

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**MISCELLANEOUS APPLICATION NO.1361 OF 2026**

**IN**

**SPECIAL LEAVE PETITION (CIVIL) NO.35888 OF 2025**

NITIN GORDHANBHAI THAKKER & ORS. ... APPLICANT(S)

VERSUS

JAGANNATH GIRI ... RESPONDENT(S)

**ORDER**

1. A long-standing litigation with respect to an unauthorised encroachment on a property of Babulnath Temple Trust<sup>1</sup>, came to an end, upon dismissal of the SLP preferred by the occupant Jagannath Giri, who was, *vide* order dated 19.12.2025 permitted by this Court, to occupy the premises for a period of four years and with the expiration of the said period hand over the premises to the Trust. The present applicant(s)-Trust by way

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<sup>1</sup> Hereinafter 'Trust'

of the instant application seeks modification of the said order in terms of the following prayer:-

- (i) Allow the present Application and clarify that (i) Original Petitioner is not a tenant, (ii) the Original Petitioner's continued occupation during the four-year period is expressly understood to be subject to the above basic conditions (in substance); and (iii) it is clarified that the Original petitioner undertakes to hand over vacant, peaceful and unconditional possession of the concerned place to the Respondent-Temple Trust on completion of four years from 19<sup>th</sup> December 2025, enabling effective implementation of the SC Order without further contest"

2. Having heard learned counsel for the parties we pass the following directions:-

**(i)** We partially modify the said order dated 19.12.2025 clarifying that the original petitioner Jagannath Giri<sup>2</sup>, is neither a tenant nor a permissive occupier in his own right under the authority of the Trust. Save and except permission granted to him to occupy the property in terms of and by virtue of orders passed by this Court he has no right in law;

**(ii)** Under no circumstances any third person/party, be it his disciple; or *chela*; or *sevak* would be entitled to occupy the premises, if the original petitioner leaves for the heavenly abode prior to the expiry of the aforesaid period. In such a case, the permission granted by this Court shall stand automatically extinguished;

**(iii)** Clarifying further, this Court has only permitted the petitioner and one of his companions to occupy the premises till the expiry of the abovesaid period i.e., 19<sup>th</sup> December 2029 or any eventuality arising prior thereto. No one else, through him or independently

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<sup>2</sup> Petitioner in SLP(C)No.35888 of 2025 referred to as 'Petitioner'

(except the Trust) has any right, title or interest in the demised premises. The limited permission to occupy the premises, granted out of humanitarian consideration, was solely to enable him to pursue his religious and spiritual activities in the evening of his life. The applicant's apprehension being that just like the predecessor in interest of the petitioner, his successor in interest or *chela* may claim right to continue to occupy the demised premises and pursue the religious/spiritual activity therefrom. We do hereby clarify that none other than the petitioner, has been accorded this concession of occupying the premises;

**(iv)** It is further clarified that the petitioner Jagannath Giri, shall not commence and/or carry out any other new activity. Also, he shall not carry out the activity of cooking or distribution of "*prasad*" as "*bhandara*" from the demised premises. Any cooking activity to be undertaken by Jagannath Giri, shall be confined only to cater to his and/or his helper's personal needs;

**(v)** The Trust wants to install an escalator on the staircase, part of which is in the demised premises, we clarify that as and when such an activity is commenced, the petitioner shall ensure and facilitate smooth execution of such work without causing any hindrance;

**(vi)** The Trust wants the petitioner to remove the "*dhooni*", which request we are not inclined to accept for the same being part of the religious activity continuously performed by him; and

**(vii)** The petitioner shall not expand his possession or carry out encroachment beyond the boundaries of the suit premises. He will

ensure that no obstruction is caused to the devotees visiting the temple.

3. The order dated 19.12.2025 is modified to the aforesaid extent. With the above observations application stands disposed of. The petitioner shall immediately furnish an undertaking in the aforesaid terms not later than seven days from the date of this order being uploaded on the website.

.....**J.**  
**(SANJAY KAROL)**

.....**J.**  
**(NONGMEIKAPAM KOTISWAR SINGH)**

**New Delhi**  
**13<sup>th</sup> May 2026**