

—:: कार्यालय प्रधान जिला एवं सत्र न्यायाधीश, उज्जैन (म.प्र.) ::—

पृष्ठांक 1915 / एक-6-2/11

उज्जैन, दिनांक फरवरी, 2024

प्रतिलिपि :-

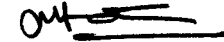
22 FEB 2025


1.

(समस्त न्यायिक अधिकारीगण जिला उज्जैन)

माननीय उच्च न्यायालय मध्यप्रदेश, जबलपुर द्वारा प्रेषित ज्ञापन SCS/SC WP(Civil/1246/2020 दिनांक 07.01.2025 की प्रति मय संलग्न माननीय उच्चतम न्यायालय द्वारा WP (Civil) No. 1246 of 2020 'Ashwini Kumar Upadhyay Versus Union of India & Anr.' में पारित आदेश दिनांक 12.12.2024 की प्रति सूचनार्थ, पालनार्थ प्रेषित।

संलग्न : उपरोक्तानुसार



 प्रधान जिला एवं सत्र न्यायाधीश,
उज्जैन (म.प्र.)

HIGH COURT OF MADHYA PRADESH AT JABALPUR

MEMO

No./SCS/ SC WP(Civil)/1246/2020

Jabalpur, Dated 7.1.2025


To,

The Principal District and Sessions Judge(s),
All in the State

Sub: Regarding circulation of the Hon'ble Supreme Court's Order dated 12-12-2024 passed in W.P.(Civil) No. 1246 of 2020, "Ashwini Kumar Upadhyay Versus Union of India & Anr."

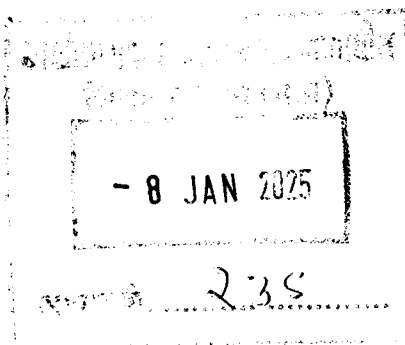
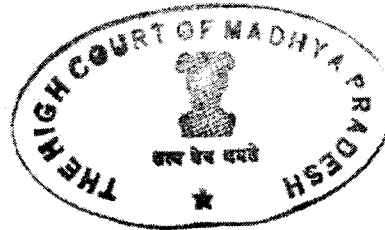
Sir,

Pursuant to order of Hon'ble the Chief Justice, as directed a copy of Hon'ble Supreme Court Order dated 12-12-2024 passed in W.P.(Civil) No. 1246 of 2020, titled as "Ashwini Kumar Upadhyay Versus Union of India & Anr." forwarded for circulating it amongst all the Judicial Officers posted in the District.


(VANDAN MEHTA)
REGISTRAR (JUDL-II)

Encl: Copy of Hon'ble S.C. Order dated 12-12-2024

S.C.
07.01.25
A



ITEM NO. 301

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 1246/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 9696/2024 - APPLICATION FOR CONDONATION OF DELAY IN FILING, THE APPLICATION FOR SETTING ASIDE THE ABATEMENT, IA No. 9695/2024 - APPLICATION FOR SUBSTITUTION, IA No. 171743/2022 - INTERVENTION APPLICATION and IA No. 87567/2024 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 559/2020 (PIL-W)

W.P.(C) No. 619/2020 (PIL-W)

(FOR ADMISSION and IA No. 57771/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No. 827/2022 (PIL-W)

W.P.(C) No. 782/2022 (PIL-W)
(FOR ADMISSION)

W.P.(C) No. 891/2022 (PIL-W)
(FOR ADMISSION)

Date : 12-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Barun Kumar Sinha, Adv.
Mrs. Pratibha Sinha, Adv.
Mr. Sneh Vardhan, Adv.
Mr. Rakesh Mudgal, Adv.
Mr. Pankaj Kumar Shukla, Adv.
Mr. Chhail Bihari Singh, Adv.
Mr. Ritu Raj, Adv.
Mrs. Kanika, Adv.
Mr. Abhishek, AOR

