* is approved. Accordingly, installation of an additional iron gate at the entry on the Ground Floor, as directed by the Id. Administrator, is approved. Let the needful be done by 10<sup>th</sup> June, 2022.

6. Ld. Administrator has also undertaken an inspection of the other areas in the *Mandir* premises which are potential fire hazards. Insofar as the installation of fire extinguishers, inside and outside the *Mandir*, is concerned, *Mahant* Surender Nath was requested by the Id. Administrator to install the same, which he has agreed to. Accordingly, let the said directions

of the Id. Administrator be given effect to, within two weeks.

Location of Temporary Stalls

7. Vide order dated 24<sup>th</sup> April, 2022, this Court had clarified as under:

*"23. It is made clear that if any temporary stalls are being permitted by the Id. Administrator, the same shall be on the basis of payment of at least Rs.5,000/- per day from each of the said shopkeepers, and the entire account of the said temporary stalls shall be submitted to the Court and the deposits shall be made directly into the Kalkaji Mandir Fund, on or before the 10th of every month, by the Id. Administrator."*

8. Insofar as the location of said temporary stalls which are to be set up in terms of the liberty granted vide order dated 24<sup>th</sup> April, 2022 is concerned, the Id. Administrator has recorded in the Minutes of the Meeting dated 30<sup>th</sup> May, 2022 as under:

*"C. Location of the temporary stalls to be set up in terms of the liberty granted by order dated 25.04.2022.*

*8. The Hon'ble High Court, vide order dated 25.04.2022 had permitted the setting up of temporary shops in the Kalkaji Mandir premises on the basis of Tehbazari at the rate of at least Rs. 5,000/- per day. Vide public notice dated 04.05.2022, the undersigned invited the applications for setting up of temporary shops in the Mandir premises on the above terms. Pursuant thereto, the undersigned has received 39 applications for temporary shops within the Mandir premises. On verification of the applications, it was found that 17 applicants did not have a shop in the Temple Complex prior to 27.09.2021 and are therefore not eligible for temporary shops in terms of order dated 25.04.2022 and 31.03.2022. Therefore, there are a total of 22 successful applicants.*

*9. However, during the meeting with the Pujaris on 18.05.2022, all the Pujaris raised strong objections to*

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setting up of any shop near the Temple. In view of the objections raised by the Pujaris, the undersigned was of the view that locations away from the Bhawan be identified for the purpose of setting up these stalls.

10. The undersigned inspected the Market way side along with the Assistant and the Mahant. Mr. Saumik from the office of Mr. Goonmeet Singh Chauhan, Ld. Architect was also present. It was found that the place near the night shelter at the Market Way side opposite the entry gate is the most appropriate to set up 15 out of 22 temporary shops. The remaining 7 shops shall be set up at the Ram Piyao parking lot.

11. Mr. Soumik from the office of Mr. Goonmeet Singh Chauhan, Ld. Architect shall give a plan of the temporary shops at the two locations. The allotment of shops to the 22 successful applicants shall be done by draw of lots. The successful applicants shall make their own arrangements in setting up the temporary stalls at the identified locations. The successful applicants shall set up their temporary stalls only on the designated space marked by the Ld. Architect. All the above 22 temporary shops shall be liable to be vacated immediately upon the commencement of redevelopment at the said locations or on an earlier date as may be intimated to them.

12. The appropriate order for setting up the stalls shall be issued after the approval of the Hon'ble Delhi High Court."

9. This Court has heard Id. Counsels for the *pujaris/baridaars*, the Architect - Mr. Goonmeet Singh Chauhan, as also, Id. Counsel for the Id. Administrator, on the issue of setting up of temporary shops. Since these temporary stalls are to be set up only for the purpose of providing certain *puja samagri* and such other articles to the devotees who visit the *Mandir*, till the time the construction of the temporary shops takes place, the recommendation of the Id. Administrator for setting up of 15 temporary

stalls near the night shelter at the Market Way side opposite the entry gate and 7 temporary stalls at the *Ram Piyao* parking lot, is approved. The temporary stalls shall, accordingly, be set up in the said locations and not in the *Mandir* premises.

10. The *tehbazari*, in respect of the said temporary stalls which may be fixed by the Id. Administrator, keeping in mind the above order dated 24<sup>th</sup> April, 2022, extracted above, shall be paid into the account in the name of "*Registrar General, Delhi High Court, A/c Kalkaji Mandir Fund*" vide A/c No.15530110155950 IFSC Code UCBA0001553J (hereinafter "*Kalkaji Mandir Fund*").

11. Insofar as the question as to who should be controlling the said temporary stalls and the manner in which the said stalls shall be allotted is concerned, the Id. Administrator shall hold a meeting with the *naridaars* and other concerned stakeholders on 4th June, 2022 to issue directions in respect of the same. The *tehbazari* for the said temporary stalls shall be fixed and paid in the manner as already decided by the Court, vide order dated 24<sup>th</sup> April, 2022. It is made clear that the said temporary stalls shall continue to exist only so long as the construction of temporary shops, which are currently under construction, is not completed. Upon the completion of the construction of the said temporary shops by the Architect, all the said temporary stalls shall be vacated and removed. No rights shall be claimed in respect of the said stalls by any of the occupants.

**Erection of Boundary Wall to Prevent Encroachments & Construction of Temporary Shops**

12. Insofar as the construction of the boundary wall is concerned, the Architect, who is present in Court, has assured the Court that the work for

electricity connection provided by the BSES is in peculiar facts and circumstances of the present case where the redevelopment of the *Kalkaji Mandir* is being undertaken under directions of this Court. Thus, it is clarified that the same shall not to be treated as a precedent.

