

ITEM NO.3 Court No.1 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.27809/2020 in Writ Petition(C) No.730/2019

SWAMI VISHWANAND (SANYASI) Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(ONLY I.A.S TO BE LISTED AGAINST THIS MATTERS - IA No. 27809/2020 - APPROPRIATE ORDERS/DIRECTIONS)

WITH I.A. No.27804/2020 in SLP(C) No.14465/2019 (XIV)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 27804/2020)

Date : 25-08-2020 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. R. Venkataramani, Sr. Adv.
Mr. Purushottam Sharma Tripathi, AOR
Mr. Ravi Chandra Prakash, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Amit, Adv.
Ms. Vani Vyas, Adv.

For Respondent(s) Mr. Akshay Amritanshu, Adv.

Mr. Ankit Kumar Lal, AOR

Mr. K.M. Nataraj, ASG
Mr. Mohd. Akhil, Adv.
Mr. Jitin Singhal, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur Yadav, AOR

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

I.A. No.27809/2020 in Writ Petition(C) No.730/2019 and I.A. No.27804/2020 in SLP(C) No.14465/2019

The applicant-petitioner viz., Swami Vishwanand (Sanyasi) has filed the present interlocutory applications seeking permission to allow him to perform morning and evening rituals in the temple with

the assistance of Sevarthis (Sanyasis and Vidyarthies of Kaleshwar Akhara and Vedic School) as per past practice and also to utilize remittance from temple donation to meet the Mahant expenses, puja, Goshala, vedic pathshala, langar, smashan ghat expenses and expenses for living quarters of priests in the temple complex.

The applicant has made the above prayers in his capacity as Head Priest/Mahant/Mohatmim of Kaleshwar Kalinath Mahadev Temple.

It is not disputed that the appointment of Mohatmim of the Kaleshwar Kalinath Mahadev Temple is hereditary, as admitted in the Report by way of affidavit filed by the Deputy Commissioner dated 09.10.2017. Moreover, we find that in an earlier special leave petition which was disposed of as infructuous vide order dated 09.8.2019, this Court had permitted the applicant viz., Swami Vishwanand (Sanyasi) vide order dated 13.08.2018 to perform pooja as Mahant, until further orders, as per past practice, which is reported to be continuing for around 150 years.

Mr. Akshay Amritanshu, learned counsel appearing for the respondent-State, could not make out any valid objection on behalf of the State for continuing permission to the applicant to perform pooja. The only contention that a notification has been issued under the Himachal Pradesh Hindu Public Religious Institutions and Charitable Endowments Act, 1984 in respect of the Kaleshwar Kalinath Mahadev Temple, cannot come in the way of permitting the applicant to perform pooja particularly since it is admitted that the appointment of the Mohatmim to this temple is hereditary.

Mr. Amritanshu, learned counsel for the respondent-State, also contends that the applicant is a Mohatmim but not a Mahant. We see

no material on record to support the above contention. However, this issue can be decided later on.

We accordingly allow the present interlocutory applications in terms of prayers (a) and (b) which read as follows :

(a) Allow the instant application(s) and permit the applicant in his capacity of Head Priest/Mahant/Mohatmim of Kaleshwar Kalinath Mahadev Temple, to perform morning and evening rituals in the Temple with the assistance of Sevarthi (Sanyasis and Vidyarthies of Kaleshwar Akhara and Vedic School) as per past practice, continuing for 300 years with 150 years of documented history;

(b) Permit the applicant in his capacity of Head Priest/Mahant/Mohatmim of Kaleshwar Kalinath Mahadev Temple to utilize remittance from Temple donation to meet the Mahant Expenses, Puja Expenses, Goshala Expenses, Vedic Pathshala Expenses, langar expenses for maintaining the Goshala, Vedic Pathshala (School), Smashan Ghat (Cremation Ground) and living quarters of priests (Sanyasis and Vidyarthies) in the Temple Complex.

Ordered accordingly.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR