

Supreme Court of India

Jagdish Prasad Since Deceased ... vs Mahant Tribhuwan Puri on 23 November, 1987

Equivalent citations: AIR 1988 SC 323, JT 1987 (4) SC 509, 1987 (2) SCALE 1464, 1987 Supp (1) SCC 482, 1988 (1) UJ 130 SC

Bench: B Ray, K J Shetty

JUDGMENT

1. We are concerned in this appeal about the management of Ram Mandir, Varanasi. Purushotham Das, the father of the appellant No. 1 was a religious person. He along with Sheonath Puri, who appears to be the preceptor of defendant, founded the said Ram Mandir. During the life time of Purushotham Das and Sheonath Puri, there was no problem in the management. After their demise, the dispute started. The plaintiff No. 1 claimed that he was the exclusive shebait of the temple. His case was founded on the ground that the right of shebaitship vested in Purushotham Das being the sole founder of the temple. Purushotham Das exercised that right till his death in 1951 and before his death, he nominated his son, plaintiff No. 1 to succeed him.

2. There is, however, no dispute that Shri Purushotham Das so long as he was alive, was managing the day-to-day administration of the temple and thereafter, the defendant was claiming himself as the shebait. There is no deed of dedication vesting shebaitship in any particular person.

3. The plaintiff, therefore, brought a suit for declaration that he was entitled to be the chief shebait of the temple with final authority to control and manage the affairs thereof. He also sought an injunction restraining the defendant from taking any offerings from the temple or from interfering with the management of the temple. He further sought a direction to render an account of the offerings received by the defendant. Finally, he requested the court to frame a scheme for proper management of the temple.

4. The trial court upon considering the material produced by the parties was of the view that Ram Mandir was not a public temple, but a private one. The properties were jointly acquired by Purushotham Das and Sheonath Puri. The cost of construction and other incidental expenses relating to purchase of the idols, ornaments, apparels, etc. were borne by Purushotham Das alone. On the question of shebaitship, the trial court held that Purushotham Das exercised his rights as shebait and after his death, the plaintiff No. 1 succeeded to the shebaitship of Ram Mandir, as an heir of the founder. The trial court also found that the defendant was guilty of mismanagement. Finally the court decreed the suit for framing a scheme with a direction to the defendant to restore the articles misappropriated or withheld by him to plaintiff No. 1 or to Ram Mandir.

5. Both the parties aggrieved by the judgment and decree of the trial court, appealed to the High Court of Allahabad. The High Court did not consider all the contentions raised in the appeal. The High Court mainly concentrated on the question whether Ram Mandir is a public or private temple. Upon reappraisal of the evidence, the High Court held that Ram Mandir is a public temple. The High Court however, did not dispute that Purushotham Das was one of the founders of the temple and he took keen interest in the affairs of the temple, but that by itself the High Court said would not be sufficient to lead to the interference that he did in his capacity as shebait of the temple. However,

the High Court expressed no opinion as to the plea set up by the defendant that the office of shebaitship of Ram Mandir was vested in the Mahant of Math, Annapurna. With these conclusions, the High Court non-suited the plaintiff No. 1.

6. We heard counsel on both sides and also gave our anxious consideration to the various questions raised in this appeal. We are of the view that the finding recorded by the High Court that Ram Mandir is a public temple is correct and does not call for interference. The High Court has however, not gone into the other questions raised in the suit as to the mismanagement of the temple and the right of the persons to act as shebait of the temple. In the view that we propose to take, it may not be necessary to go into all these questions. Ram Mandir has been declared to be a public temple. There is no deed conferring the right on any person to manage the temple exclusively. There is a rival claim for the right of management. It would be, therefore, proper to frame a scheme for management. We, therefore, direct the District Judge to frame a scheme for proper management of the temple. In that scheme, plaintiff No. 1 since deceased by his L. Rs. and the defendant be given equal rights in the management. If they are not able to cooperate with each other, they may be given such exclusive rights in the alternate periods of six months or one year. The scheme also may provide the right to nominate the successor of plaintiff No. 1 and the defendant for management of the temple. We, however, make it clear that the directions given by the trial court against the defendant in regard to the missing articles of the temple is kept undisturbed and the defendant shall be asked to restore all the articles to the temple. The court will also take care to see that the temple premises or any other building appertaining thereto is not utilised for the private use of the parties or to their relations. These are only some of the suggestions. The District Judge will take into consideration other aspects also while framing a proper scheme. The Scheme shall be framed within six months from the date of receipt of this order.

7. In result, in modification of the judgment of the High Court, we direct the District Judge, Varanasi to frame a scheme for the proper management of the temple in question. Let the records be transmitted to the District Judge. In the circumstances, we make no order as to costs.