17. In any event, the BSES shall place on record an affidavit setting out the total outstanding dues from the *Kalkaji Mandir* premises and its occupants, so that the same can be considered at a later stage, when the allotment of the shops and other orders are being passed by this Court. Let the said affidavit be filed by 8<sup>th</sup> July, 2022. Copy of the said affidavit be also supplied to Id. Administrator as also to one of the counsels appearing for the *Baridaars* and Mr. Nitin Jain, Id. Counsel for the shopkeepers.

18. The concerned officials of BSES may also meet the Id. Administrator to apprise him of all the meters that are running in the *Kalkaji Mandir* premises. Thereafter, the Id. Administrator may consider issuing directions to the BSES to shut down the meters which are not in operation, or are not required.

Meeting with the Baridaars

19. As directed vide order dated 20<sup>th</sup> May, 2022, the Id. Administrator and the Architect shall hold a meeting with all the *baridaars* in respect of the redevelopment plan, on 4<sup>th</sup> June, 2022 at 5 PM. After the conclusion of the said meeting, if Id. Administrator is of the opinion that a further meeting would be required, the same shall be held during the summer vacation, and a report in respect of the redevelopment plan, taking into consideration the inputs given by the *baridaars*, shall be placed before the Court, by 4<sup>th</sup> July, 2022, in terms of the last order dated 20<sup>th</sup> May, 2022.

Unauthorized Occupants of Jhuggis and Dharamshalas

20. Vide order dated 20<sup>th</sup> May, 2022, this Court was informed that the *Salig Ram Kayastha Dharamshala* had not yet been vacated. Accordingly, this Court had directed as under:

*"21. Insofar as the occupants of Salig Ram Kayastha Dharamshala are concerned, it is noticed that the same has not been vacated yet. Ld. Counsels for the pujaris/baridaars unanimously submit that the occupants therein have not been given protection by any Court, and are also not covered by the orders passed by the Division Bench of this Court or the Supreme Court. In view thereof, the ld. Administrator and concerned SHO, P.S. Kalkaji, shall take steps for the eviction of the unauthorized occupants of the said dharamshala, within ten days. Any jhuggis dwellers who are also in occupation shall also be got evicted by the SHO, P.S. Kalkaji, with cooperation from other concerned agencies and the ld. Administrator."*

21. Today, the SHO, P.S. Kalkaji is present in Court and submits that *Salig Ram Kayastha Dharamshala* has been vacated, and all the *jhuggi* dwellers have been evicted from the *Kalkaji Mandir* premises. Accordingly, let the said *dharamshala* be sealed by the ld. Administrator.

22. Insofar as the other occupants of the *dharamshalas* are concerned, the Supreme Court had passed the following order dated 25<sup>th</sup> March, 2022 in *SLP Diary No.9073/2022* titled *Nathi Ram Bharadwaj & Ors. V. Neeta Bharadwaj*. The said order reads as under:

*"3. We grant liberty to the petitioners to move the Administrator appointed by the High Court with their grievances. It would be open to the Administrator to take place a report before the High Court for suitable directions. However, maintenance of the temple and its*

*surroundings in a dignified manner in the interests of the devotees must be of paramount importance."*

23. It is submitted by Mr. Sudhir Nagar, Id. Counsel that the above order was passed by the Supreme Court in petitions moved by his clients who are *Pujaris* in occupation of the *Dharamshalas*. However, the challenge therein was not in respect of the vacation of the *Dharamshalas*, but the order by which the Id. Administrator was appointed by this Court.

24. The Division Bench of this Court, in appeals filed by other *Pujaris* had also passed order dated 29<sup>th</sup> March, 2022 in *LPA 172/2022* titled *Vinayak Bharadwaj v. Neeta Bharadwaj*. The operative portion of the said order reads as under:

*"4. When this appeal came up before this Court notice was issued in the appeal to the respondents as also to the SDMC, Delhi Jal Board, DDA, Govt. of NCT of Delhi and Commissioner of Police as the five Authorities were represented before the learned Single Judge. The appellant was directed to file amended memo of parties and the matter is now listed on 22<sup>nd</sup> April, 2022 along with two similar connected appeals. Thereafter the appellant filed the present application seeking stay of the orders dated 15<sup>th</sup> March, 2022 and 22<sup>nd</sup> March, 2022 to the extent directions for eviction of the occupants of the Dharamshala were issued by the learned Single Judge."*

25. Pursuant to the above orders of the Supreme Court and Division Bench of this Court, representations were received by the Id. Administrator and the same have also been considered by the Id. Administrator. The Id. Administrator has considered the representations and all the submissions made on behalf of the occupants and the *pujaris*. The Id. Administrator has analysed the entire position and has submitted his report to the Court. The

conclusion of the Id. Administrator as recorded in Report No.6 are set out below:

