

R SYNOPSIS

The Petitioners, the citizens of India, followers of Sanatan Dharm and are devotees of Lord Ram, are invoking the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, challenging the Constitutional validity of 'The Acquisition of Certain Area At Ayodhya Act, 1993' (Central Act No.33 of 1993) (hereinafter referred to as Ayodhya Act,1993), inter alia on the ground that Parliament has no legislative competence to take over/acquire the property belonging to the State and further that State Legislature has exclusive power to make provision relating to the management of the affairs of religious institutions working in the State and further that the impugned Act infringes right to religion of Hindus guaranteed and protected by Article 25 of the Constitution of India.

Indian Constitution is federal constitution. The rights and obligations of the Union and the States are well defined. The matter relating to the rights and obligations concerning the finance, property and contracts have been dealt with in Part XII of the Constitution of India. The matter relating to succession of property by the States and the Union have been well defined in Chapter III of Part XII of the Constitution of India. Article 294 of the Constitution of India provides that:-

“all property and assets which immediately before the commencement of the Constitution were vested in his majesty for the purposes of the Government/Dominion of India and all property and assets which immediately before such commencement were vested in his majesty for the purposes of Government of each Governor's province shall vest respectively in the Union and the corresponding State”.

In view of the clear provision contained in Article 294 of the Constitution of India the land and properties situated within the

State of Uttar Pradesh vested in the Government of Uttar Pradesh from the date of the enforcement of the Constitution. As such the land and property situated at Ayodhya continued to be the property of the State of Uttar Pradesh. The Union cannot take over any part of the land of the State of Uttar Pradesh including the land and property situated at Ayodhya.

The subjects for making law have been earmarked in the 7th Schedule of the Constitution of India. Those subjects are simply field of legislation but not the source of power for making law either by the Parliament or State Legislature.

The Parliament enacts law relating to acquisition and requisition of property as enumerated in item 42 of IIIrd list of 7th Schedule. In the exercise of the power for making law relating to the acquisition of property the Parliament cannot take over any part of land vested in the State under Article 294 of the Constitution of India.

The State Legislature has exclusive power to make law on the subject of Pilgrimages to any place within the State under item VII of list II of 7th Schedule. The State Legislature has exclusive power to make law relating to historical monuments and records other than those declared by or under any law made by Parliament to be of National importance. Item 67 of List I Parliament is empowered to enact law on the subject of 'Ancient and Historical monuments and records, and archeological sites and remains, declared by or under law made by Parliament to be of National importance.

It is undisputed that the property in question situated at Ayodhya has not been declared as Ancient and Historical monument by any law made by Parliament.

From historical and archeological reports it is well establish that the property in question situated at Ayodhya is a historical monument and as such on the said subject the State Legislature alone has power to make any law under item XII of list II of the 7th Schedule.

It is further submitted that the property in dispute at Ayodhya is important for Pilgrimage. It is a historical monument as well. The State Legislature has exclusive power to enact law on those subjects and Parliament cannot encroach upon the State power to enact law.

It is noteworthy that in the preamble of the Act declares that Parliament was enacting the Act since there was a long standing dispute relating to the structure (including the premises of inner and outer courtyards of such structure) commonly known as Ram Janma Bhumi-Baburi Masjid situated in village Kot Ram Chandra in Ayodhya in pargana Haveli Avadh, Tehsil Faizabad Sadar District Faizabad as the said dispute was affecting the maintenance of public order and harmony between different communities in the country and it was necessary to maintain public order and to promote communal harmony and the spirit of common brotherhood amongst the people of India.

The term 'Public order' falls within the domain of State Legislature under Item 1 of list 2 of 7th Schedule. Admittedly Parliament has enacted the impugned Act for maintenance of Public order. As such Parliament has encroached upon State subject and has no legislative competence to make any law relating to Public Order or maintenance of Public order. In view of the provisions contained in Article 245 and 246 of the Constitution of India the Parliament cannot usurp the power of State Legislature and the law made by the Parliament in derogation of such provision is void and inoperative.

The impugned Act infringes the right of Hindus of worship guaranteed under Article 25 of the Constitution of India. It is historically proved that there are temples in existence in the vicinity of the property in dispute from thousands of years. There are temples, places of worship, places for pilgrimages and structures, temples, Dharmshalas for the benefit of the Pilgrims where Puja, Arti, Bhog was being performed since ages without any interruption. In this regard the structure of Manas Bhawan, Sankat Mochan Mandir, Ram Janmasthan Temple, Katha Mandap, Sita Ki Rasoi and Janki Mahel are important. As a result of acquisition the worship of deity at those places have been stopped.