12/12/24

Mr. Raju Ramachandran, Sr. Adv.
Mr. Yusuf Hatim Muchhala, Sr. Adv.
Ms. Vrinda Grover, Adv.
Mr. Ejaz Maqbool, AOR
Mr. Sagheer A. Khan, Adv.
Mr. Shahid Nadeem, Adv.
Mr. Mujahid Ahmed, Adv.
Mr. Soutik Banerjee, Adv.
Mr. Vikram Narayan, Adv.
Mr. Saif Zia, Adv.
Mr. Aqil Khan, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Vikas Singh, Sr. Adv.
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Mr. Ashwani Kumar Dubey, AOR
Ms. Deepika Kaliya, Adv.
Ms. Vasudha Singh, Adv.
Mr. Chandra Shekhar, Adv.
Ms. K. Tanushree Rao, Adv.
Ms. Samiksha Sharma, Adv.

Mr. Vijay Hansaria, Sr. Adv.
Mr. Anjani Kumar Mishra, AOR
Mrs. Hardeep Mishra, Adv.
Mr. Praveen Mishra, Adv.
Mr. Krishna Gopal Mishra, Adv.
Mr. Tejasvi Goel, Adv.

Dr. Subramanian Swamy,
Petitioner-in-person

Petitioner-in-person

Mr. Maninder Singh, Sr. Adv.
Mr. Hari Shankar Jain, Adv.
Mr. Vishnu Shankar Jain, AOR
Ms. Ashita Chawla, Adv.
Mr. Shourya Krishna, Adv.
Ms. Mani Munjal, Adv.
Ms. Marbiang Khongwir, Adv.
Mr. Parth Yadav, Adv.
Mr. Rangasaran Mohan, Adv.
Mr. Amarpal Singh Dua, Adv.

For Respondent(s)/
Applicant(s)

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Mr. Ejaz Maqbool, AOR
Mr. Shahid Nadeem, Adv.

Mr. Sagheer A. Khan, Adv.
Mr. Mujahid Ahmed, Adv.
Mr. Soutik Banerjee, Adv.
Mr. Vikram Narayan, Adv.
Mr. Saif Zia, Adv.
Mr. Aqil Khan, Adv.

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Mr. Sandeep Kumar Mahapatra, Adv.
Mr. Arvind Kumar Sharma, AOR

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Mr. Chandra Shekhar, Adv.
Mr. Nirmal Kumar Ambastha, AOR

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Mr. Ebad Ur Rahman, Adv.
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Mr. Zaid Raza, Adv.
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Mr. Alok Kumar Pandey, Adv.
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Mr. Aqil Khan, Adv.

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Ms. Stuti Rai, Adv.
Ms. Pooja B Mehta, Adv.

Mr. Kabir Dixit, AOR

Mr. Salman Khurshid, Sr. Adv.
Mr. Sarim Naved, Adv.
Mr. Saurabh Sagar, Adv.
Mr. Zeeshan Ahmad, Adv.
Ms. Lubna Naz, Adv.
Ms. Sugandha Anand, AOR

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Mr. Ibad Mushtaq, Adv.
Ms. Akanksha Rai, Adv.
Mr. Mohammad Nizamuddin Pasha, Adv.
Ms. Gurneet Kaur, Adv.
Ms. Rashmi Singh, Adv.
Ms. Rupali Samuel, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR

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Mr. Ujjwal Singh, AOR
Ms. Tasmiya Taleha, Adv.
Ms. Bidya Mohanty, Adv.
Ms. Viddusshi Shandilya, Adv.
Ms. Katyayani Suhrud, Adv.
Mr. Abhishek Kalaiyarasan, Adv.

Mr. Aruneshwar Gupta, Sr. Adv.
Mr. Keshav Kumar, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Rajeev Singh, AOR

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Mr. V. Shyamohan, Adv.
Ms. Shaktiki Sharma, Adv.
Mr. Avinash Sharma, Adv.
Ms. Anshika Bajpai, Adv.

M/s. KMNP Law, AOR

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Mr. Kislay Panday, Adv.