"17. The Pujaris namely, Mr. Tula Ram, Mr. Dalip Singh, Mr. Tek Chand and Mr. Ghasita instituted a suit for declaration and injunction bearing Suit No. 266 of 1952 titled 'Tula Ram and Ors. vs. Prithvi Nath Numberdar Pahapur and Ors.' seeking a declaration that the land comprising of Khara Nos. 626 min, 630 min, 1202/627, 633 min and 624, 625, 626 min, 1201/627, 630 min, 633 min and 1203/627 measuring 356 bighas and 8 biswas of Village Bahapur, Delhi was reserved for the joint use of Pujaris of the Temple and for the purpose of Temple alone, and perpetual injunction. It was pleaded that no person could use the land for his personal benefit as the same was res judicata. In the said case, it was pleaded by the Plaintiffs that the land in the suit was being used by the Defendants for their private use and that they had dug out Bajri and stone and had begun to build on the land in suit for their personal use which they were not permitted to do so. The Plaintiffs in the said suit relied upon the judgments dated 29.08.1936 and 30.11.1937 in which it was held that the land in dispute was reserved for the joint use of the Pujaris of Kalkaji Temple and for the use of Temple only. The Learned Judge noted the Wajib-ul- Araj (Clause 52 Chapter 18), according to which if any building is constructed in future, it would be considered to be dedicated to the Temple. The Court also considered the copies of Jamabandi for the 1908-9 as well as 1945-1946. The Learned Judge, on the basis of the aforesaid documents, decreed the Suit on 28.12.1955 holding that the land is reserved for joint use of Pujaris of Kalkaji Temple and for the purpose of Temple alone and nobody is entitled to use the land for his personal benefit. The relevant portions of the declaratory decree are reproduced hereunder:

"The plaintiffs have pleaded that they were Pujaries of the Temple of Shri Kalka Ji and were sharers and owners of the income of the land attached to the said

temple. It was further pleaded that the land bearing Khasra Nos. 626 Min, 630 min, 1202/627, 633 min and 624, 625, 626 min, 1201/627, 630 min and 624, 625, 626 min, 1201/627, 630 min, 633 min and 1203/627 measuring 356 Bighas 8 Biswas situated at village Bahapur Delhi State was reserved for the use of Pujaries of the temple and for the purposes of the temple alone, that it could not be used by any person for his own benefit and that this fact was resjudicata and had been decided several times earlier. It was again pleaded that in October 1949 the Defendants used the land in suit for their private use and dug out Bajri and stone and that they had now begun to build on the land in suit for their personal use which they were not entitled to do. On these pleadings the plaintiffs claimed a decree (1) for declaration that the land in suit was reserved for the joint use of Pujaries of Shri Kalka Ji Temple and for the purpose of temple alone, (2) for perpetual injunction restraining the defendants from using the land for their personal benefit and from building on it for their personal use and (3) for accounts of the mesne profits.

2. The defendants contested this suit. The defendant No. 1 Shri Prithi Nath in his written statement dated 5.10.55 pleaded that Shri Ram Phal was a necessary party, that the suit was barred by time and that the suit was not properly valued for purposes of court fee and jurisdiction. It was further pleaded that the defendants were the owners of the land in suit, that the defendant No. 1 and his ancestors had been using the land in suit and that the land in suit was not reserved for the use of the Pujaries and for the purposes of temple alone. It was admitted by the defendant No. 1 that he dug out some Pujree but according to him it was for the use of the temple. The defendants No. 2 to 9 denied the allegations of the plaintiffs...

...  
Issue No. 4

On this issue the plaintiffs relied on Ex. P.3. the copy of judgment dated 9th August 1936 and Ex. P. 4 the copy of judgment dated 30th Nov. 1937. Ex. P.3. shows

that in a suit between the parties to this suit and others it was held that the land in dispute was reserved for the joint use of Pujaries of the Kalkaji Temple and for the use of Temple only. This finding was upheld by the appellate court as is clear from Ex. P. 4. So the plea raised in issue No. 3 is resjudicata and the defendants are barred to raise this plea again. The learned counsel for the defendants simply contended that the previous judgment was by a Subordinate Judge 4th Class and the value of the present suit being more than Rs. 20000/- the plea was not resjudicata. I do not agree with the contention. I have held above that the suit is properly valued. So the present suit can also be tried by a Subordinate Judge 4th Class. No other point was raised on this issue. I therefore hold that the defendants are barred to raise the plea as raised in issue No. 3 and that the plea raised in issue No. 3 is resjudicata. Issue is decided in favour of plaintiffs.

Issue No. 3.

**8. In view of my findings issue No. 4 I hold that the land in suit is reserved for the joint use of Pujaris of Kalka Ji Temple and for the purpose of Temple only.**

9. Even otherwise Ex. D1 the copy of clause 52 Chapter 18 of Wajib-ul-Araj for the village Bahapur shows that Pujaries alone were entitled to the income. The shares of the Pujaries have also been clearly specified. **It also provides that in future any building constructed would consider as dedicated to the temple.** The copies of jamabandi for the year 1908-9 Ex.P.8 and for the year 1945- 46 Ex. P. 9 shows the above land as Mabuja Pujarian. **So it is clear from the above documents that the land in suit was reserved for the joint use of Pujaries and for the purpose of Temple alone. I therefore decided this issue in favour of the plaintiff.**

14. In view of my findings above **I hereby grant a decree for declaration that the land in suit is reserved for the joint use of the pujaries of Kalka Ji Temple and for the purposes of temple alone and that no body is entitled to use this land for his personal benefits. I further grant a**

decree in favour of the plaintiffs against the defendants for perpetual injunction restraining the defendants from using the land in suit for their personal benefit and from building on any part of the land in suit for their personal use. I also grant a decree in favour of the plaintiffs against the defendants for Rs. 1/- on account of mesne profits. The plaintiffs will also be entitled to get their costs of the suit."

18. The said declaratory decree was recorded in the Jamabandi of Village Bahapur of the year 1949-1950 through Entry dated 09.02.1969. Copy of the Jamabandi of Village Bahapur of the year 1949-1950 is part of documents filed as Annexure C (Colly).