The Parliament or the Legislature has no power to infringe the right of pilgrimage and worship of Hindu devotees at the places of worship standing in the vicinity of the disputed structure. The Hindus have right to perform Puja, Arti, Bhog and other rituals at the places of worship in the temple, Ashram, Dharmshalas situated near the disputed structure. The Union or the States have no power to stop puja and other religious activities at such places.

The impugned Act is ultra vires to Article 25 of the Constitution of India in so far it restricts the rights of Hindus to perform Darshan and Puja in the temple and Dharmshalas and other place of worship situated in and around the disputed structure.

The Parliament by the impugned Act as acquired about 67 acres land. The area of land in dispute is only .313 acres (about 13635 sq. feet) only. Apparently a very large area unconnected with the property in dispute has been acquired. No public purpose will be served by acquiring such a large area at the cost of religious sentiments of Hindus. There is no reasonable basis to uphold the acquisition of such unconnected large area with the disputed site. The impugned Act is unreasonable and has been enacted at

the cost of Hindu sentiments infringing their right to religion guaranteed by Article 25 of the Constitution of India and as such the same is liable to be struck down.

In brief the facts giving rise to the petition is that according to scriptures of Sanatan Dharma Lord Vishnu took incarnation in human form as Lord Ram in the palace of Raja Dhasrath of Ayodhya in Treta Yuga more than 8 lakhs years ago. Since then the entire palace is worshiped as 'Janma-Asthan' and the place as 'Janma-Bhoomi' by followers of Sanatan Dharma. There was a glorious Shri Ram temple at the said place(hereinafter referred to as temple) and the devotees have been continuously worshiping the place and deity Shri Ram Lala Virajman according to Vedic Sanatan Dharma.

In the year 1528 Babar invaded India and following the Islamic principles under his orders Shri Ram temple was damaged and a construction was raised at the same very place employing the material of the temple structure. The followers of invader termed the structure as Mosque. In fact no waqf was ever created and no mosque could be constructed at the place of the temple. In fact, the disputed construction was raised as a symbol of might of Islam to demoralize the idol worshipers.

The cruel and barbarian act of Islamic invader Babur could not deter the Hindu public from worshipping the place and the idol (vigrah) of Shri Ram Lala. The Bhajan, Kirtan and rituals continued at the temple place. In historical and religious books there is ample evidence of ongoing worship, puja by devotees. Abul Fazal one of the Minister of Akbar in his book 'Ain-e-Akbari' has mentioned that during Chaitra Navratri i.e. on the day of Ram Navmi there was huge congression of Hindu devotees at the place of Janma Asthan. The devotees of Lord Ram and Hindus in general have all along been fighting for the liberation of Janmasthan and for restoration of the temple standing thereat.

The legal history of the case is that in 1885 one Mahant Raghubar Das the priest at Ram Chabutra (platform) adjacent to temple had filed a suit for permission to built temple thereat. The suit was dismissed and the appeal filed against the same was also dismissed. The Appellate Court made strong objection to the effect that it was unfortunate that after demolishing the temple the construction in dispute have been raised.

In 1950the devotees filed a civil suit impleading some members of the Muslim community from interfering in their right to perform puja at the temple place. The Ld. Civil Judge passed an order of temporary injunction on 16.1.1950 protecting the right of worship of devotees. The temporary injunction was confirmed by Allahabad High Court in the year 1955. In the year 1959 Nirmohi Akhara filed a suit asserting the right to manage the affairs of the temple. In 1961, Sunni Waqf Board alongwith some members of Muslim community filed a suit for declaration and possession of the alleged Baburi mosque. The aforesaid suit was connected with other pending suits and same was declared a representative suit so that the decision of the case could be binding on the members of both the communities.

On 1.02.1986 District Judge, Faizabad passed an order to open the locks put on the front doors of the temple as the same was unnecessary creating hindrance in puja and performing rituals by devotees. On 3.02.1986 the Lucknow Bench of the Hon'ble Allahabad High Court on the petition filed by the members of Muslim community passed an order to maintain status quo as was existing on the said date.

It is relevant to mention that in 1986 some members of Muslim community formed 'Baburi Masjid Action Committee' to oppose the opening of locks put on the gate of the temple. Vishwa Hindu Parishad and other Hindu organizations countered the agitation

initiated by members of Muslim community. In other words the communal passion of both the communities flared up and there was serious threat to law and order situation in the State of Uttar Pradesh.

