

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1246/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[ONLY I.A. NO. 527 OF 2026 IN SLP (C) NO. 7023 OF 2024 IS LISTED UNDER THIS ITEM]

WITH

SLP(C) No.7023/2024 (IV-C)

IA No. 527/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 22-01-2026 This application was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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

I.A. No.527/2026 in SLP (C) No.7023 of 2024

1. The special leave petition challenges interim directions issued by a Division Bench of the High Court of Madhya Pradesh (Indore Bench) for a scientific examination of the Bhojshala Saraswati Temple-cum-Maulana Kamal Maula Mosque in District Dhar. The small issue that is required to be urgently resolved, emanates from an order dated 07.04.2003 passed by the Director General of Archaeological Survey of India in exercise of powers conferred under the Ancient Monuments and Archaeological Sites and Remains Rules, 1959.

2. In terms of that order, the following directions have been issued:

"1. That the Muslim community shall be allowed access to the premises as at present for Friday Namaaz between 1 to 3 p.m.

2. That the Hindu community shall be permitted access to the premises to hold traditional ceremonies on the occasion of Basant Panchami every year.

3. That the Hindu community shall be permitted access to the premises, free of charge every Tuesday from sunrise to sunset the normal time fixed for opening, and closure of the protected monument. On that day, the visitor could take a flower or two had a few grains of rice.

4. That apart from the relaxations enumerated above, the premises shall be open to tourists on all other days. An entry fee of Rupee 1.00 per person will be charged. Children (up to the age of 15) would be given free entry."

3. The urgent situation, which requires our attention, is that Basant Panchami this year falls on Friday, 23.01.2026, i.e., tomorrow. It would, therefore, cause difficulty to the Authorities to ensure the compliance of direction nos.1 and 2 issued by the ASI.

4. In this regard, we have heard Shri Salman Khurshid, learned senior counsel for the petitioner(s), Shri K.M. Nataraj, learned Additional Solicitor General of India as well as learned Advocate General, both representing the State of Madhya Pradesh. On our request, Shri K.M. Nataraj also represents the ASI. Similarly, we have heard Shri Vishnu Shankar Jain, learned counsel on behalf of the applicant.

5. Learned ASG as well as learned Advocate General have fairly suggested that, after knowing that how many persons belonging to Muslim community are likely to come tomorrow for Namaaz between 1 to 3 p.m., an exclusive and separate space within the same compound/premises shall be made available, so that the Namaaz can be performed at the prescribed time. Similarly, a separate space, as per the past practice, shall be made available to the Hindu community to hold the traditional ceremonies on the occasion of Basant Panchami.

6. Shri Salman Khurshid, learned senior counsel for the petitioner, while accepting this proposal, states that the approximate number of persons belonging to Muslim community, who will come for Namaaz tomorrow between 1 to 3 p.m., will be furnished to the District Magistrate, Dhar well in time and preferably today itself. The District Administration may, with a view to ensure maintenance of law and order, issue appropriate passes, free of cost, for the visitors or may adopt any other fair measures to ensure that no untoward incident takes place and the rituals are performed peacefully.

7. Learned ASG and learned Advocate General have assured that law and order situation shall be well-maintained.

8. We appeal to all stakeholders, including the members of both communities, to observe mutual respect and tolerance and cooperate with the State and District Administration in maintaining law and order.

9. The instant Interlocutory Application is, accordingly,
disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR