

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (P.I.L.) No. 868 of 2008

Shasthi Dutt Bhatt S/o Harish Dutt Bhatt,
Member Mandir Committee Jageshwar Dham
Jageshwar, District Almora and another

.....Petitioners.

Versus

Archeological Survey of India
Dehradun Circle Dehradun
And another.

.....Respondents.

Sri Pradeep Lohani, counsel for the complainant / petitioner,
Sri Arvind Vashist, Asst. S.G. for the respondent No. 1,
Sri Subhash Upadhyaya, counsel for the respondents no. 2 and
3.
Sri Vipul Sharma, learned Amicus Curiae.

Hon'ble Prafulla c. Pant, J.
Hon'ble B.S. Verma, J.

[Oral- Hon'ble Prafulla c. Pant, J.]

Heard learned counsel for the parties.

(2) The issue involved in this Public Interest Litigation was the security of work undertaken by the respondent No. 1 in maintaining the temples at Jageshwar. Cognizance of this Public Interest Litigation was taken suo motu by this Court and replies were sought from the respondents on 05.11.2008. After considering the response filed by

respondents No. 1 and 3, this Court, vide order dated 17.12.2008 appointed Sri Vipul Sharma as Amicus Curiae to assist the Court. Today, detailed report has been submitted by Sri Vipul Sharma, Amicus Curiae, after making inspection of the site and recording the statements of the relevant persons. In the concluding para the Amicus Curiae has observed as under:-

“.....It is relevant to mention that although initially A.S.I. used soiled / damaged / improper stones but the same was rejected and replaced by proper stones. I had also inspected the temples which were renovated by A.S.I. after the intervention of this Hon’ble Court and found the conservation work to be of proper quality.”

(3) In view of the replies submitted by the respondents in the form of counter affidavit and after considering the report submitted by Amicus Curiae, this Court does not find need to issue further directions in the matter.

(4) Accordingly, the Writ Petition (Public Interest Litigation) is hereby closed. The Application No. 1370 of 2009, moved on behalf of A.S.I., is disposed of with the observation that the authorities concerned may take appropriate action for removal of the encroachment / unauthorized construction in the prohibited zone / regulated area. Sri Vipul Sharma, Amicus Curiae, who has undertaken the work to inspect the site and submitted his report, shall be paid

Rs.5,000/- as fee by the respondent No. 2 State of
Uttarakhand.

(B.S. Verma, J.) (Prafulla C. Pant, J.)

26.02.2009

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