

ITEM NO.7

COURT NO.3

SECTION X

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.339/2022

SHARAD ZAVERI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No.69926/2022-EXEMPTION FROM FILING O.T.)

Date : 29-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Arvind Datar, Sr. Adv.  
Mr. Siddharth Bhatnagar, Sr. Adv.  
Ms. Nandini Gore, Adv.  
Ms. Nina Nariman, Adv.  
Mr. Bhavik Lallan, Adv.  
Ms. Tahira Karanjawala, Adv.  
Mr. Arjun Sharma, Adv.  
Mr. Vardaan Wanchoo, Adv.  
Mr. Shreyas Maheshwari, Adv.  
Ms. Pracheta Kar, Adv.  
Mr. Aditya Sidhra, Adv.  
Mr. Nadeem Afroz, Adv.  
M/s. Karanjawala & Co.

For Respondent(s)

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

- 1 The petitioners, who are followers of Mohjit Samuday of the Tapagacch denomination of Shwetamber Murtipujak Jains, seek certain reliefs in the exercise of the jurisdiction of this Court under Article 32 of the Constitution. They seek a direction to the respondents to:
  - (i) Enforce the Places of Worship (Special Provisions) Act 1991;
  - (ii) Prevent the conversion, implicit or explicit of the places of worship;
  - (iii) Take steps to reverse the conversions or take over the places of worship in the past;
  - (iv) Ensure that places of worship where Tapagacch followers are entitled to exercise religious rights are open to all members of the denomination including monks; and
  - (v) Cause display boards to be affixed in all places of worship mentioning the name of the denominations and its sections to which the places of worship belong according to the Trust Deed, recognizing the rights of all followers and monks of that section.
- 2 The dispute in the present case is between two segments of the same denomination, namely, the Tapagacch denomination of the Shwetamber Murtipujak Jain community.
- 3 The resolution of the above dispute cannot take place merely on the basis of the averments in the petition under Article 32 and counter affidavits in opposition. The nature of the rights which the petitioners claim would have to be established on the basis of evidence. The rights which are claimed and the alleged infraction of rights would also have to be established on the basis of evidence. The mere fact that the petitioners invoke the Places of Worship

(Special Provisions) Act 1991 is not ground enough to entertain a petition under Article 32 of the Constitution when the underlying facts on the basis of which such a claim is made would have to be duly established in the course of the trial of a civil suit. Sufficient remedies are available in the form of a suit under Section 92 of the Code of Civil Procedure 1908 or, even otherwise.

- 4 In this backdrop, this Court is not inclined to entertain a petition under Article 32 of the Constitution. The petitioners are granted liberty to pursue their civil remedies as available in law. Nothing contained in this order would amount to an expression of opinion on the rights which the petitioners' claim or their entitlement in fact or in law.
- 5 Subject to the aforesaid clarification, the Petition is disposed of.
- 6 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**