

ITEM NO.1

COURT NO.3 SECTION IV-C
(HEARING THROUGH VIDEO CONFERENCING)
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.1235/2019 in C.A. No.4676/2018

(Arising out of impugned final judgment and order dated 02-05-2018 in C.A. No.4676/2018 passed by the Supreme Court Of India)

SARIKA

Petitioner(s)

VERSUS

ADMINISTRATOR, SHRI MAHAKALESHWAR MANDIR COMMITTEE,
UJJAIN (MP) & ORS.

Respondent(s)

(FOR DIRECTIONS)

Date : 22-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE AJAY RASTOGI

Counsel for the Parties:

Mr. Niraj Sharma, AOR

Mr. Rohit K. Singh, AOR
Mr. Nishant Kumar, Adv.
Mr. Pritam Bishwas, Adv.

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Saurabh Mishra, Adv.
Ms. Neela Kedar Gokhale, Adv.
Mr. Rajat Nair, Adv.

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
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Mr. Saurabh Mishra, Adv.
Ms. Neela Kedar Gokhale, Adv.
Mr. Amrish Kumar, AOR

Mr. Saurabh Mishra, AAG
Mr. Sunny Choudhary, AOR
Mr. V.K. Shukla, Adv.

Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Ibad Mushtaq, Adv.
Ms. Akanksha Rai, Adv.

Mr. Arjun Garg, AOR

Mr. Mrinal Gopal Elker, AOR

Mr. Rahul Kaushik, AOR

Mr. Atishi Dipankar, AOR

Ms. Rajani Ohri Lal, AOR

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

Directions No.(vii) and (x) issued by this Court vide order dated 11.09.2020 in Miscellaneous Application No.1235 of 2019 were as under:

“(vii) Let the details of necessary repairs, maintenance, and improvement be worked out and carried out forthwith. Let the Collector prepare a comprehensive plan for this purpose with the help of the Superintendent Engineer and available Architect. The State Government shall sanction fund immediately. Let a suitable plan and estimate be prepared within four weeks, and necessary repair and maintenance work be carried out urgently.

(x) We direct the Collector and Superintendent of Police of Ujjain to ensure that encroachment within 500 mtrs. of the area of the temple premises are removed, as suggested by the Experts Committee. Let needful be done by 15th December, 2020, and a report be submitted to this Court.”

It is accepted that rest of the directions stand complied with. The compliance of the aforesaid two directions has been engaging attention of this Court for a while.

In the latest Affidavit filed on behalf of the State Government, it is asserted that the District Administration has removed all the encroachments of 144 houses occupied by 250

families which were within the 500 meters from the premises of Shri Mahakaleshwar Temple. Certain photographs of removal of encroachments have also been enclosed.

Mr. Saurabh Mishra, learned AAG appearing for the State, on instructions, submits that all the encroachments have been removed and not a single encroachment is there within 500 meters from the premises of Shri Mahakaleshwar Temple. Statement recorded.

We direct the learned District Judge, Ujjain to depute any officer to cause an inspection of the place in question to be made. Let an appropriate report shall be placed on record to this Court within six weeks from today.

As regards Direction No.(vii), it is submitted that a copy of the Report submitted by Central Building Research Institute (CBRI), Roorkee, was furnished in April 2021, whereafter appropriate steps in terms of said Direction were to be taken by the State Government. However, because of difficulties arising out of COVID pandemic 2nd wave and the lockdown, it is requested that further time be given to the State to comply with said Direction No.(vii).

At the request of Mr. Mishra, time of eight weeks is granted to the State to comply with the above direction.

List this matter for further consideration on 30.09.2021.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER