

REPORTABLE**SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****M.A. No.1235 OF 2019 IN
CIVIL APPEAL NO.4676 OF 2018****SARIKA****..APPELLANT(S)****VERSUS****ADMINISTRATOR, MAHAKALESHWAR
MANDIR COMMITTEE, UJJAIN (M.P.) & ORS.****..RESPONDENT(S)****J U D G M E N T****ARUN MISHRA, J.**

1. This Court is monitoring the compliance of the judgment and order passed by this Court in Civil Appeal No. 4676/2018 on 02.05.2018. We have appointed an Expert Committee consisting of experts of Archaeological Survey of India and Geological Survey of India concerning the prevention of erosion of Shivalinga in Shri Mahakaleshwar Temple at Ujjain. The Expert Team visited Ujjain on 19.01.2019. Its Report indicates that there was erosion of Shivalinga after the last inspection, and it is a continuing process. The last inspection was made earlier in 2018. The time gap was short when the inspection was made. As such,

the extent of further erosion was not measured. However, the facts remain that there was some erosion of the Shivalingam. We have vide order dated 19.08.2020 called for the Action Taken Report from the Temple Committee. The Temple Committee has submitted the response to the various measures pointed out by the Committee of the Experts in the inspection report dated 19.01.2020. Since it has been noted that the deterioration and erosion of Lingam is a continuing process, the photographs of July 2020 indicate that there was further erosion of the Lingam. A patch of Shivlinga towards the side of the deity of Shri Kartikeyan is quite visible. The matter is of grave concern as due to reckless offerings, the Lingam of Omkareshwar Temple was destroyed. The Report indicates that the pH value of Bhasma Aarti stands at 10.51, which is required to be improved and is reactive to Cryptocrystalline siliceous cementing material of orthoquartzite at room temperature and causing deterioration in Jyotirlingam. Sanitation and drainage were required to be improved. There was a mechanical erosion also of the Lingam due to the weight of Mund Mala and Serpakarnahas. Though their weight has been reduced to half, mechanical abrasion takes place due to their existing weight. It was also suggested that the rubbing of the Lingam by the devotees be strictly banned. It was also reported that there was modern style construction made in the temple premises, which

needs to be removed. It was also pointed out that the modern construction within the temple premises was in progress, which was required to be stopped and removed. The necessity was also felt to restore the original work. The walls were painted with colours, which was giving a bad look to the ancient heritage place. There were additions in the form of eyesore painting inside the temple, which were yet to be removed. It was reported that ghee, milk, curd, and honey are regular in the offering. The Temple Management Committee has decided to provide pure and natural offering material to pilgrims. There was a necessity for a periodical review of the remedial measures.

2. The stand of the Temple Committee is that during Bhasma Aarti, the cloth is covered on Shivalinga and is cleaned with RO water after that. They are regulating the entry into the Garbh Griha, and during the COVID pandemic, no access is permitted. They have been restoring the original work, which is in progress and will be completed within three months. Concerning eyesore paintings, their removal is in the process and would be completed within three months. The Temple Committee has decided to meet monthly to do a review.

3. A Report dated 28.07.2019 indicated that Chandranageshwar Temple in the premises was also not in good shape, and repair work was required. Its roof has become weak.

4. The Temple Committee pointed out that there is a necessity of further inspection by the experts' team, as the last inspection was made 1½ years ago. The team of experts is located at Bhopal. They can visit the temple at any time. Periodic inspection by the Expert Committee is necessary for the remedial measures and to prevent erosion and to preserve the temple structure. To ensure that there was no rubbing of Shivalinga, the Poojaries (Janeupati, Khutpati), Purohits, and their authorized representatives be directed to ensure that no visitors or devotees rub the Shivalinga. There should be a video recording of the entire process, and it should be preserved at least for six months. The Temple Committee shall provide water from Koti Thirth Kund filtered and purified to maintain the required pH value and shall also provide milk from its resources so that pure milk is offered to the deity. No visitor shall be allowed to offer Panchamrita to Shivalinga.

5. It was pointed out that during COVID-19, visitors and devotees are not permitted to enter the sanctum sanctorum. But in our opinion, at the same time, customary Poojaries and Purohits must perform rituals as they know the rituals and are expert in *pooja* and *archana*. When the Temple Committee prepares the details of rituals, customary Poojaries and Purohits must be associated with the Committee to render proper help and guidance in the various matters relating to the temple. Of late,

it is seen that unfortunately the performance of necessary rituals is the most neglected aspect in the temples, and new Poojaris do not understand them; the same should not be the state of affairs. There is no scope for commercialization. The myriad religious rituals and ceremonies are to be performed regularly. We cannot direct what kind of *pooja-archana* rituals should be performed, but no doubt, they should be done regularly by the experts in the field. Accordingly, we direct that the Temple Committee acts in the manner described above.

6. Concerning the temple structure's stability, the Temple Committee has pointed out that on 31.07.2019, this Court directed the Central Government to get the temple and various structures inspected by CBRI, Roorkee. The CBRI visited the temple in September 2019 and submitted a structural assessment proposal and wanted 12 months to submit the project report. It has claimed a sum of Rs. 41.30 Lakhs as project charges, to be paid in advance. Prayer has been made that this Court may direct the Central Government to bear the expenses of Rs.41.30 Lakhs, to be paid to CBRI. The CBRI may be required to submit its project report within a reasonable time. Shri Tushar Mehta, learned Solicitor General appearing on behalf of the Union of India, has agreed that the Central Government would be bearing the expenses of Rs.41.30 Lakhs to be paid to CBRI, Roorkee.