On 1.07.1989 Shri Ram Lala Virajman through next friend filed suit in the Court of District Judge, Faizabad asserting the right over the property in question and seeking injunction against the defendants from interfering in their right of construction of a glorious temple at the said place.

The Government of Uttar Pradesh had moved an application before the Hon'ble High Court under Section 24 of CPC to transfer all the suits to the High Court for expeditious disposal. The Hon'ble High Court vide order dated 10.7.1989 directed to transfer all the suits to the High Court to be tried by three Judges Bench. In compliance of the aforesaid order all the five suits were transferred to the High Court. The High Court had passed an order to maintain status quo over the land in dispute.

On 9.11.1989 Shilanyas for construction of a glorious Shri Ram Temple was performed outside the area involved in the suit.

In the year 1991 the U.P. Government acquired 2.77 acre lands adjacent to the land involved in the suit for development of the area for the purpose of pilgrimage. The said action could enable the devotees to start construction of a temple beyond the area of suit land. The aforesaid acquisition was challenged by members of Muslim community before the High Court. In the said case the judgment was to be delivered on 2.12.1992 by the High Court but the same could not be pronounced on the said date. The judgment was pronounced on 11.12.1992 quashing the acquisition made by State Government.

It is relevant to mention that Hindu Organizations had declared that Karseva for construction of Shri Ram temple would start outside the area involved in the suits from 6.12.1992. On the said date Karsevaks the devotees were not being allowed to start Karseva over the undisputed land. The passion of Hindu devotees broke on 6.12.1992 and they demolished the structure which was raised demolishing temple under the orders of invader Babur. After demolishing the disputed structure, the devotees raised and established a makeshift temple of Shri Ram Lala thereat on 6.12.1992 in accordance with Sanatan Vedic Dharma by performing necessary rituals. After the said incident the Government of Uttar Pradesh restrained the Hindu devotees from performing puja, Darshan and Aarti of deity Ram Lala Virajman and the same was being allowed to be performed only by a pujari.

In the above circumstances a writ petition by Vishwa Hindu Adhiwakta Sangh was filed for restraining the Government and the administration from interfering in Puja and Darshan by the devotees at the place in question. The Hon'ble High Court vide judgment and order dated 1.01.1993 allowed the writ petition and restrained the Respondents from interfering in Puja, Aarti and Darshan by devotees of Shri Ram Lala Virajman at the said place.

On 7.01.1993 an Ordinance was issued by Hon'ble President of India acquiring the disputed land as well as a very large area adjoining the disputed land with a declaration that matter was being referred to the Hon'ble Supreme Court by President of India under Article 143 of the Constitution of India to decide the question as to 'whether the disputed construction was raised after demolishing a Hindu temple/structure'.

The Ayodhya Act, 1993 was challenged by members of Muslim community, leading case being M. Ismail Faruqui vs. Union of

India & Ors., reported in (1994) 6 SCC Pg.360. The Hon'ble Court vide judgment and order dated 24.10.1994 returned the reference made by the Central Government. The Hon'ble Court also struck down Sub Section 3 of Section 4 of the Act providing for abating the pending suits without providing for an alternative dispute resolution mechanism and that all the suits stood revived for adjudication together with the interim orders.

In case of Mohd. Aslam Alias Bhure vs. Union of India & Ors. (2003) 2 SCC 576 the Hon'ble Court has held that status quo will be operative over the entire property till the final adjudication of the matter.

The Lucknow Bench of the High Court vide judgment and order dated 3.09.2010 decided the suits. It has been ruled by the High Court that 1550 sq. yards was the property in dispute in suits. It has been ruled by two judges out of three judges that it was proved to the hilt that the structure in question had been raised after demolishing the Hindu temple existing at the same very place. However, majority has directed that suit property shall be equally divided between three plaintiffs namely Shri Ram Lala Virajman, Nirmohi Akhara and Sunni Waqf Board.

Aggrieved with the aforesaid judgment both members of Hindu and Muslim community have filed appeal before the Hon'ble Court. All the appeals have been admitted vide order dated 9.5.2011 and it has been directed that the order of status quo over the entire acquired land will be operative as earlier directed by the judgment rendered in M. Ismail Faruqi and Mohd. Aslam Alias Bhure case. The appeals are pending for hearing.

The points and issues raised in this petition have not been raised and dealt with in case of M. Ismail Faruqi vs. Union of India reported in (1994) 6 SCC 360, Mohd. Aslam Alias Bhure vs.