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Ms. Saudamini Sharma, Adv.
Mr. Sampat Pasriccha, Adv.
Mr. Rajkumar Maurya, Adv.
Ms. Nayoleeka Purty, Adv.
Mr. Jayant Kashyap, Adv.
Mr. Sumit Teterrwal, AOR

Ms. Bharti Tyagi, AOR
Mr. Vikash Kumar, Adv.
Mr. D.K. Singh, Adv.

Mr. Dushyant A. Dave, Sr. Adv.
Mr. Akshat Malpani, Adv.
Ms. Ayushi Gaur, Adv.
Mr. Krishna Kumar Singh, AOR

Mr. Aman Sinha, Sr. Adv.
Mr. Atulesh Kumar, AOR
Ms. Nupoor Sinha, Adv.
Mr. Maurya Vijay Chandra, Adv.
Mr. S.N. Shrivastav, Adv.
Mr. Santosh Kumar, Adv.
Ms. Bhavya Tyagi, Adv.
Ms. Astha Arya, Adv.

Ms. Tasneem Ahmadi, Adv.
Mr. Mehmood Pracha, Adv.
Mr. R.H.A. Sikander, AOR
Mr. Jatin Bhatt, Adv.
Ms. Mahima Rathi, Adv.
Ms. Pragya Rathi, Adv.
Mr. Sanawar Choudhary, Adv.
Mr. Kshitij Singh, Adv.
Ms. Nuzhat Naseem, Adv.
Ms. Sadiya Sultan, Adv.
Mr. Mohd. Saleem, Adv.
Mr. Mohd. Khurshid, Adv.
Mr. Faisal Mohammad, Adv.
Mr. Mohd. Danish, Adv.
Mr. Mohd. Shameem, Adv.
Mr. Mohd. Hasan, Adv.
Ms. Heema Sahoo, Adv.

Mr. Aditya Sharma, AOR

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Ms. Fauzia Shakil, AOR

Mr. Amit Bhandari, Adv.

Mr. Shiv Sagar Tiwari, AOR

Mr. Haris Beeran, Adv.

Mr. Azhar Assees, Adv.

Mr. Anand B. Menon, Adv.

Mr. Radha Shyam Jena, AOR

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Mr. Nachiketa Joshi, Sr. Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Santosh Kumar, Adv.

Mr. Praneet Pranav, Adv.

Mrs. Rajshri Dubey, Adv.

Mr. Abhishek Chauhan, Adv.

Mr. Rahul Tanwani, Adv.

Mr. Vikash Shukla, Adv.

Mr. Amit P Shahi, Adv.

Mr. Sudipto Sircar, Adv.

Ms. Aditi Tripathi, Adv.

Mr. Amit Kumar, Adv.

Mr. Amit Sharma, Adv.

Mr. Raghu Vamsy, Adv.

Ms. Sindhoora VNL, Adv.

Mr. Aishwarya Vikram, Adv.

Mr. Shashibhushan Nagar, Adv.

Mr. Rahul Sethi, Adv.

Mr. H.B. Dubey, Adv.

Mr. Manish Dhingra, Adv.

Mr. Gaurav Yadav, Adv.

Ms. Smridhi Varma, Adv.

Mr. Ashutosh Dubey, AOR

Mr. P.V. Dinesh, Sr. Adv.

Mr. Zulfiker Ali P.S., AOR

Mr. Mohammad Thoyyib Hudawi, Adv.

Ms. Lakshmi Sree P., Adv.

Ms. Lebina Baby, Adv.

Mr. Salman Khurshid, Sr. Adv.

Mrs. Vibha Datta Makhija, Sr. Adv.

Mr. Shariq Ahmed, Adv.

Mr. Talha Abdul Rahman, Adv.

Mr. Tariq Ahmed, Adv.

Ms. Lubna Naaz, Adv.

Mr. Karan Mangain, Adv.

M/s. Ahmadi Law Offices, AOR

Applicant-in-person, AOR

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Mr. Sadashiv, AOR
Mr. Rajendra Prasad Swarnkar, Adv.
Mr. Ashish Singh, Adv.
Mr. Fatesh Kumar Sahu, Adv.
Mr. Devendra Kumar Gupta, Adv.
Mr. Sachin Agarwal, Adv.
Mr. Ashish Kumar Pandey, Adv.
Ms. Pushpa Gupta, Adv.
Mr. Nempal Singh, Adv.
Ms. Vandana, Adv.
Ms. Charanjeet Sidhu, Adv.

