THE HIGH COURT OF ORISSA : CUTTACK

No. XI-22/2024/. ....19910../ Dated....23-12-2024.....

From;

Asanta Kumar Das,
Registrar General

To

The District & Sessions Judge,..... (All)

Sub: **Forwarding of Order dtd. 12th December, 2024 passed in W.P.(C) No.1246 of 2020 (Aswini Kumar Upadhyay Vrs Union of India & Ors.) by Hon'ble the Supreme Court of India**

Sir/Madam,

I am to say that Hon'ble the Supreme Court of India, while considering the matter relating to implementation and enforcement of the Places of Worship (Special Provisions) Act, 1991, vide order dtd.12th December, 2024 passed in W.P. (C) No.1246 of 2020 (Aswini Kumar Upadhyay Vrs Union of India & Ors.) have been pleased to observe the following in para-12 & 13.

xxx xxx xxx

" 12. 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.

13. 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."

xxx xxx xxx

I am, therefore, directed to forward herewith a copy of the Order dtd. 12.12.2024 for your information and to request you to circulate the same amongst all the Judicial Officers working within your jurisdiction for their information and necessary guidance.

Yours faithfully,

ASANTA KUMAR DAS
Digitally signed by ASANTA KUMAR DAS
Date: 2024.12.23 15:19:20 +05'30'

REGISTRAR GENERAL

Encl.: As above.

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
RECORD OF PROCEEDINGS

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

Mr. Raju Ramachandran, Sr. Adv.
Mr. Yusuf Hatim Muchhala, Sr. Adv.
Ms. Vrinda Grover, Adv.
Mr. Ejaz Maqbool, AOR
Mr. Sagheer A. Khan, Adv.
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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.
Mr. Ashwini Kumar Upadhyay, Adv.
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)

Mr. Raju Ramachandran, Sr. Adv.
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Ms. Vrinda Grover, Adv.
Mr. Ejaz Maqbool, AOR
Mr. Shahid Nadeem, Adv.

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Mr. Mujahid Ahmed, Adv.
Mr. Soutik Banerjee, Adv.
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Mr. Saif Zia, Adv.
Mr. Aqil Khan, Adv.

Mr. Tushar Mehta, S.G.
Mr. K.M. Nataraj, A.S.G.
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Mr. Arvind Kumar Sharma, AOR

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Ms. Ashmita Bisarya, Adv.
Mr. Chandra Shekhar, Adv.
Mr. Nirmal Kumar Ambastha, AOR

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Mr. Anas Tanwir, AOR
Mr. Ebad Ur Rahman, Adv.
Ms. Masoom Raj Singh, Adv.
Ms. Zainab Sheikh, Adv.
Mr. Zaid Raza, Adv.
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Mr. Ashok Mehta, Sr. Adv.
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Ms. Pooja B Mehta, Adv.

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Mr. Saurabh Sagar, Adv.
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Ms. Katyayani Suhrud, Adv.
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Mr. Abhishek Sharma, Adv.
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Mr. Avinash Sharma, Adv.
Ms. Anshika Bajpai, Adv.

M/s. KMNP Law, AOR

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Mr. Sampat Pasriccha, Adv.
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Mr. Jayant Kashyap, Adv.
Mr. Sumit Teterrwal, AOR

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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.
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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.
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Ms. Lakshmi Sree P., Adv.
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Mr. Shariq Ahmed, Adv.
Mr. Talha Abdul Rahman, Adv.
Mr. Tariq Ahmed, Adv.
Ms. Lubna Naaz, Adv.
Mr. Karan Mamgain, Adv.

M/s. Ahmadi Law Offices, AOR

Applicant-in-person, AOR

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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.
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Ms. Charanjeet Sidhu, Adv.

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Ms. Apeksha Sharma, Adv.
Mr. Sumeet Upadhyay, Adv.
Ms. Shruti Yadav, Adv.

Ms. Indira Jaising, Sr. Adv.
Ms. Disha Wadekar, Adv.
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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.

12/12/2024

(DEEPAK GUGLANI)
AR-cum-PS

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

** Online appearance/physical appearance slip not received.