Union of India & Ors. reported in (2003) 2 SCC 576 or in any other case till date.

LIST OF DATES

According to scriptures of Sanatan Dharma Lord Vishnu took incarnation in the form of Shri Ram Lala and manifested Himself in human form in Avadhपुरी in the palace of King Dhasrath in Treta Yuga i.e. more than 8 lakhs years ago. The practice of worship of Asthan Shri Ram Janma Bhoomi is prevalent from lacs of years. The entire palace is worshiped as 'Janma-Asthan' and the place as Janma-Bhoomi by followers of Sanatan Dharma. A glorious Shri Ram temple had been constructed (hereinafter referred to as temple) at the said place. There are evidences that King Vikrama Ditya had renovated and constructed a glorious Shri Ram Temple in Ayodhya. In between 1114-54 King Chandradev of Garahwal Dynasty had renovated/constructed Shri Vishnu Hari (Rama) temple at Ayodhya which was existing at the time of invasion of Babur in 1528.

The devotees have been continuously worshipping the place and deity Shri Ram Lala Virajman according to Sanatan Dharma.

1510-11 According to Sikh literature Guru Nanak Devji has visited Ayodhya. He performed puja of Ram Lala Virajmaan and worshiped in the temple after taking bath in river Saryu.

1528 In the year 1528 Babur invaded India and following the Islamic principles damaged the temple and made some construction at the

same very place employing the material of the temple structure and the same was termed as Mosque by followers of Islam. In fact no waqf was created and no mosque was constructed at the said place. The construction was raised as a symbol of might of Islam to demoralize the idol worshipers.

In fact such cruel and barbarian act of Islamic invader could not deter the Hindu public from worshipping the place and the idol (vigrah) of Shri Ram Lala. The Bhajan, Kirtan and rituals continued at the temple place. In historical and religious books there is ample evidence of ongoing worship, puja by devotees. Abul Fazal one of the Minister of Akbar a book known as 'Ain-e-Akhbari' in Persian language which has been later on translated in English. He has mentioned in his book about the performance of worship and puja during Chaitra Navratri i.e. on the day of Ram Navmi there was huge congregation of Hindu devotees at the place of Janma Asthan.

1608-1611 William Finch travelled Ayodhya. The travel account of Finch has been composed by William Foster in the book 'Early Travels in India'. He has written that Rama Castle constructed about 400 years above at the birth place was in ruins. The devotees of Lord Rama were performing puja worship at the said place. There is no reference of any mosque or any Muslim prayer at the said place.

1786 Trifenthellor an Austrelian Priest travelled Ayodhya in between 1765-1775. His travel

account was published in the year 1786. There is clear mention in the book that Hindus were performing puja, worship etc. the place in question and further that the temple standing thereon had been demolished either by Aurangzeb or Babur. He has also confirmed the existence of Bedi i.e. cradle, Sita Rasoi etc. existing at that time. He has also mentioned regarding celebration of Ram Navami day at the said place. There is no mention of any prayer, if any, being performed by members of Muslim community.

1807-1814 Dr. Francis Hamilton Buchanan an employee of East India Company visited Ayodhya and made a note about the existing structure of alleged Babri mosque. He noticed an inscription in the disputed structure. The work of Buchanan has been preserved in British library at London. The document establishes the demolition of a Hindu temple before construction of the structure in question.

1828-1877 Gazetteers were published mentioning that the temple of Janmasthan of Lord Ram had been demolished firstly by Babur. Thereafter Aurangzeb demolished two temples namely Swarg Dwar and Treta ke Thakur at Ayodhya.

1885-86 Mahant Raghubar Das the priest performing puja at Chabutra/platform adjacent to Shri Ram temple in his individual capacity filed a suit in the Court of Civil Judge seeking permission to construct a temple at the said platform. The said suit was dismissed by Trial Court vide order dated 24.12.1985. The appeal preferred against

the judgment was also dismissed. The Ld. Judge while dismissing the appeal observed that 'it was unfortunate that a temple at the place in question had been demolished about 300 years ago under the orders of Babur but it was too late to remedy the wrong.