19. The declaratory decree dated 28.12.1955 declaring the land admeasuring 356 bighas and 8 biswas of Village Bahapur, Delhi around the Kalkaji Mandir to be for the joint use of Pujaris for the Mandir alone and further holding that any building constructed thereon would be considered to be dedicated to the Mandir, has attained finality and is binding on all the Pujaris. This declaratory decree and the endorsement in the revenue records was put to the Pujaris during the hearing, who have not disputed the same. Moreover, the contention put forth by Mr. Naagar, Advocate that the declaratory decree only prohibits commercial use of the Dharamshalas is not tenable. The declaratory decree is clear that the entire land around the Mandir can be used by the Pujaris for the Mandir only, and not for their personal benefit, which includes residential use.

20. The undersigned is of the considered view that the net consequence of the declaratory decree dated 28.12.1955 is that the Pujaris have restricted their rights in the land pertaining to the Kalkaji Mandir premises and all the constructions on the said land have been declared to be dedicated to the Temple. The Pujaris are permitted to use the said land only for the purpose of the Mandir and all the Dharamshalas constructed thereon, either by the Pujaris or the

devotees, are the vested properties of the Mandir and no Pujari has any right to occupy a Dharamshala or any portion thereof for their personal use which includes residential use. Moreover, the Pujaris have not taken permission from any other Pujari for constructing any Dharamshala. In that view of the matter, the construction of the Dharamshalas without the consent of the other Pujaris and occupying the same is in violation of the declaratory decree dated 28.12.1955 of the Court and these Pujaris cannot be said to be lawful occupation.

21. The undersigned has been informed that the Dharamshalas were constructed by the devotees and handed over to the Pujaris for use by the devotees only. The Pujaris have contended that they have constructed the Dharamshalas and are lawfully occupying the Dharamshalas. However, the Pujaris have not placed on record to any document to show the date when the Dharamshalas was constructed and the proof of date of occupation. In the absence of any such proof, the contentions of the Pujaris cannot be accepted. On the other hand, there are about 700 Pujaris and majority of them have not filed objections stating that they cannot be dispossessed for re-development. Many Pujaris have made statements before the undersigned that they have no objection to the demolition of the Dharamshalas for redevelopment of the Temple Complex.

22. With respect to the contention that dispossession of Pujaris from the Dharamshala will violate their right to property, this Hon'ble High Court had, vide order dated 15.03.2022, already observed that the Pujaris are at best persons who are serving the deities at the Kalkaji Mandir and all the Pujaris who have made the premises as a permanent residence have done so at their own risk. Additionally, the undersigned is of the view that the Pujaris have no right to occupy the Dharamshalas in view of the declaratory decree dated 28.12.1955.

23. The Pujaris and the baridaars are all in agreement that the Kalkaji Mandir premises should be re-developed. Their consent was recorded in the order dated 27.09.2021 of this Hon'ble High Court and the undersigned has had many interactions with the Pujaris who agree that the Mandir premises should be re-developed. The Dharamshalas will also need to be renovated as part of the overall redevelopment of the Kalkaji Mandir. Some of the Pujaris can therefore not be permitted to occupy the Dharamshalas and obstruct the process of re-development without showing any vested right to occupy the same. This Hon'ble High Court has also already noted the objections and reservations of the Pujaris and the baridaars and has passed orders of vacation of the Dharamshalas vide orders dated 01.02.2022, 15.03.2022, 22.03.2022, 31.03.2022 and 25.04.2022. Sufficient time has been given to the Pujaris and the baridaars and their objections have been dealt by this Hon'ble High Court. The contention of the Pujaris that they are the absolute owners and in possession of the Dharamshalas is not correct. The Pujaris have no right to occupy the Dharamshalas and use them for their personal use in view of declaratory decree dated 28.12.1955. The direction to vacate their Dharamshalas is therefore as per due process of law.

24. The Pujaris have raised the issue that they should be provided an alternative space/ compensation for vacating the Dharamshalas. In this regard, the undersigned is of the view that the Pujaris are not entitled to any alternative land/compensation since the land is meant for the use of the Temple alone and is to be re-developed for the use of the Mandir. The handful of the Pujaris who are in illegal occupation of the Dharamshalas without the consent of the other Pujaris are in violation of the declaratory decree and can be removed by the orders of the Court. The entire land around the Mandir is being re-developed for the purpose of the Mandir alone and therefore the claim of the Pujaris that they be compensated/ provided alternative

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land is devoid of merit. The re-development plan shall make an adequate provision for new Dharamshalas for the devotees apart from other provisions as mentioned in the previous reports.

25. With respect to the contention that the Pujaris have not been heard/ consulted in the re-development plan, it is pertinent to note that the undersigned had conducted hearings with various Pujaris at the Kalkaji Mandir with respect to the redevelopment of the Dharamshalas pursuant to the orders of this Hon'ble High Court. This Hon'ble High Court has also directed all the parties, including all the baridaars and Pujaris to make their submissions in respect of the proposed re-development plan and comments with respect to the manner in which the re-development ought to be undertaken vide its order dated 15.03.2022. The proposed redevelopment plan is not final, and all the Pujaris have been given liberty to give their suggestions and comments on the re-development plan. Hence, this argument is also not tenable.

26. Finally, with respect to the contentions of some of the Dharamshala occupants that there are smaller temples inside the Dharamshalas, which should be preserved, the same shall be considered by the undersigned and the Ld. Architect in the re-development plan."

