



\$~ 17 to 48 and 1 (SB) to 4 (SB)

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 22<sup>nd</sup> December, 2023*

+ **FAO 36/2021, CM APPLs. 57032/2023 & 57033/2023 CM APPLs.2914/2021, 10442/2021, 10444/2021, 20904/2021, 23819/2021, 25868/2021, 25869/2021, 25870/2021, 25884/2021, 25885/2021, 26495/2021, 29121/2021, 38063/2021, 38289/2021, 39643/2021, 43944-46/2021, 3172/2022, 3455/2022, 5641/2022, 5642/2022, 5803/2022, 5865/2022, 7745/2022, 13472/2022, 16153/2022, 17039/2022, 18207/2022, 18247/2022, 18248/2022, 21768/2022, 21801/2022, 21802/2022, 21803/2022, 22125/2022, 23093/2022, 29624/2022, 32296/2022, 34552/2022, 34553/2022, 39754-55/2022, 40548/2022, 43723/2022, 53179/2022, 876/2023, 14509/2023, 15812/2023, 15813/2023 13658/2023, 22230/2023, 25196/2023, 27387/2023, 28558/2023, 28559/2023, 29981/2023, 31169/2023, 40347-49/2023, 41312-13/2023, 52644-46/2023, 61839/2023**

**NEETA BHARDWAJ & ORS.**

..... Appellants

Through:

versus

**KAMLESH SHARMA**

..... Respondent

Through:

+ **CS(OS) 518/2021**  
+ **CS(OS) 520/2021**  
+ **CS(OS) 521/2021**  
+ **CS(OS) 524/2021**  
+ **CS(OS) 546/2021**  
+ **CS(OS) 552/2021, I.As. 16148/2021 & 16149/2021**  
+ **CS(OS) 557/2021**  
+ **CS(OS) 559/2021**  
+ **CS(OS) 56/2022 & I.A. 12340/2022**  
+ **CS(OS) 57/2022**  
+ **CS (OS) 2499/2010**  
+ **CS (OS) 511/2021**  
+ **CS (OS) 526/2021 & I.A. 7511/2022**  
+ **CS (OS) 527/2021, I.As. 1717/2022 & 1718/2022**  
+ **CS (OS) 533/2021, I.As. 1721/2022 & 1722/2022**  
+ **CS (OS) 535/2021 & I.A. 7552/2022**



- + CS (OS) 538/2021, I.As. 1725/2022 & 1726/2022
- + CS (OS) 539/2021, I.As. 9063/2022 & 9064/2022
- + CS (OS) 540/2021 & I.A. 7940/2022
- + CS (OS) 541/2021, I.As. 1723/2022 & 1724/2022
- + CS (OS) 542/2021, I.As. 9031/2022 & 9032/2022
- + CS (OS) 544/2021, I.As. 1719/2022 & 1720/2022
- + CS (OS) 545/2021
- + CS (OS) 547/2021, I.As.1715-16/2022
- + CS (OS) 554/2021, I.As. 9061/2022 & 9062/2022
- + CS (OS) 579/2021, I.As. 9981/2022 & 9982/2022
- + CS (OS) 55/2022, CCP(O) 91/2023, I.As. 12299/2022, 12300/2022, 12341/2022, 12342/2022, 19288/2022 & 24076/2023
- + CS (OS) 240/2023
- + CS (OS) 284/2023, I.As.10300-04/2023
- + CM (M) 323/2021, CM APPLs. 14178/2021, 20945/2021, 20949/2021 & 40269/2021
- + CONT.CAS(C) 614/2021
- + RFA 413/2021

**Appearances:**

Mr. Shashank Garg, Mr. Aman Gupta, Mr. Ravi Sharma and Mr. Sidhant Garg, Advocates for R-43 to 50(M: 9968236101).

Mr. Arun Birbal & Mr. Varun Gupta, Mr. Sanjay Singh, Advocates for DDA. (M: 9810029802)

Mr. Neeraj Bhardwaj, Adv. (M- 9350271061)

Mr. Satish Sahai, Advocate (M- 7840890660).

