

## CENTRAL EMPOWERED COMMITTEE

THE REPORT OF THE CEC IN APPLICATION NO. 986-A FILED BEFORE IT BY SHETH ANANDJI KALYANJI TRUST SEEKING THE DELETION OF THE ENTIRE AREA OF RANAKPUR JAIN TEMPLES COMPLEX SITUATED IN SADRI VILLAGE, TEHSIL DESURI, DISTRICT PALI, RAJASTHAN FROM THE RESERVED FOREST/SANCTUARY

The Application No.986 A has been filed before the CEC by "Sheth Anandji Kalyanji Trust", a religious charitable trust seeking the deletion of the entire area of Ranakpur Jain Temple Complex situated in Sadri Village, Desuri Tehsil, District Pali, Rajasthan from the Reserved Forest as well as from the Kumbalgarh Sanctuary.

2. In the Application, the following prayers have been made:
  - a) Direct the Ministry of Environment & Forest, Government of India to keep the said land at Village Sadri, Tehsil Desuri, District Pali, State Rajasthan out of purview of the Forest (Conservation) Act, 1980;
  - b) Direct the Ministry of Environment & Forests, Government of Rajasthan to delete the said land at Village Sadri, Tehsil Desuri, District Pali, State Rajasthan from the Reserved Forest and sanctuary; and boundary of the Forest be modified and corrected on the ground and

- c) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

3. This Report is being filed by the CEC after examining the matter during the hearings held on 3.11.2008, 26.11.2008 and 12.12.2008 and the site visit on 3.1.2009 by Mr. P.V. Jayakrishnan, Chairman, CEC along with Mr. Mahendra Vyas, Member, CEC and Mr. S.K. Chadha, Member Secretary, CEC and the meeting on 23.2.2009.

#### **BACKGROUND**

4. The Ranakpur Jain Temples are said to date back to the fifteenth century. It is an important place of pilgrimage for the Jains. It also attracts a large numbers of Indian as well as foreign tourists. The entire temple complex which comprises of temples, dharamsalas, bhojanashala, athithisals, godown, office, other construction and appertaining open land is surrounded by a pucca old fort and is situated in Survey No. 4565, 4566, 4567 and 4568 having an area of 9.81 ha in village Sadri, Tehsil Desuri, District Pali, Rajasthan.

5. According to the Applicant, the Rana of the former State of Mewar (Udaipur) granted land by issuing a Tamrapatra (Copper Plate) in Samvat 1431 to Dharna Shah who is said to have constructed the temple. The erstwhile State of Jodhpur by granting

Patta in the year 1930s is said to have confirmed the title and possession of the Applicant.

6. The area under the Ranakpur Jain Temples is a part of the Reserved Forest Block "Sadri" which has been declared as Reserved Forest vide Notification No. 173 dated 4<sup>th</sup> March, 1950. The Government of Rajasthan on 13.7.1971 also notified and declared the forest area in and around the Ranakpur Jain Temples and Kumbalgarh Fort as protected area under Section 5 of the Rajasthan Wild Life Animals and Birds Protection Act, 1951 – now named as Kumbalgarh Wildlife Sanctuary. This notification mentions the boundaries and specifies that on the western side the boundary of the Sanctuary will be the western boundary line of the Reserved Forest Area of Sadri and Desuri. The Collector, Pali issued a proclamation vide letter dated 16.10.1997 for inviting objections from the local inhabitants regarding declaration/boundaries of the Kumbalgarh Sanctuary. The final notification under Section 66(3) of the Wild Life (Protection) Act, 1972 was issued by the Collector, Pali vide order dated 21.8.1998. The area claimed by the Applicant is included in the above Notification.

7. According to the Applicant in the first revenue settlement in 1942 the land is recorded as "Government khata", while in the Second Survey Settlement in 2004 Khasra number 4567 and 4568 are recorded in the name of Forest Department with remark about status of land as temple. It is this which led the Applicant to file this

Application for correction of record by deletion of name of Forest Department.

8. The Applicant has also stated that assuming, without accepting, that this Temple Complex is within the Reserved Forest Area, in that event too the complex is in existence much before the date of notification either under the provision of the Indian Forest Act, 1927, the Marwar Forest Act, 1934, the Rajasthan Wild Animals and Birds (Protection) Act, 1951, the Wild Life (Protection) Act, 1972 and the Forest (Conservation) Act, 1980.
9. According to the State Government during the course of Second Revenue Survey, two Khasra Numbers 4567 and 4568 having an area of 8.66 ha. were mutated in the name of the Forest Department because these areas were included in the Reserved Forest notification of 4<sup>th</sup> March, 1950. The temple authorities did not raise any objection in this regard before the Settlement Officer. The documents submitted by the Applicant do not prove private ownership of Ranakpur Temple Complex. The Applicant has also never brought the patta to the notice of the State authorities.
10. The details of the land which are included in the Ranakpur Temple Complex as per the records of the Forest Department are as below:

Sl. No.	Land Holder (Khatedar)	Khasra No.	Area (ha.)	Classification of land
1.	State of Rajasthan	4565	0.37	Gair Mumkin
2.	State of Rajasthan	4566	0.78	Gair Mumkin
3.	Forest Department	4567	1.42	Gair Mumkin Mandir
4.	Forest Department	4568	7.24	Gair Mumkin Mandir
	<b>Total</b>		<b>9.81</b>	

11. The area of 9.81 ha of the above Khasra numbers has been treated by the Forest Department of Rajasthan as part of the Reserved Forest and Sanctuary because these areas have been so notified.

### OBSERVATIONS AND RECOMMENDATIONS

12. The Ranakpur Temples excel as an exquisite work of art and architecture and reflect the rich cultural heritage of the country. These temples stand out in many ways. It is a well known place of pilgrimage for the Jains. It is also visited by a large number of Indian and foreign tourists.

13. The entire Temple Complex of 9.81 ha has been notified as Reserved Forest and also as Kumbalgarh Wildlife Sanctuary. The Applicant Trust did not file any claims before the concerned authorities during the settlement proceedings. It did not make any claim that the Temple Complex and surrounding land is a private property and belongs to the Applicant Trust. At the same time it is not


in dispute that the entire area of 9.81 hectares of the Temple Complex which is surrounded by a stone wall is occupied, managed and maintained by the Applicant Trust.

14. Since this Temple complex has been in existence long before the notification of 1971 and 1998, it is not understood why the State Government did not deem it necessary to keep this Temple complex out of the Sanctuary area/Reserved Forest.

15. Keeping in view the history, the culture, the architecture and the importance of this complex from the religious and the tourism angle and the fact that the Temple Complex is a piece of architectural marvel and that it cannot be translocated and that it has been in existence for a very long period and that too much before the Forest laws came into existence and that the Complex is occupied, managed and maintained by the Applicant Trust much before it was declared as Reserved Forest/Sanctuary it will be in the fitness of things if the Applicant Trust is allowed to continue to occupy, manage and maintain the entire temple complex measuring 9.81 hectares within which they may have "permissive possession". The repair and maintenance of the complex may be done by the Temple authorities but any new construction should be carried out by them only after obtaining the approval under Forest (Conservation) Act, 1980 and in accordance with the provisions of the Wildlife (Protection) Act, 1972.

The Rajasthan Forest Department is agreeable to the above arrangement.

This Hon'ble Court may please consider the above Report and may please pass appropriate order in the matter.

  
(S. K. Chadha)  
Member Secretary

Dated 12<sup>th</sup> August, 2009