26. A perusal of Report No.6 extracted above shows that the Ld. Administrator has concluded that the *pujaris* have no individual right, title or interest in the land pertaining to the *Kalkaji Mandir* premises, as also, the construction on the said land. The said land has been declared to be dedicated to the *Kalkaji Mandir* as a consequence of the declaratory decree dated 28<sup>th</sup> December, 1955 passed by the Court in *Suit No.266 of 1952* titled '*Tula Ram & Ors. V. Prithvi Nath Numberdar Pahapur and Ors.*' which was instituted by four *pujaris* namely, Sh. Tula Ram, Sh. Dalip Singh, Sh.

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Tek Chand and Sh. Ghasita, seeking a declaration and injunction to the effect that the land admeasuring 356 bighas and 8 biswas of Village Bahapur, Delhi around the *Kalkaji Mandir* to be for the joint use of the *pujaris* for the *Mandir* only and not for personal benefit, including residential use. The said declaratory decree, whereby the rights of the *pujaris* in respect of the *Kalkaji Mandir* premises has been restricted, has attained finality and has also been recorded in the *Jamabandi* (revenue records) of Village Bahapur for the year 1949-1950 through Entry dated 9<sup>th</sup> February, 1969. As per the said decree, the *pujaris* are permitted to use the said land only for the purpose of the *Mandir* and not for their personal use, including residential use. All the *dharamshalas* constructed in the *Kalkaji Mandir* premises, either by the *pujaris* or the devotees, are dedicated to the *Mandir* and no *pujari* can occupy the *dharamshalas* as a matter of individual right. Further, the Id. Administrator states that the *pujaris* and the *baridaars* are all in agreement that the *Kalkaji Mandir* should be redeveloped and their consent has been duly recorded in the orders passed by this Court. Thus, the *pujaris*, being persons who are at best serving the deity, have no rights to remain in occupation of the premises and cannot be permitted to obstruct the process of redevelopment of the *Kalkaji Mandir* premises which is in the larger interest of the devotees.

27. Additionally, upon perusing the Report No.6 of the Id. Administrator, this Court had considered the matter on 13th May, 2022. On the said date, the submissions made by the Id. Counsels appearing for the occupants of the *Dharamshala* was recorded and the same is set out below:

"8. Going forward, the submission of Mr. Vikas Singh, Id. Senior Counsel and Mr. Rakesh Bhardwaj, Id.

Counsel, appearing for the pujaris who were the petitioners before the Supreme Court in SLP No.9073/2022 titled Nathi Ram Bhardwaj & Ors. v. Neeta Bhardwaj & Ors. and the Division Bench in LPA No.172/2022 titled Vinayak Bhardwaj v. Neeta Bhardwaj, and of various baaridars and pujaris is that they support the redevelopment of Kalkaji Mandir fully, however, in the redevelopment process, the baaridars and the pujaris ought to be allowed to participate and give their suggestions and recommendations to the Id. Administrator and the Architect. Their submission is that the role of the Pujaris and the Dharamshala occupants ought to be acknowledged and some part of the redevelopment ought to account for their interests as well.

9. In view of the submissions made by the Dharamshala occupants and the pujaris today, they are permitted to appear before the Id. Administrator at a suitable time and date fixed by the Id. Administrator in order to enable them to give their suggestions/recommendations/proposals to the Id. Administrator in respect of the redevelopment. During this meeting, it is made clear that the concerns of the Id. Administrator regarding the waiting rooms for devotees and proper arrangements of food and water, shall be kept in mind while discussing the redevelopment with pujaris and dharamshala occupants. The Id. Architect shall be present in such meetings."

28. Thus, in view of the findings of the Id. Administrator, as also, in view of the submissions made by the dharamshala occupants and the pujaris before this Court on 13<sup>th</sup> May 2022, it is clear that the said occupants were to make their suggestions in respect of the redevelopment of the Kalkaji Mandir to the Id. Administrator, so that their interests could be accommodated. The Id. Senior Counsel had, in fact, assured the Court that

his clients do not intend to obstruct the redevelopment of the Kalkaji Mandir.

29. Apart from the above, the following directions were passed by this Court on 20<sup>th</sup> May, 2022:

"9. It is clear that the redevelopment of the Kalkaji Mandir can commence only if all persons who are in occupation of the dharamshalas, vacate the premises which are in their occupation. Accordingly, since the occupants of the dharamshalas are either pujaris/baridaars, considering the stand of the pujaris and baridaars that they support the redevelopment, this Court deems it fit to issue the following directions:

(i) With regard to the vacation of the premises of the Kalkaji Mandir, in the interest of redevelopment, as also, basis the submissions of the counsels recorded in the previous order dated 13<sup>th</sup> May, 2022, the pujaris/baridaars who are occupying the dharamshalas shall make submissions before this Court concerning the timelines of such vacation on 1<sup>st</sup> June, 2022. On the said date, this Court would direct the final vacation of the dharamshala premises by all occupants. If any party wishes to make any submissions in this regard, they shall do so on 1st June, 2022.

(ii) The pujaris/baridaars shall submit their suggestions with regard to the redevelopment, to the Id. Administrator within 15 days of obtaining the layout plan. Pursuant to the same, such parties shall appear before the Id. Administrator on 4<sup>th</sup> June, 2022 at 5 P.M., by which time all the suggestions of the pujaris/baridaars shall be submitted. On the said date, the Id. Administrator would consider the suggestions given with respect to the redevelopment of the Kalkaji Mandir."

30. Thus, today, the dharamshala occupants and pujaris were to be heard

on the question of how much time they may need, if any, to vacate the premises in their occupation. Owing to the submission made and even otherwise, they cannot continue to occupy the *Kalkaji Mandir* premises, considering that if they continue to occupy the said premises, the redevelopment of the *Mandir* will be completely stalled. The Id. Counsels appearing for the *pujaris* had made a categorical submission before this Court on 13th May, 2022 to the effect that they fully support the redevelopment of the *Mandir* and they ought to be allowed to participate and give their suggestions and recommendations. The said request has already been accepted by this Court.