Mr. Lokesh Bhardwaj, Advocate.(M- 9971576388)

Mr. Akarshan Bhardwaj, Ms. Garima Anand & Mr. Nitin Panwar, Advocates.

Mr. Thakur Sumit, Advocate (M-9968454481).

Mr. K.G. Chhokar, Advocate (M-9896030124).

Mr. R.K. Bhardwaj, Advocate. (M:9312710547)

Mr Anuroop P S, Advocate.

Mr. Neeraj Kumar, Mr. Harshvardhan Sharma & Mr. Harsh Gupta, Advocates.

Ms. Sumant Bharadwaj, Mr. Shreyansh Jain and Ms. Mridula Ray Bharadwaj,



Advocates (M: 9874235750).

Ms Sonia Singhani and Ms Vidhi Gupta, Advocates for DDA (M: 9810172501).

Ms. Samapika Biswal, Ms. Nidhisha Garg and Mr. Aman Kumar Yadav, Advocates (M: 9406951592).

Mr. Siddharth Panda Standing Counsel for MCD (M: 9891488088).

Mr. Ashok Kumar Bahl and Mr. Rajiv Kumar Thakur, Advocates along with Mr. Amirish Malhotra, Chief Manager and Mr. Snajit Kumar, AR of SBI, Tis Hazari Delhi (M: 9810019614, 9990781015).

Mr. Rakesh Tiku, Advocate along with Mr. Lokesh Bhardwaj, Advocate.

Mr Anuj Chaturvedi and Mrs Shreya Manjari Advs. (M: 9431643312).

Mr. Goonmeet Singh Chauha, Architect.

Mr R. R. Kumar, Adv. (M. 9891296281)

Mr. Rishabh Kapur, Adv. (M: 7042181838)

Mr. Febin Mathew Varghese & Mr. Dhiraj Abraham Philip, Advs. (M: 9953418874)

Mr. Kush Bhardwaj, Adv. (M:9891074686)

Mr. Deepak Dewan and Mr. Muskan Dewan, Advs. (M:9810127778)

Mr. Kaoliangpou Kamei & Mr. Pual Kumar Kalai, Advs. (M: 9899754667)

Ms Sumita Hazarika Advocate, Mr Prabhas Chandra, Adv. for Respondent No.10. (M: (9811979264)

Mr. Udit Malik, Addl. Standing Counsel with Mr. Vishal Chanda, Advocates for GNCTD (M: 9999975448)

Mr Rishikesh Kr (ASC-GNCTD) with Ms Sheenu Priya, Mr Atik Gill, Mr Sudhir, Mr Sudhir Shukla, Advs. (M: 9911483629)

Dr. P. N. Mishra and Mr. Anjani Kumar Mishra, Advs. (M: 9213145580)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

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

1. This hearing has been done through hybrid mode.
2. These matters pertain to *Shri Kalkaji Mandir* which this Court has been hearing from time to time. These are part-heard matters.
3. The redevelopment of the *Shri Kalkaji Mandir* has been under



consideration for the past two and a half years before this Court. A large number of suits pending across various district courts, were transferred to this Court in exercise of powers under Section 24(1)(b) of the CPC. The said suits along with writs and other proceedings which relate to the *Shri Kalkaji Mandir* have been considered by this Court from time to time.

4. When this Court initially seized of this matter in January, 2021 various issues were brought to the attention of the Court. The same *inter alia* included issues relating to:

- Women's right to perform puja seva and receive a share in the offerings;
- Mismanagement of the *Shri Kalkaji Mandir*;
- Cleanliness and maintenance of the premises;
- Commercialisation of the *Shri Kalkaji Mandir*;
- Auctioning of *baris*;
- Disputes between *baridaars* and other stakeholders;
- Lack of civic amenities for devotees;
- Unauthorised squatters occupying various areas of *Shri Kalkaji Mandir*;
- Construction activities on land adjoining to the *Shri Kalkaji Mandir* and Lotus Temple;
- Complete disarray and lack of any systematic framework in the *Shri Kalkaji Mandir* to make it accessible to the devotees;
- Demarcation of the land where the *Shri Kalkaji Mandir* is situated;
- Illegal street vendors and hawkers duping the devotees;
- Mismanagement of *dharamshalas*;
- Lack of a consolidated fund account for the entire *Shri Kalkaji Mandir*,



etc.

