



Court on its own motion Versus State of H.P. and others

CWPIL No.12 of 2020

21.04.2022 Present: Ms. Vandana Misra, Advocate as Amicus Curiae, for the petitioner.

Ms. Ritta Goswami, Additional Advocate General, for respondents No.1, 3 to 5-State.

Mr. Balram Sharma, ASGI, for respondent No.2.

Learned Amicus Curiae has produced several photographs of *Mata Mrikula Devi* temple at Udaipur, District Lahaul & Spiti, H.P. The photographs apparently show that the temple is in a dilapidated condition. The photographs also show that the roof of the temple is temporarily supported by use of wooden planks and not only the roof, it has developed several cracks, but also the walls on all sides have such cracks. It is stated that the temple is declared as a protected monument by respondent No.2-Archaeological Survey of India (in short 'ASI').

According to the conversation, which learned Amicus Curiae had with Shri Durga Dass, *Pujari* of the temple, this temple, if not immediately repaired, may collapse at any time.

2. On going through the status report, which has been filed on behalf of the respondent-ASI, we find the explanation given by the respondent-ASI wholly unsatisfactory. We are surprised to note with what has been stated in para-8 of the status report, wherein, the said respondent has admitted that the temple is affected due to the problem of tilting and differential settlement and cracks are seen on the wooden beams and minor cracks are also appearing on two walls of the temple,

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but the said respondent would still say that there is no evidence available on the surface of the temple that these tilts/setting are still active.

3. On the contrary, after giving details of the minor repair works carried out by the said respondent from paras-11 to 15 of the said report, the said respondent in para-16 has stated that they have proposed various repair works to be carried out for the year 2021-2022, which include *Sarai* improvement, provision of public amenities, like drinking water, provision for CCTV cameras and restoration of conservation work of one of the wooden beams (plinth). It has been further stated that scientific branch of the ASI has been requested to include the conservation of the temple in their conservation proposal and Headquarter of the ASI is being approached for deputing a Senior Officer/Engineer for inspecting the site and further modification/addition will be made depending upon their recommendations.

4. The pace at which the respondents are proceeding would surely endanger the very existence of the structure. In view of the urgency, as has been impressed upon by the learned Amicus Curiae, we direct respondent No.2-ASI, to constitute a team of scientific experts and also other representatives from other Branches of ASI to inspect within one week from today and who shall inspect the site and submit the estimate for making necessary repair of the Temple *Mata Mrikula Devi*, which has got immense historical importance in the State and immediately

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ensure that funds are provided for repair, maintenance and preservation of the temple and to commence the necessary repair works within a month thereafter, so as to complete the same expeditiously.

5. Copy of this order be provided to the learned Assistant Solicitor General of India for its onward communication and compliance.

6. Matter to come up on 13.05.2022 to see further progress in the matter

(Mohammad Rafiq)
Chief Justice

(Sandeep Sharma)
Judge

April 21, 2022
(Bhardwaj)