31. Today, Mr. Sudhir Naagar, Id. Counsel representing 17 *pujaris* submits that the said *pujaris* are not willing to vacate the *dharamshalas* which are in their occupancy, as they claim ownership rights in the said *dharamshalas*.

32. The occupants of the *dharamshala* and *pujaris* have repeatedly availed of various remedies. They are aware of the steps taken by this Court since the last almost one year, in the present cases relating to the *Kalkaji Mandir*. This Court had to take extreme measures owing to the deplorable conditions at the *Mandir* premises both in respect of cleanliness, lack of amenities, rampant commercialisation etc., Mr. Naagar fairly concedes that the *SLP Diary No. 9073/2022* was filed by his clients. The order dated 25th March, 2022 of the Supreme Court in *SLP Diary No. 9073/2022* clearly records that the Petitioners therein were permitted to move the Id. Administrator appointed by this Court, in respect of their grievances. Their representations were considered by the Id. Administrator and the report in respect thereof was to be placed before this Court. The said order dated 25<sup>th</sup>

March, 2021 has been extracted hereinabove.

33. Pursuant to the said order dated 25<sup>th</sup> March, 2021 the Id. Administrator has entertained various representations made by the *pujaris* and has submitted the Report No.6, extracted and summarised hereinabove.

34. Mr. Mohit Auluck, Id. Counsel representing another *pujari* - Mr. Vinayak Bhardwaj submits that his client also claims joint rights in the *dharamshala* which is under his occupation. This submission was also considered in *LPA 172/2022*, and thereafter, the order dated 29<sup>th</sup> March, 2022 was passed by the Division Bench of this Court. The relevant paragraphs of the said order have been extracted hereinabove.

35. The order dated 25<sup>th</sup> March 2022 passed by the Supreme Court, makes it abundantly clear that the maintenance of the temple and its surroundings in a dignified manner in the interest of the devotees is of paramount importance. Pursuant to the orders of the Supreme Court and the Division Bench of this Court, the Report No.6 has been submitted by the Id. Administrator after hearing the parties at length. Detailed reasoning has been given by the Id. Administrator in his Report No.6, which was made available to all the parties concerned. On 13th May, 2022, a categorical submission was made on behalf of the *pujaris* who were in occupation of the *dharamshalas* that they supported the redevelopment of the *Kalkaji Mandir*. In view of the said submission, the Court had permitted them to make submissions before the Id. Administrator as to the manner in which their interests ought to be accommodated in the process of redevelopment of the *Kalkaji Mandir*.

36. However, today, instead of making submissions as to the time required for them for the final vacation of the premises, the Id. Counsels

submit, under instructions, that since their title in respect of the said premises is yet to be decided, they are not willing to vacate the *dharamshalas*/premises which are under their occupation.

37. Mr. Naagar, Id. Counsel submits that the *pujaris* are residing in the premises with their families and are not using it for any commercial purposes. Further, Mr. R.K. Bhardwaj, Id. Counsel appearing for a majority of the *baridaars* submits that not even 10% of the *baridaars* are in occupation of the *dharamshalas*. Therefore, the persons who are refusing to vacate the premises, should not be allowed to colour all the *baridaars* in the same manner and that a vast majority of the *Baridaars* support the redevelopment of the Mandir and its surroundings, unequivocally.

38. In the opinion of this Court, the recognition of the *pujaris* for any portions of the land, as is being sought for by Mr. Naagar, Id. Counsel in respect of 150 sq. yards of land within the *Mandir* premises, would lead to complete chaos within the *Kalkaji Mandir* premises. Inasmuch as, if each *pujari* and *dharamshala* occupant is recognised as an individual owner of any parcel of land, the redevelopment of the *Mandir* would come to a standstill and such recognition would be contrary to the decisions which are cited by the Ld. Administrator in his report.

39. Mr. Naagar, Id. Counsel submits that the *dharamshalas* are not being used as *dharamshalas*, but as residences for the *pujaris*. This conduct of the *pujaris* and other *dharamshala* occupants is exactly what the Court wishes to curb. The *dharamshalas* in *Mandirs* are meant for occupation by the devotees who visit the *Mandir*, while providing for some accommodation for *pujaris*. Permanent rights as are being claimed by the *pujaris* are not to be recognised in this manner.

40. This Court is seized of the redevelopment of the *Kalkaji Mandir* for the last several months. In the opinion of this Court, the occupants of the *dharamshalas* and *pujaris* cannot claim a vested right to remain in the *Mandir* premises, especially when the same is being misused by them. The *pujaris* and the occupants of *Dharamshalas* have come into occupancy of the said premises, with a view to render services to the deity. Thus, claiming of such private individual rights on the said land is not permissible.

41. It has been recorded even in the order dated 29<sup>th</sup> March, 2022 passed by the Division Bench in *LPA 172/2022*, and as is the position which is canvassed on behalf of all the Petitioners that the two groups i.e., *Thok Jogians* and *Thok Brahmins* claim ownership of the said land, collectively. The redevelopment of the *Kalkaji Mandir* premises is in the utmost interest of the lakhs of devotees who are visiting the *Mandir*. The same cannot be sacrificed for the private interest of the *pujaris* and the *dharamshala* occupants, some of whom are also using the same for commercial purposes as is recorded in the Id. Administrator's report. Be that as it may, the said occupants of the *dharamshalas* have already been permitted to appear before the Id. Administrator in order to give their suggestions and the manner in which their interests ought to be taken into consideration in the overall redevelopment of the *Kalkaji Mandir*.