- 16.1.1950 One Gopal Singh Visarath filed Civil Suit No.2/1950 as a devotee of Lord Ram impleading some members of the Muslim community for restraining the defendants from interfering in his right to worship and from removing the idol from the place in question.
- March,1950 Paramhansh Ram Chandra Das filed Civil Suit No.25 of 1950 with the same prayer as was made in an earlier suit after giving notice under Section 80 of CPC to the Government of Uttar Pradesh.
- 1955 The temporary injunction granted by Ld. Civil Judge was confirmed by Allahabad High Court in Misc. Civil Appeal preferred against the said order.
- 1959 Nirmohi Akhara filed a R.S.No.26/1959 for handing over management of the temple.
- 18.12.1961 U.P. Sunni Central Board of Waqf along with some members of Muslim community filed a suit for declaration that the disputed structure was a Baburi mosque and alternatively prayer for possession was also made.
- 20.3.1963 Civil Judge passed an order to implead Hindu Mahasabha, Arya Samaj and Santan Dharm Mahasabha as defendants to the suit to defend the interest of Hindu community.

6.1.1964 All the four suits were clubbed. The suit filed by Muslims was made the leading suit.

1.02.1986 That vide order dated 1.02.1986, the District Judge, Faizabad passed an order to open the locks put on the front doors of the temple as the same was unnecessary creating hindrance in puja and performing rituals by devotees.

3.02.1986 That vide order dated 3.02.1986 the Lucknow Bench of the Hon'ble Allahabad High Court on the petition filed by the members of Muslim community passed an order to maintain status quo as was existing on the said date.

It is relevant to mention that some members of Muslim community formed 'Babri Masjid Action Committee' to oppose the opening of locks put on the gate of the temple. Vishwa Hindu Parishad and other Hindu organizations countered the agitation initiated by members of Muslim community. In other words the communal passion of both the communities flared up and there was serious threat to law and order situation in the State of Uttar Pradesh.

1.07.1989 Shri Ram Lala Virajman and Asthan Shri Ram Janma Bhoomi through next friend filed Suit No.236/1989 in the Court of Civil Judge, Faizabad praying that the entire property mentioned in Annexure 1,2 and 3 attached to the plaint be declared the property belonging to deity and the defendants be restrained from interfering in construction of a new temple after demolishing the old structure.

- 10.07.1989 The Hon'ble High Court allowed the application filed by the State Government under Section 24 of CPC and directed to transfer all the suits to the High Court to be tried by three Judges Bench. In compliance of the aforesaid order all the five suits were transferred to the High Court. The High Court had passed an order to maintain status quo over the land in dispute.
- 9.11.1989 That on 9.11.1989 Shilanyas for construction of a glorious Shri Ram Temple was performed outside the area of suit land.
- 1990 The Director U.P. Archaeology submitted black/white colored photographs taken under the orders of the Hon'ble High Court alongwith album and vidoegraphy report. Shri Rakesh Tiwari the Director appeared as a witness and proved the report submitted by him.
- 1991 In the year 1991 the U.P. Government acquired 2.77 acre lands adjacent to the land involved in the suit to develop the area for pilgrimage. Another purpose was to enable the devotees to start construction of a temple beyond the area of suit land. The aforesaid acquisition was challenged by members of Muslim community before the High Court.
- 2.12.1992 The judgment was to be delivered on 2.12.1992 by the High Court but the same could not be pronounced on the said date.
- 6.12.1992 Hindu Organizations had given a call for performing Karseva for construction of Shri Ram

Temple over the acquired land i.e. outside the land involved in the suit.

- 6.12.1992 The devotees were not being allowed to performed Karseva over the land outside the land involved in the civil suits on which interim order was operating. The passion of Hindu devotees broke on 6.12.1992 and they demolished the disputed structure. Artifacts were recovered from the demolished structure. In those artifacts and the images of Hindu idols and articles of worship have been found including a SHILALEKH with the inscription of temple of Shri Hari Vishnu. These materials have been kept under the custody of U.P. Government in Ram Katha Kunj. The artifacts have also been proved by Shri Rakesh Tiwari the Director of Archeological organization of U.P. in his statement made before the Hon'ble High Court.
- 6.12.1992 The devotees raised and established a make shift temple of Shri Ram Lala at the said place on 6.12.1992 according to Sanatan Vedic Dharma by performing necessary rituals. The Government of Uttar Pradesh restrained the Hindu devotees from performing puja, darshan and Aarti of deity Ram Lala Virajman and the same was being allowed to be perform only by a pujari.
- 21.12.1992 In the above circumstances a writ petition was filed on 21.12.1992 by Vishwa Hindu Adhiwakta Sangh, restraining the Government and the

administration from interfering in puja and darshan by devotees at the place in question.

1.01.1993 The Hon'ble High Court vide judgment and order dated 1.01.1993 allowed the writ petition and restrained the Respondents from interfering puja, aarti and darshan by devotees of the deity Shri Ram Lala Virajman at the said place.