5. At the initial stage of hearing in the present set of petitions, the following facts, which are captured in the order dated 16<sup>th</sup> July, 2021, were brought to the attention of the Court:

22. *A perusal of the orders passed by the Supreme Court in SLP (C)No. 32452/2013, titled **Kalkaji Mandir Vikreta Sangathan-II & Ors. v. Piyush Joshi and Ors.**, shows that in the said SLP, various issues were considered by the Supreme Court, including the issue relating to the cleanliness and **redevelopment of the Kalkaji Temple**. Various directions have also been passed by the Supreme Court in the said case from time to time. **However, a perusal of the reports of the Local Commissioner and the Receivers in FAO 36/2021, clearly shows that the current condition, in relation to cleanliness, sanitation and infrastructure of the temple and the temple complex is completely unsatisfactory and devotees who are visiting the temple are put to great inconvenience.** Cleanliness of the temple, as also the provision of civic amenities for devotees is a major concern.*

23. *Devotees who visit the temple are lakhs in numbers during the festive season and at least thousands in number on a daily basis. **All Id. Counsels, who are appearing for some of the baridars before this Court today, on a query from the Court, agree that the temple complex needs to be redeveloped and cleanliness etc. should be maintained and civic amenities ought to be provided for the devotees, who visit the temple. They further submit that they are willing to cooperate in this regard.***

6. The Court vide orders dated 10<sup>th</sup> May, 2021, 16<sup>th</sup> July, 2021, and 3<sup>rd</sup> August, 2021 invited all the parties and stakeholders to place on record their suggestions. Thereafter, various proposals in respect of redevelopment of the



*Shri Kalkaji Mandir* were received and considered by the Court. This Court further took into account the orders passed by the Hon'ble Supreme Court in respect of cleanliness, civil amenities, and sanitation in *Shri Kalkaji Mandir* in *SLP No. 32452-453/2013* titled *Kalkaji Mandir Vikreta Sangathan v. Piyush Joshi and Ors.* Vide order dated 27<sup>th</sup> September, 2021, the Court appointed an Administrator for the overall management and administration of the *Shri Kalkaji Mandir*.

7. Upon hearing the parties in detail and perusing the material on record, the Court was of the view that the *Mandir* premises was in urgent need of redevelopment. In order dated 27<sup>th</sup> September, 2021, the Court highlighted the following administrative issues that needed to be streamlined:

(i) *Measures that need to be taken on an urgent basis for the safety and security of the devotees and pilgrims who visit the Mandir.*

(ii) *Measures that need to be taken for maintaining cleanliness, hygiene and providing basic civic facilities for the devotees and pilgrims.*

**(iii) Consideration of proposals for re-development of the entire Kalkaji Mandir complex, as also the land surrounding it.**

(iv) *Streamlining the day-to-day management of the Mandir.*

(v) *Supervising the removal of encroachments and unauthorized occupants in and around the Mandir premises.*

(vi) *Coordination with various civic agencies including Delhi Jal Board, DDA, SDMC, Delhi Police, Fire Department, Medical Departments, DUSIB etc. for installation of basic public amenities.*

(vii) *Streamlining the mode and method of collection of donations and offerings, and to resolve any differences that may arise inter se within the baridaars and groups, to avoid them repeatedly having to move the Court, unless major issues arise.*



(viii) To provide a mechanism for collection of license fee/ *tehbazari* from the authorized occupants only.