42. Since the interests of the *dharamshala* occupants and the *pujaris* has already been safeguarded, as also, in view of the fact that their interests would be taken care of in the redevelopment on an equitable basis without giving any preference to any particular individual person, it is deemed appropriate to direct that the *dharamshalas* and all the other premises which are in the occupation of the *pujaris* and the various other unauthorized

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occupants shall be vacated within a reasonable period of time.

43. Accordingly, the dharamshala occupants and all the pujaris who are in occupation of the dharamshalas shall vacate the Kalkaji Mandir premises, on or before 6th June, 2022, failing which, the SHO, P.S. Kalkaji shall take steps, in consultation with the Id. Administrator, to evict the said pujaris and the dharamshala occupants.

44. It is made clear that this would, however, not prejudice the rights of the dharamshala occupants and the pujaris to appear before the Id. Administrator and to give their suggestions/recommendations in respect of the redevelopment plan, as also, to make submissions as to the manner in which their interests ought to be accounted for in the overall redevelopment of the Kalkaji Mandir.

**Allotment of 16 Large Temporary Shops**

45. Insofar as the allotment of the 16 large temporary shops is concerned, a list of a total of 42 bids received in respect of the cost of construction, as also, monthly *teh bazari* which were to be submitted to the Id. Administrator by the 25<sup>th</sup> May, 2022 in terms of order dated 20<sup>th</sup> May, 2022, has been tabulated and placed before the Court by the Id. Administrator. After perusing the same and hearing Id. Counsels for the parties, the following directions are issued in this regard which shall be uniformly followed for all allottees of the 16 large temporary shops:

- i. Cost of construction payable by each allottee would be Rs.2,00,000/- uniformly.
- ii. One family shall be allotted only one of the 16 large temporary shops. Multiple allotments within the same family would not be permissible.

iii. *Tehbazari* payable by each of the allottees of the 16 large shops, shall be equivalent to the highest bid which have been received i.e., Rs.3,31,000/- per month.

46. Applying the above criteria, the Id. Administrator shall finalise the list of the allottees by giving all bidders, in the order in which their names appear in the list, an opportunity to agree to the terms fixed above. If all the 16 large shops are not taken at the terms fixed above, then if members of the same family come forward, the Id. Administrator shall consider such persons for allotment. Id. Administrator may consider fixing advance deposit of monthly *tehbazari* for at least two to three months, so that the allottees are not able to resile from the said allotment. The allotment of these 16 large shops shall not, in any manner, affect the final allotment of shops after the redevelopment of the *Kalkaji Mandir*. The terms of allotment shall be fixed by the Id. Administrator and place the same on record in the report for the next date of hearing.

**Allotment of Smaller Temporary Shops**

47. Mr. Naagpal, Id. Counsel submits that some representations in respect of the allotment of smaller shops in the *Kalkaji Mandir* premises are still pending. The said representations may also be disposed of by the Id. Administrator and the decision in respect thereof, be placed on record before the Court, by the next date of hearing.

**Misconduct of and Deposit of Amounts by the Baridaars**

48. Insofar as the misconduct of the *baridaars* is concerned, vide order dated 24<sup>th</sup> April, 2022, this Court had directed a copy of Report No.5 of the Id. Administrator to be supplied to all the *baridaars*, through Mr. R.K. Bharadwaj, Id. Counsel, in order to enable them to make submissions in

respect of the alleged misconduct.

49. Today as well, Ms. Kala, Id. Counsel for the Id. Administrator submits that, as recorded in Report No.5 of the Id. Administrator, some of the *baridaars* have not made the deposit as per the orders passed by this Court. The relevant extract of the Report No.5 is set out below:

*"vi. The baridaars of the period between midnight of 11/12.02.2022 till midnight of 13/14.03.2022 have failed to comply with the order dated 22.02.2022 passed by the undersigned. They inducted Mr. Kamal Kant Bhardwaj, Advocate, a non-baridaar to perform Puja Sewa without the permission of the undersigned and against specific orders and directions of the undersigned in view of the allegations of commercialization and auctioning of Puja Sewa. This Hon'ble High Court may therefore be pleased to direct Mr. Raj Kishore Gaur and Mr. Ram Kishore Gaur to deposit their share of the donations with the account of the worthy Registrar General of this Hon'ble High Court of Delhi.*

*vii. The baridaars of the period between 13/14.03.2022 to 13.04.2022 have failed to deposit the monthly contribution of Rs. 20 lakhs. The office of the undersigned has had to repeatedly follow-up with the baridaars and they have now withheld approximately Rs. 4 lakhs on grounds of electricity bill and bills of other contractors. The payment of electricity bill by the baridaars was to be made by them as the electricity connection stands in their name. The payment of bills of other contractors by the baridaars was not agreed to by the undersigned and were being paid by the office of the undersigned. This Hon'ble High Court may therefore be pleased to take strict view of the same and direct the baridaars through Mr. Vipin Bhardwaj, Pujari to deposit the balance amount with the account of the undersigned."*

50. In view of the above, Mr. Raj Kishore Gaur, Mr. Ram Kishore Gaur and Mr. Vipin Bhardwaj shall appear before this Court on the next date of hearing. Id. Administrator to also communicate the directions passed today, in respect of their personal appearance on the next date of hearing through his office, as also, through SHO, P.S. Kalkaji.