Mr. Mansoor Ali, AOR

Mr. Anoop Prakash Awasthi, Adv./AOR
Mr. Subhash Jha, Adv.
Mr. Siddharth Jha, Adv.
Ms. Apeksha Sharma, Adv.
Mr. Sumeet Upadhyay, Adv.
Ms. Shruti Yadav, Adv.

Ms. Indira Jaising, Sr. Adv.
Ms. Disha Wadekar, Adv.
Mr. Yash S. Vijay, Adv./AOR
Mr. Paras Nath, Adv.
Mr. Sadeeq, Adv.
Mr. Rohin Bhat, Adv.

Mr. Shadan Farasat, Sr. Adv.
Mr. Harshit Anand, Adv.
Mr. Abhishek Babbar, Adv.
Mr. Sanman Vardhan Gautam, Adv.
Mr. Yash S. Vijay, Adv./AOR

Mr. C.S. Vaidyanathan, Sr. Adv. **

Mr. Mukul Rohatgi, Sr. Adv. **

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

All applications for intervention/impleadment are allowed,
subject to all just exceptions.

The amended memo of parties will be filed within four weeks

from today.

The Union of India, which has not filed its counter affidavit/reply, shall file the same within four weeks from today.

It is noted that in Writ Petition (Civil) No. 782/2022, which seeks the implementation and enforcement of the Places of Worship (Special Provisions) Act, 1991,¹ notice was issued, vide order dated 09.09.2022. A counter affidavit/reply has not yet been filed.

As noted in the order dated 11.07.2023, it has been stated on behalf of the Union of India that a common affidavit in reply and response to the entire batch of cases will be filed.

Copies of the said counter affidavit/reply will be served on the petitioners and the respondents, who may file their rejoinder(s)/response(s) thereto within four weeks from the date of service of the counter affidavit/reply.

Once filed, a copy of the said counter affidavit/reply of the Union of India shall be uploaded on the Google Drive link to be created by Mr. Kanu Agarwal, Advocate-on-Record, who is the Nodal Counsel for the Union of India in the present matter. The said link will then be circulated to all the concerned Advocates-on-Record in the present case, including those for the newly impleaded parties.

Mr. Vishnu Shankar Jain, Advocate-on-Record, is appointed as the Nodal Counsel on behalf of the writ petitioners challenging the validity of the 1991 Act. Mr. Ejaz Maqbool, Advocate-on-Record, is appointed as the Nodal Counsel on behalf of the petitioners/intervenors who seek enforcement of the 1991 Act or are

¹ For short, "The 1991 Act."

opposing the writ petitions challenging the validity of the 1991 Act.

All the pleadings/documents to be filed in the present matter shall also be sent to the Nodal Counsel on the email id: inrewritpetition559of2020@gmail.com. All the Nodal Counsel will have access to the said email ID to facilitate coordination.

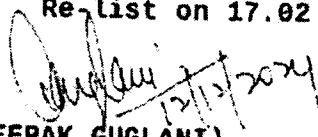
This Court, vide order dated 12.10.2022, had referred to the submissions of the parties, formulating several questions of law. During the course of the hearing, it was pointed out that several other aspects and issues would also arise for consideration.

The primary issue, that arises for consideration, is with regard to Sections 3 and 4 of the 1991 Act and its contours, as well as the width and expanse of the said provisions.

As the matter is sub judice before this Court, we deem it appropriate to direct that, though fresh suits may be filed, no suits would be registered and no proceedings shall be undertaken therein till further orders of this Court.

Further, in the pending suits, no Court will pass any effective interim orders or final orders, including orders directing surveys, etc., till the next date of hearing/further orders of this Court.

Re-list on 17.02.2025.


(DEEPAK GUGLANI)
AR-CUM-PS


(R.S. NARAYANAN) 12/12/24
ASSISTANT REGISTRAR

** Online appearance/physical appearance slip not received.