7. It is also submitted on behalf of the Temple Committee that it is necessary to undertake repairs and maintenance and other construction activities within the temple premises and further, as suggested by CBRI. The State or Central Government may be directed to contribute adequate funds for that purpose, including for the preservation of Chandranageshwar Temple. The Temple Committee has also prayed that encroachment within the area of 500 mtrs. from the temple are required to be removed, as recommended by the Expert Committee. The concerned authorities should remove the encroachments and prohibit the construction, otherwise than essential facilities for the public and pilgrims.

8. The learned counsel appearing on behalf of the State of Madhya Pradesh has placed on record a detailed plan prepared by the Ujjain Smart City Limited (USCL) for the comprehensive development of Shri Mahakaleshwar Temple and surrounding areas. The project is named as “Mahakaal Rudrasagar Integrated Development Approach” (MRIDA). Letter dated 27.08.2020 issued by CEO, Ujjain Smart City Ltd. to the Collector is placed on record, pointing out various developments proposed for the development in Phase I and Phase II of the abovementioned project.

9. Considering the facts and circumstances of the Report submitted by the Experts Committee dated 19.01.2019 and the Report of the Temple Committee as well as the project report prepared by the Ujjain Smart City Ltd., we issue the following directions:-

(i) That the Expert Committee shall visit the temple and submit a report by 15th December 2020, as to the steps to be taken to prevent deterioration of Shivalinga and the steps to be taken to preserve the temple structure, including Chandranageshwar Temple.

(ii) We also direct the Committee to do a yearly survey and submit a report to this Court.

(iii) To preserve the Shivalingam, we direct that :

(a) any devotee should do no rubbing of the Shivalingam.

(b) The Temple Committee to ensure that the pH value of Bhasma during the Bhasma Aarti is improved and Shivalingam is preserved from further deterioration and to implement the best methodology to prevent further damage to the Lingam.

(c) The Temple Committee ensures that weight of Mund Mala and Serpakarnahas is further reduced to preserve the Shivalingam from mechanical abrasion. The Temple Committee to find out a way and

consider whether it is necessary to use the Metal Mund Mala on the Shivalingam, or there can be a way out to use Mund Mala and Serpakarnahas without touching the Shivalingam. Possibility of further reducing weight may also be found out to prevent mechanical abrasion.

(d) The rubbing of curd, ghee, honey on the Shivalingam by the devotees is also a cause of erosion. It would be appropriate that only pouring of a limited quantity of pure milk is allowed by the Committee. Whereas in the traditional puja to be done on behalf of the temple, all pure materials can be used.

(e) Poojaries, Janeupati, Khutpati, Purohits, and their authorized representatives to strictly ensure that no visitor or devotee rub the Shivalingam at any cost. If it is done by any devotee, accompanying Poojari or Purohit shall be responsible for not stopping the rubbing. No rubbing of Shivalingam to be done by anyone except during traditional Puja and Archana performed on behalf of the temple.

(f) The entire proceedings of Puja and Archana in Garbh Griha to be video recorded 24 hours and be preserved at least for six months. If any violation is found by any Poojari, Purohit, let the Temple

Committee take suitable action against that Poojari or Purohit, as considered appropriate.

(g) As agreed to on behalf of the Temple Committee, no Panchamrita to be poured on Shivalingam by any devotee. It may be used only during traditional Puja and Archana of the Shivlingam.

(h) The Temple Committee shall provide pure milk from its resources to the visitors and devotees for offering and make arrangements for that. The Committee should ensure that no impure or adulterated milk is offered to Shivalingam and concerned Poojari/ Purohit to ensure compliance.

(iv) The Temple Committee shall provide water from Koti Thirth Kund filtered and purified and further maintain the required pH value.

(v) Let the CBRI, Roorkee visit the temple, if necessary, and submit a project report as per its proposal dated 17.09.2019. CBRI, Roorkee, is directed to submit a project report regarding structural stability within six months. A sum of Rs. 41.30 Lakhs, as required by it, shall be paid by the Central Government as early as possible.

(vi) Ujjain Smart City Ltd., as per its letter dated 27.08.2020, is directed to undertake Mahakaal Rudrasagar Integrated Development

Approach (Phase I and Phase II) forthwith and submit to this Court detailed project report and the time frame within six weeks.

(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.

(viii) The Expert Committee ordered the removal of modern additions, as noted at Item No. 20. They shall be removed, and the Temple Committee shall file a compliance report to this Court by 15th December, 2020.

(ix) The original work in the temple is required to be restored. As assured by the Committee, let restoration work be done concerning eyesore painting by 15th December, 2020. The Temple Committee is directed to ensure in future not to permit or resort to such painting and covering of the original work, objected by the Expert Committee. Let a report be submitted to this Court in this regard by 15th December, 2020.

(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.

(xi) Concerning the preservation and maintenance of Chandranageshwar Temple, a comprehensive plan be prepared and implemented, and be submitted to this Court for information.

(xii) If any area is slippery in Garbh Griha, the Temple Committee to ensure that the needful is done.

(xiii) Let the necessary religious rituals be performed regularly along with other aspects as discussed in Para 5 of the order.

Let the case be listed for further monitoring and consideration of the Compliance Report in the second week of January 2021.

.....**J.**
(Arun Mishra)

.....**J.**
(B.R. Gavai)

.....**J.**
(Krishna Murari)

New Delhi;
September 01, 2020.