51. Further, vide previous order dated 27th September, 2021, this Court had directed the *baridaars* to make monthly deposits in the main account opened by the Id. Administrator titled '*Administrator of Sh. Kalkaji Mandir appointed by Court' maintained in State Bank of India [Current account no.:40774972794, IFSC:SBIN0001711]* (hereinafter "*Administrator's Account*"). The relevant portion of the said order reads as under:

*"(x) Almost all Id. Counsel representing the baridaars have submitted that they are willing to contribute for the maintenance and cleanliness of the Mandir premises. However, the amounts that have been suggested vary from Rs.5 lakhs to Rs. 20 lakhs. The monthly collections at the Mandir, are, on an average, between Rs.1 crore to Rs.2.5 crores, depending on the month. During Navratras, the amounts collected are on the higher side. Accordingly, for the purpose of maintaining cleanliness, hygiene, and for providing facilities in the Mandir, funds shall be contributed by the baridaars on 32. a monthly basis, to enable the Id. Administrator to take steps. The baridaars shall, at this stage, contribute a sum of Rs. 15 lakhs every month, generally, and Rs.20 lakhs during the bi-annual Shashmahi bari (Navratra period). The said deposits shall be made prior to the distribution or division of offerings/donations amongst the various baridaars."*

52. Vide subsequent order dated 15th November, 2021, this was clarified as under:

*"36. It is also made clear that the monthly payments to be deposited to the Id. Administrator by the baridaars."*

as per the order dated 27th September, 2021, of Rs. 15 lakhs or Rs. 20 lakhs as may be applicable, shall be deposited in the Id. Administrator's account, before the distribution of monies amongst the various baridaars."

53. Vide further order dated 1st February, 2022, the said order was modified as under:

"32. The Id. Administrator has recommended that an additional sum of Rs.5 lakhs per month ought to be contributed by the baridars for the redevelopment of the Kalkaji Mandir. For the time being, however, considering the details of various amounts which have been received from the various proceedings in the District Courts and the accounts submitted today, it is directed that the baridars shall deposit a sum of Rs.2 lakhs per month in the Kalkaji Mandir Fund, subject to further orders of this Court."

54. The above has also been recorded in the order dated 24<sup>th</sup> April, 2022, wherein the following direction was issued by this Court:

"34. Today, the Id. Administrator has informed the Court that the Baridaars are not depositing the amounts fixed by the Court, within time and specifically, not prior to the distribution of the money among the Baridaars. Considering this position, it is made clear that insofar as the Baridaars are concerned, as per the order dated 15th November, 2021, the distribution among the Baridaars is to take place only after the amount of Rs.17 lakhs or 22 lakhs, as applicable, is deposited with the Id. Administrator. Since the same is not being adhered to scrupulously by the Baridaars, the following directions are issued:

- (i) On the commencement of each Baari from Shud Ekadashi, the Baridaars shall deposit a sum of Rs. 17 lakhs for normal months and Rs. 22 lakhs for Navratras period, in the respective bank

accounts of the Ld. Administrator and the Kalkaji Mandir Fund, by the 14th day of each month.

(ii) If the said deposit is not made by the 14th day, from the 15th day, the Baridaars shall not be permitted to perform the Puja Seva and the Ld. Administrator shall take over the conduct of Puja Seva for that bari.

(iii) If there are any previous dues, of any Baridaars for any month, as on the date of this order, the same shall be deposited with the Ld. Administrator as directed earlier within a period of one week from now, failing which the bairis of those Baridaars shall for the future, be liable to be cancelled."

55. Today, Ld. Counsel for the Ld. Administrator submits that some of the baridaars have not deposited the sum of Rs.2 lakhs as per the above directions of this Court. If so, the names of such baridaars be provided and intimation be issued to them for their personal appearance on the next date of hearing, through SHO, P.S. Kalkaji.

Mela (Fair) organized during Chaitra Navratras, 2022

56. Mr. Neeraj Bhardwaj, Ld. Counsel has pointed to the Court that a mela (fair) was held during the Chaitra Navratras in the Kalkaji Mandir premises. Photographs of the said mela have also been placed on record. However, it is not clear as to who had conducted the said mela, as also, who had granted the approval for the same. Accordingly, Ld. Administrator, along with S.H.O., P.S. Kalkaji shall enquire into and place the details of the same on record, by the next date of hearing.

Transfer of FDs from the trial courts to the Kalkaji Mandir Fund account:

57. It has also been brought to the notice of this Court that when the

Signature Not Verified  
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By: DEVANSHU JOSHI  
Signing Date: 14/06/2022  
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amounts/FDRs were transferred to the Kalkaji Mandir Fund from various suits before the District Courts and from various banks, TDS has been deducted on such amounts. The transfer was only a transfer of the said instruments between two banks, under orders of Courts. The instrument has not been encashed or disbursed to any parties and thus it appears no TDS could have been deducted. The Manager, UCO Bank, Delhi High Court along with concerned officials in the Registry, are directed to coordinate with the respective banks from where such instruments have been transferred to seek transfer of the deducted amounts into the Kalkaji Mandir Fund, within three weeks. If the same is not received, the Managers of the concerned Banks shall provide a report, within four weeks, as to:

- i. The details of the TDS or any other deductions made in the amounts transferred and
  - ii. The reason for such deductions.
58. List on 15<sup>th</sup> July, 2022 at 3:00 PM.

**JUNE 01, 2022**  
DK/DJ/Rahul/Aman/AD



Prathiba M. Singh  
PRATHIBA M. SINGH  
JUDGE

*True Copy*  
*Prathiba*