7.01.1993 An Ordinance was issued by Hon'ble President of India on 7.01.1993 acquiring the disputed land as well as a very large area adjoining the disputed land with a declaration that matter was being referred to the Hon'ble Supreme Court by President of India under Article 143 of the Constitution of India to decide the question as to whether the disputed construction was raised after demolishing a Hindu temple/structure.

24.10.1994 The aforesaid acquisition Act was challenged by members of Muslim community, leading case being M. Ismail Faruqui vs. Union of India & Ors., reported in (1994) 6 SCC Pg.360. The Hon'ble Court vide judgment and order dated 24.10.1994 returned the reference made by the Central Government. The Hon'ble Court also struck down Section 7(2) of the Act in so far as the pending suits have been awaited and directed that all the suits would be decided and that status quo will operate over the entire acquired land till the final disposal of the matter. In consequence of the aforesaid judgment, the suits stood revive.

1.8.2002/
5.3.2003

The Hon'ble High Court directed the Archeological Survey of India to make survey

beneath the disputed structure and submit report.

31.03.2003 In case of Mohd. Aslam Alias Bhure vs. Union of India & Ors. (2003) 2 SCC 576 the Hon'ble Court has held that status quo will be operative over the entire property till the final adjudication of the matter.

22.08.2003 The A.S.I. submitted its report with opinion that the structure in dispute did not have its foundation but same was raised on the existing walls. The floor of the disputed building was just over the floor of the earlier building. The existence of several pillar bases go to show the existence of a sufficiently bigger structure.

From the report it is also clear that the A.S.I. team had also got a number of Hindu structures, cellular shrines and proof of habitation starting from the Stone Age.

3.09.2010 The Lucknow Bench of the Hon'ble Allahabad High Court vide judgment and final order dated 3.09.2010 decided the suits. It has been ruled by the High Court that 1550 sq. yards was the property in dispute in suits. It has been ruled by two judges out of three judges that it was proved to the hilt that the structure in question had been raised after demolishing the Hindu temple existing at the same very place. But at the same time the suit property has been divided between three plaintiffs namely Shri Ram Lala Virajman, Nirmohi Akhara and Sunni Waqf Board.

2010-2011 Aggrieved with the aforesaid judgment both members of Hindu and Muslim community have filed appeal before this Hon'ble Court.

9.5.2011 The appeals filed by both Hindu and Muslim parties have been admitted by the Hon'ble Court vide order dated 9.5.2011. [reported in (2011) 15 SCC 440].

The Hon'ble Court has directed the parties to maintain status quo in regard to suit land as directed in para 86 and 87 in the judgment rendered in case of M.Ismail Faruqui vs. Union of India & Ors. reported in (1994) 6 SCC 360. The Court has further directed that the land adjacent to the suit land which was subject matter of acquisition by Central Government, the party shall maintain status quo as directed by the order of the Court passed in Mohd. Aslam Alias Bhure vs. Union of India reported in (2003) 2 SCC 576 and (2003) 4 SCC 1. All these appeals are pending for hearing.

.02.2019 Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2019

IN THE MATTER OF:-

1. Shishir Chaturvedi (Advocate)
S/o late Shri Jugal Kishore
Chaturvedi, aged about 44 years,
R/o. 215/460, Ichha Bhavan,
Munnil Lal Dharamshala Road,
Charbagh, Lucknow, U.P.
2. Sanjay Mishra (Advocate)
S/o. late Satya Swaroop
Mishra R/o. Koundilya Rishi
Ashram, Govind Dhaam Kuriya
Ghaat, P.S.Chowk, District
Lucknow, Uttar Pradesh.
3. Virendra Mishra
S/o late Gaya Prasad Mishra
R/o. 347/48, Tikait Ganj,
Lucknow, Uttar Pradesh.
4. Ashish Tiwari
S/o late Devi Prasad Tiwari R/o
M.V.8, Murli Vihar Colony,
Shanti Nagar, near Canara
Bank, Kanpur Road Sarojini
Nagar, Lucknow, Uttar Pradesh.
5. Ashish Shukla
S/o late Ramakant Shukla
R/o. 569-Ka/19B, Sneha
Nagar, Alam Bagh, Lucknow,
Uttar Pradesh.
6. Satyam Tripathi
S/o. Shri Hridaya Narayan
Tripathi, R/o. LD 132A
Shantipuram Colony, Alambagh,
Lucknow, Uttar Pradesh.
7. Dhanvir Singh Chandravanshi
S/o late Sukhbir Singh
R/o. 538-B/2/337,
Roop Pur Khasra,
Lucknow, Uttar Pradesh. Petitioners