8. In addition, Id. Counsels on behalf of various parties indicated issues relating to infrastructure, sanitation, unauthorized encroachment which caused great inconvenience to the devotees. They also outlined the need for the re-development of the Mandir and submitted proposals for the same. Moreover, it was also submitted before the Court that the re-development must be undertaken by an independent person accountable to the Court and not by the *baridaars* to ensure transparency. Thus, vide order dated 27<sup>th</sup> September, 2021 Mr. Goonmeet Singh Chauhan, a renowned architect who has undertaken various projects of public importance, was appointed as the Architect for the purpose of redevelopment by the Court. Since then, the Architect has continuously worked with the Id. Administrator as also other stakeholders including *baridaars/pujaris*, for preparing a comprehensive redevelopment plan for the *Shri Kalkaji Mandir*.

9. Since the appointment of the Id. Administrator and the Architect, various steps have been taken towards streamlining of the functioning and management of the *Shri Kalkaji Mandir*, including its redevelopment. Several orders have passed by this Court. The broad steps taken by the Court *inter alia*, include:

- (i) Eviction of the unauthorized occupants and removal of encroachments from the *Mandir* premises;
- (ii) Preparation of a master plan for the redeveloped *Shri Kalkaji Mandir* in consultation with the various stakeholders;
- (iii) Vacation of spaces which were under the occupation of the shopkeepers;



- (iv) Creation of temporary shops;
- (v) Erection of boundary wall which has been partially completed subject to demarcation procedure;
- (vi) Steps towards the demarcation of the Kalkaji Mandir premises in coordination with the concerned authorities;
- (vii) Provision of basic civic amenities such as potable drinking water, cleaning of toilets etc., to the devotees in the Kalkaji Mandir which the Id. Administrator is supervising continuously with the municipal authorities;
- (viii) Proper allotment of kiosks and vendors for selling *samagri* and other articles and deposit of *tehbazari* amounts in the fund for redevelopment, maintained with the worthy Registrar General, Delhi High Court;
- (ix) Directions to *baaridars* to deposit a monthly amount for the purpose of management and administration of the Mandir. Part of the said amount is also being used for defraying of expenses for redevelopment;
- (x) Directions to DUSIB allocation of alternate spaces for jhuggi dwellers;
- (xi) Repair and maintenance of fee sewage systems by fee Delhi Jal Board;
- (xii) Provision of temporary electricity connection by BSES;
- (xiii) Removal of hawkers and unauthorized vendors from fee periphery of the Kalkaji Mandir;
- (xiv) Setting up of shops for the purpose of *Navratras*;





- (xv) Inspection of the Kalkaji Mandir premises by the Department of Delhi Fire Services;
  - (xvi) Systematic collection of offerings and donations in the *Shri Kalkaji Mandir*;
  - (xvii) Establishment of a redevelopment fund for overall maintenance and for redevelopment of the *Shri Kalkaji Mandir*;
  - (xviii) Creation of temporary shops in a methodical manner;
  - (xix) Systematic distribution of prasad in the *Shri Kalkaji Mandir*, etc
10. All the above steps have been continuously supervised by the Id. Administrator with cooperation from the civic agencies such as the SDMC, DJB, BSES, Delhi Police, revenue authorities, *etc.*
11. Steps have been taken by the Court in view of reports filed by the Id. Administrator, who in turn has regular consultations with *baaridars* and other stakeholders from time to time in respect of the redevelopment of the *Shri Kalkaji Mandir*. The consultations have included minute preparations in terms of the facilities to be provided for devotees, for *pujaris*, for small shops etc. The fact that the redevelopment of *Shri. Kalkaji Mandir* is taking place has been within the knowledge of all the stakeholders.
12. The orders which have been passed by this Court from time to time have also been challenged before the Hon'ble Supreme Court by various stakeholders including some of the *baaridars*, shopkeepers, *pujaris* as also Mahant Surender Nath, who is currently in occupation of some area within the *Shri. Kalkaji Mandir* precincts where he resides.
13. The Hon'ble Supreme Court, has, vide various orders clarified repeatedly that the redevelopment of the *Shri. Kalkaji Mandir*, the maintenance of the same and the surroundings in a dignified manner is in the



interest of the devotees and is of utmost importance. For the sake of ready reference, the said orders passed by the Hon'ble Supreme Court are extracted below:

