

IN THE HIGH COURT OF BOMBAY AT GOA**CIVIL APPLICATION NO.238/2016****in****WRIT PETITION NO. 892 OF 2016**

Mazania of Shree Navadurga
Saunsthan, Madkai, Mardol, Goa
Through its elected attorney
Having office at Managing Committee
office, Shree Navadurga Temple,
Madkai, Mardol, Ponda, Goa

... Applicant/
petitioner

Versus

State of Goa, through its
Chief Secretary and 12 Ors.,

... Respondents

Shri Rafiq Dada, Senior Advocate with Mr. S. S. Kantak, Senior Advocate with Mr. A. Kamat and Mr. P. Wagle, Advocates for the petitioner/ applicant.

Mr. S. D. Lotlikar, Advocate General with Mr. S. Dhargalkar, Additional Government Advocate for the respondent nos.1 to 11.

Mr. A. Kansar, Advocate for the respondent nos.12 and 13.

**Coram :- SMT R. P. SONDURBALDOTA &
C. V. BHADANG, JJ., J.**

Date :- 17th November, 2016

P.C.

We have heard Shri Rafiq Dada, the learned Senior Counsel for the applicant and Shri A. Kansar, the learned Counsel for respondent nos.12 and 13. We have also heard the learned Advocate General for respondent nos.1 to 11.

2. Though the applicant is seeking relief of locking of the temple of Shree Navdurga and the gates situated in between the buildings surrounding the said temple, Shri Rafiq Dada, the learned Senior Counsel for the applicant, in all fairness, has submitted that the petitioner would prefer that the annual Jatrostav is held peaceably and in an atmosphere of religious fervour. He submits that it is necessary to give effect to the interim order dated 11/11/2016 passed by this Court. It is submitted that this Court may appoint a responsible senior officer from the Government or a former Judicial Officer to oversee and supervise the Jatrostav and to ensure the compliance with the interim orders passed by this Court. It is also suggested that this Court may direct video recording of the Jatrostav and connected activities, so that in the event there is any disruption, the persons responsible, can be brought to book. It is submitted that the video recording will also ensure the smooth conduction of the Jatrostav.

3. Shri Kansar, the learned Counsel appearing for the contesting respondent nos.12 and 13 also in all fairness states that it is in the interest of all the concerned that the annul Jatrostav is held peaceably.

4. The learned Advocate General submits that this Court has already passed an order in terms of Minutes (marked X dated 11/11/2016). The learned Advocate General, on instructions from respondent no.10, who is present before the Court, states that the chariot, in respect of which there is complaint lodged by the applicants on 27/08/2016, has not been formally seized and the chariot is still in the precincts of Shree Navdurga Temple.

5. We have carefully considered the circumstances and the submissions made and we find that it is necessary to implement the order dated 11/11/2016, which has been passed by consent of the parties in all its letter and spirit. This would be in the interest of Devasthan in general and of all the stakeholders and would also ensure that the traditional Jatrostav, which is being celebrated since long, is held peaceably in an atmosphere of religious fervour. We find that for this limited purpose, the District Magistrate, South Goa at Margao can be appointed as the Receiver to ensure that the annual Jatrostav is celebrated peaceably and for proper implementation of the order dated 11/11/2016 passed by this Court.

6. In the result, the application is disposed off in the following terms:

(i) District Magistrate, South Goa, Margao is appointed as the Receiver of the Navdurga Devasthan for the limited purpose of implementation of the order dated 11/11/2016.

(ii) This appointment shall continue till 23/11/2016 when the festival is stated to conclude.

(iii) District Magistrate along with the Administrator of Devasthan shall ensure that the festival is conducted in a peaceful manner and in accordance with order dated 11/11/2016 passed by this Court.

(iv) It will be open for the learned District Magistrate to have video recording of the Jatrostav and connected activities, if found necessary.

(v) Needless to mention that respondent nos.9 and 10 shall give necessary assistance to the District Magistrate, as may be necessary, to ensure that the festival is conducted and celebrated in a peaceful manner.

(vi) We hope and trust that all the concerned parties and stakeholders shall rise to the occasion and shall ensure and co-operate in holding of the traditional festival in a peaceful manner.

(vii) Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMT R. P. SONDURBALDOTA

SMA