Versus

1. Union of India Through
Secretary, Ministry of
Home Affairs New
Delhi-110001.
 2. State of Uttar Pradesh
Through Chief Secretary,
Civil Secretariat,
Lucknow, Uttar Pradesh.
 3. Bhagwan Shri Ram Lala Virajmaan
Through Next friend Trilokinath
Pandey, S/o.Askrut Pandey
R/o. Karsevapuram, Ayodhya,
District Ayodhya, Uttar Pradesh.
 4. Nirmohi Akhara,
Through its President
Mohalla Ramghat,
Nirmohi Bazar,
Pargana Haveli
Awadh Ayodhya, U.P.
 5. U.P.Sunni Central Waqf Board
Through Chief Executive
Officer Ex-officio Secretary,
3-A, Mall Avenue,
Lucknow-226001
Uttar Pradesh.
- Respondents

**WRIT PETITION UNDER ARTICLE 32 OF
THE CONSTITUTION OF INDIA**

To,
The Hon'ble Chief Justice and His
Companion Justices of the Supreme Court of India
The humble petition of the petitioner above named

MOST RESPECTFULLY SHOWETH:

1. The Petitioners, the citizens of India, followers of Sanatan Dharm and are devotees of Lord Ram, are invoking the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, challenging the Constitutional validity of 'The Acquisition of Certain Area At Ayodhya Act, 1993' (Central Act No.33 of 1993) (hereinafter referred to as Ayodhya Act,1993), inter alia on the ground that Parliament has no

legislative competence to take over/acquire the property belonging to the State and further that State Legislature has exclusive power to make provision relating to the management of the affairs of religious institutions working in the State and further that the impugned Act infringes right to religion of Hindus guaranteed and protected by Article 25 of the Constitution of India.

1A. It is submitted that the Petitioners are followers of Vedic Sanatan Dharm. They are idol worshipers. They are devotees of Lord Ram. They want to perform Darshan and Puja at the places adjoining the land in dispute after performing Darshan and Puja of Ram Lala Virajman at makeshift temple. They are filing this petition to exercise the right of religion under Article 25 of the Constitution of India, which is being infringed by the impugned Ayodhya Act, 1993.

1.B It is submitted that Indian Constitution is federal constitution. The rights and obligations of the Union and the States are well defined. The matter relating to the rights and obligations concerning the finance, property and contracts have been dealt with in Part XII of the Constitution of India. The matter relating to succession of property by the States and the Union have been well defined in Chapter III of Part XII of the Constitution of India. Article 294 of the Constitution of India provides that:-

“all property and assets which immediately before the commencement of the Constitution were vested in his majesty for the purposes of the Government/Dominion of India and all property and assets which immediately before such commencement were vested in his majesty for the purposes of Government of each Governor’s province shall vest respectively in the Union and the corresponding State”.

2. **QUESTIONS OF LAW:**

The present Writ Petition raises following substantial questions of law:-

- 2.1 Whether the impugned Ayodhya Act, 1993 is beyond Legislative competence of Parliament and same is void?
- 2.2 Whether the impugned Ayodhya Act, 1993 infringes the right of worship of followers of Sanatan Dharm and is ultra vires to Article 25 of the Constitution of India?
- 2.3 Whether impugned Ayodhya Act, 1993 has been enacted in violation of the provisions contained in Article 294 of the Constitution of India?
- 2.4 Whether in a federal structure of the Constitution the Union can acquire any land belonging to the State?
- 2.5 Whether Parliament can enact any law acquiring the land belonging to the State by virtue of the provisions contained in Article 294 of the Constitution of India?
- 2.6 Whether the Parliament has no legislative competence to make any law relating to and connected with 'Public Order', the subject falling in item 1 of State list of 7th Schedule?
- 2.7 Whether State Legislature has exclusive power to enact any law relating to the places of pilgrims by virtue of the subject enumerated in item 7 of State list of the Constitution of India?
- 2.8 Whether the State Legislature has exclusive power to make any law relating to historical monuments situated in the State by virtue of item 12 of State list of 7th Schedule of the Constitution of India?
- 2.9 Whether the subjects enumerated in 7th Schedule of the Constitution of India are field of Legislation and not the source of power to legislate?
- 2.10 Whether the impugned Ayodhya Act, 1993 infringes the right of Hindus of worship guaranteed by Article 25 of the Constitution of India?
- 2.11 Whether the impugned Ayodhya Act, 1993 is ultra vires as no public purpose is being served by acquiring a very large area unconnected with the land in dispute?