- (i) Order dated 25<sup>th</sup> March, 2022 passed by the Hon'ble Supreme Court in ***SLP (C) Diary No.9073/2022*** titled ***Nathi Ram Bhardwaj & Ors. v. Neeta Bhardwaj & Ors.***:

*“1. Permission to file the Special Leave Petitions granted.*

*2. We are not inclined to entertain the Special Leave Petitions under Article 136 of the Constitution. The Special Leave Petitions are accordingly dismissed.*

*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 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.*

*4. Pending application, if any, stands disposed of.”*

- (ii) Order dated 13<sup>th</sup> June, 2022 passed by the Hon'ble Supreme Court in ***SLP (C) Nos.010688-010689/2022*** titled ***Nathi Ram Bhardwaj & Ors. v. Neeta Bhardwaj & Ors.*** The 17 Petitioners in these SLPs are *pujaris* who conduct *puja sewa* at the *Shri Kalkaji Mandir*:

*“Heard learned counsel appearing for the petitioners and perused the material available on record.*



*Application seeking permission to file the Special Leave Petitions is allowed.*

*Applications seeking exemption from filing the certified copy of the impugned orders as also for seeking exemption from filing the official translation of the Annexure are allowed.*

*Issue notice to the respondents*

*Dasti service, in addition, is permitted.*

***In the meanwhile, there shall be no impediment for carrying out the re-development as directed by High Court of Delhi through the orders impugned herein but such re-development shall be without dispossessing the petitioners from the premises wherein they are stated to be residing at present.***

***Tag this Special Leave Petitions along with Special Leave Petitions(Civil) Nos. 32452-32453 of 2013.***

- (iii) *SLP (C) 011140-011141/2022* titled ***Ram Swarath Singh &Ors. v. Neeta Bhardwaj & Ors.***, was filed by the occupants of the *Saligram Kayastha Dharamshala*. In the said SLP, the following order dated 27<sup>th</sup> June, 2022 was passed by the Hon'ble Supreme Court:

*“Heard learned counsel for the parties.*

***We are not inclined to entertain the Special Leave Petitions under Article 136 of the Constitution. The same are accordingly, dismissed.***

*We however, grant liberty to the petitioners to approach the ld. Administrator appointed by the High Court with their grievances including allotment of alternative spaces for*



*rehabilitation.*

*We have no reason to doubt that the Administrator shall examine such claims in accordance with law and policy.*

*If the petitioners file an undertaking before the Administrator to hand-over peaceful vacant possession, they shall be permitted to retain possession for a period of two weeks.*

*Pending applications, if any, shall stand disposed of.”*

- (iv) ***SLP (C) 013726-013728/2022*** titled ***Vichiter Bhardwaj v. Neeta Bhardwaj and Ors.***, wherein the Hon’ble Supreme Court has, vide order dated 5th August, 2022, observed as under:

*“2. Since the grievance of the petitioner is that he was not a party to the proceedings before the High Court, we grant liberty to the petitioner to move the High Court or, as the case may be, the Administrator with specific grievance, which shall be considered in accordance with law.*

***3. Subject to the grant of aforesaid liberty, the Special Leave Petitions are dismissed.***

*4. Liberty is also granted to the petitioner to move this Court afresh, including on the grounds which are sought to be raised in the present proceedings.””*

***Objection to the final redevelopment plan filed by the Mahant Surender Nath***

14. Today, the final redevelopment plan has been presented. Dr. P.N. Mishra, Id. Counsel has appeared on behalf of *Mahant Surender Nath* and



made submissions to the effect that redevelopment of the *Shri Kalkaji Mandir* cannot take place. The submissions made by Id. Counsel are as under:

- i) That the land on which *Shri Kalkaji Mandir* is situated to belongs to *Thok Jogian* and *Thok Brahmins* equally. However, as the *Mahant* is the head of the *Thok Jogian*, thus half of the land of the *Shri Kalkaji Mandir* land belongs to the *Mahant*;
- ii) That the idols placed in the *Shri Kalkaji Mandir* cannot be displaced or relocated as idols are often *svayambhu* (self-originating) and once consecrated in a temple, they cannot be moved for any purpose on a permanent basis;
- iii) That the Court has no jurisdiction to enter into the domain of redevelopment of *Shri Kalkaji Mandir* owing to the fact that there are no pleadings in any suit to this regard;
- iv) That the right of *Mahant* has already been recognised in the decision of the Hon'ble Supreme Court in ***Prithi Nath v. Birkha Nath and Anr, AIR 1956 SC 192***;
- v) That the *Mahant* has a *Math* in the precincts of the *Shri. Kalkaji Mandir* and he owns the *gaadi* for the same. In respect thereof, the *Math* cannot be disturbed.

15. Mr. Bhardwaj, Id. Counsel on behalf of the *baaridars* and the *pujaris* submits as under:

- i) That insofar as the land in which *Shri Kalkaji Mandir* is situated, no particular individual can claim ownership rights;
- ii) That *Thok Jogians* and *Thok Brahmins* claim equal share of the *Shri Kalkaji Mandir* land collectively, as group owners;
- iii) That insofar as the *gaddi* is concerned, the same is only of the



deity and the same cannot be claimed by any individual;

- iv) That in a decree passed by the Id. Civil Judge dated 28th December, 1955 in a suit titled *Pandit Shri Tula Ram others v. Shri. Prithi Nath & Other* filed under representative capacity by one of the predecessors of the present *baaridars*, the Court had clearly held that the land is for the joint use of the *pujaris* and no individual can claim rights therein. In fact, a decree of *mesne* profits was passed against the predecessor of the *Mahant*. The challenge against the said judgment has also been dismissed vide order dated 10th April, 1964;
- v) That the *Mahant* has participated in the redevelopment consultations called by the Id. Administrator and has never raised any objections.

16. Id. counsel on behalf of the Id. Administrator has pointed out that in the 14th report filed by the Id. Administrator, the minutes of the meetings dated 1st December, 2023 have been filed in which the *Mahant* was present and he stated that he has no objection to the redevelopment of the *Shri kalkaji Mandir*, however his *Mahant Parisar* should be left out of the redevelopment.

17. The Court has heard the Id. Counsels for the *Mahant*, *Baaridars* and the Id. Administrator.

18. The Court has also perused the objections dated 22nd March, 2022 which have been filed by the *Mahant*. These objections raised by the *Mahant* relate to relocation of shopkeepers, selection of the architect appointed by the Court and the encroachment of *Dera* or *Math*. It is also submitted in the said objection that the orders passed by this Court have also been challenged in *SLP(C) 19345/2021* titled *Kalkaji Mandir Vikreta Sangathan-II & Ors. v.*



*Piyush Joshi Ors.* and that the objection in respect of the jurisdiction in directing the redevelopment was raised by the *Mahant* before the Hon'ble Supreme Court.

19. In the present cases related to the *Shri Kalkaji Mandir*, despite various challenges to the various orders passed by this Court made by *Mahant* as well as other stakeholders, the Hon'ble Supreme Court has repeatedly clarified that there shall be no embargo on the redevelopment of the *Shri Kalkaji Mandir*.

20. Moreover, Id. Counsel for the *Mahant* has been present before this Court continuously in the hearings and has not raised any serious objections in respect of the redevelopment.

21. Insofar as the objection of the *Mahant* in respect of the encroachment of *Dera/Math* and ownership of land is concerned, it is pertinent to peruse the minutes of meeting dated 1st December, 2023 filed by the Id. Administrator with the Administrator's 14th report. The relevant part of the said minutes of meeting dated 1st December, 2023 is as under:

*“At the outset, the Mahant raised an objection stating that the Mahant Parisar has been wiped out from the Master Plan in both the previous version as well as the revised version, **The Mahant stated that he has no objection to the redevelopment of the Mandir, however his Mahant Parisar should be left out of the redevelopment.** The Ld. Architect clarified that the Mahant Parisar has only been marked as Future Development' in the present Master Plan, as it is subject to the demarcation of the Mandir, and does not form part of the redevelopment of the Mandir and has been left out. The Ld. Architect as well as Mr. Vipul Gaur, pujari further clarified that only 10-20% of the adjacent area around the Mahant Parisar shall be utilized for the purpose of the redevelopment.”*



22. The above extract from the report and the minutes of the meeting would show that the *Mahant* has taken a categorical stand before the Id. Administrator that he has no objection for the redevelopment of the *Mandir*, however the *Mahant parisar* should not be included in the redevelopment.

23. Today, Id. Architect has clarified that the *Mahant parisar* has been only marked as future development and the present redevelopment plan which is under consideration before this Court does not disturb the *Mahant Parisar* in any manner.

24. Moreover, it is clarified that insofar as the land on which the *Shri Kalkaji Mandir* is situated is concerned, the redevelopment plan does not in any manner take away any rights vested in the land. The redevelopment plan before this Court is merely to provide amenities and facilities to the devotees and making the *Shri. Kalkaji Mandir* more accessible to the devotees.

25. Insofar as the *dharamshalas* and residences for *pujaris* and *baaridaars* are concerned, the said issue is being considered and a piece of land has been carved out for the same, however, that stage in the redevelopment plan has not been reached.

26. Moreover, even if the *Mahant* has been residing in a particular area within the precincts of the *Shri. Kalkaji Mandir* the same would not in any manner vest any ownership rights as the land is stated to be belonging equally to *thok Jogians* and *thok brahmins* and there is no delineation between them. One individual cannot stall the redevelopment of such a big *Mandir* where lakhs of devotees visit every year, especially when the amenities and facilities for devotees were in a really appalling condition, which in fact led to appointment of an Administrator.

27. Under such circumstances, this Court does not believe that the





objections raised by the *Mahant* , at this stage of the redevelopment have any basis. Accordingly, in the opinion of the Court, the redevelopment of the *Shri Kalkaji Mandir* ought to commence.

28. No other party has raised objection in this matter regarding redevelopment.

**Redevelopment of the Shri Kalkaji Mandir**

29. Insofar as the final redevelopment plan of the *Shri. Kalkaji Mandir* and its precincts are concerned, Mr. Chauhan, Architect and Ms. Kaushik, architect on behalf of the *baaridars* have jointly made presentations.

30. The broad contours of the redevelopment of the *Shri Kalkaji Mandir* have been shown in the open Court by way of plans, sketches and a walk view video. Ld. Counsel and all parties, who are present in Court have viewed the same. For the sake of ready reference, the broad sketches of the redevelopment plan are provided as under:











31. The above plans are accordingly approved. Going forward, let the consultants be finalised by the Id. Administrator along with the two architects and other stakeholders.
32. The contour plans shall now be prepared and the team to oversee the development of *Mandir* shall also be finalised by Id. Administrator in consultation with the two architects. While implementing the redevelopment plan it shall be ensured that any trees which are already in the precincts would not be disturbed.
33. Let the layout plan submitted by the Id. Architect be forwarded by Id. Administrator to the Town Planning Department of the MCD. The officials of the MCD shall hold joint meeting with the architects and the Id. Administrator so that the first portion of the landscaping can be commenced and the process of getting approvals for the redevelopment of the *Shri Kalkaji Mandir* can commence. The MCD shall also inform the Architect if any approval is required from the Ridge Management Board, Delhi.
34. Let a report in this regard be placed before the Court on 12th January, 2024. The redevelopment plan shall also be forwarded to the Department of Delhi Fire Services at the appropriate stage.
35. Electronic copies of the redevelopment plans can be sought from the office of the Id. Administrator by any of the stakeholders who can make colour copies of the same at their own expense.
36. At this stage, Mr. Febin Mathew Varghese, Id. Counsel for the Delhi Urban Arts Commission (DUAC) submits that at the appropriate stage the plans may be forwarded to the DUAC by the MCD.



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37. List on 12<sup>th</sup> January, 2024.

**PRATHIBA M. SINGH**  
**JUDGE**

**DECEMBER 22, 2023**

*mr/dj/kt*

*corrected & released on 26<sup>th</sup> December, 2023*