2.12 Whether the impugned Act is ultra vires as its provisions are unreasonable and do not serve any public purpose and are not connected with the object to be achieved?

3. The brief facts giving rise to the present petition are as follows:

3.1 It is submitted that according to scriptures of Sanatan Dharma Lord Vishnu took incarnation in the form of Shri Ram Lala and manifested Himself in human form in Avadh-puri in the palace of King Dhasrath in Treta Yuga i.e. more than 8 lakhs years ago. The practice of worship of Asthan Shri Ram Janma Bhoomi is prevalent from lacs of years. The entire palace is worshiped as 'Janma-Asthan' and the place as Janma-Bhoomi by followers of Sanatan Dharma. A glorious Shri Ram temple had been constructed (hereinafter referred to as temple) at the said place. There are evidences that King Vikrama Ditya had renovated and constructed a glorious Shri Ram Temple in Ayodhya. In between 1114-54 King Chandradev of Garahwal Dynasty had renovated/constructed Shri Vishnu Hari (Rama) temple at Ayodhya which was existing at the time of invasion of Babur in 1528.

The devotees have been continuously worshiping the place and deity Shri Ram Lala Virajman according to Sanatan Dharma.

3.2 It is submitted in the year 1510-11 according to Sikh literature Guru Nanak Devji has visited Ayodhya. He performed puja of Ram Lala Virajmaan and worshiped in the temple after taking bath in river Saryu.

3.3 It is submitted that in the year 1528 Babur invaded India and following the Islamic principles damaged the temple and made some construction at the same very place employing the material of the temple structure and the same was termed as Mosque by followers of Islam. In fact

no waqf was created and no mosque was constructed at the said place. The construction was raised as a symbol of might of Islam to demoralize the idol worshipers.

In fact such cruel and barbarian act of Islamic invader could not deter the Hindu public from worshipping the place and the idol (vigrah) of Shri Ram Lala. The Bhajan, Kirtan and rituals continued at the temple place. In historical and religious books there is ample evidence of ongoing worship, puja by devotees. Abul Fazal one of the Minister of Akbar a book known as 'Ain-e-Akhbari' in Persian language which has been later on translated in English. He has mentioned in his book about the performance of worship and puja during Chaitra Navratri i.e. on the day of Ram Navmi there was huge congregation of Hindu devotees at the place of Janma Asthan.

- 3.4 It is submitted that in the year 1608-1611 the William Finch travelled Ayodhya. The travel account of Finch has been composed by William Foster in the book 'Early Travels in India'. He has written that Rama Castle constructed about 400 years above at the birth place was in ruins. The devotees of Lord Rama were performing puja worship at the said place. There is no reference of any mosque or any Muslim prayer at the said place.
- 3.5 It is submitted that Trifenthellor an Austrelian Priest travelled Ayodhya in between 1765-1775. His travel account was published in the year 1786. There is clear mention in the book that Hindus were performing puja, worship etc. the place in question and further that the temple standing thereon had been demolished either by Aurangzeb or Babur. He has also confirmed the existence of Bedi i.e. cradle, Sita Rasoi etc. existing at that time. He has also mentioned regarding celebration of Ram Navami

day at the said place. There is no mention of any prayer, if any, being performed by members of Muslim community.

- 3.6 It is submitted that in the year 1807-1814 the Dr. Francis Hamilton Buchanan an employee of East India Company visited Ayodhya and made a note about the existing structure of alleged Babri mosque. He noticed an inscription in the disputed structure. The work of Buchanan has been preserved in British library at London. The document establishes the demolition of a Hindu temple before construction of the structure in question.
- 3.7 It is submitted that in the year 1828-1877 Gazetteers were published mentioning that the temple of Janmasthan of Lord Ram had been demolished firstly by Babur. Thereafter Aurangzeb demolished two temples namely Swarg Dwar and Treta ke Thakur at Ayodhya.
- 3.8 It is submitted that in the year 1885-86 Mahant Raghubar Das the priest performing puja at Chabutra/platform adjacent to Shri Ram temple in his individual capacity filed a suit in the Court of Civil Judge seeking permission to construct a temple at the said platform. The said suit was dismissed by Trial Court vide order dated 24.12.1985. The appeal preferred against the judgment was also dismissed. The Ld. Judge while dismissing the appeal observed that 'it was unfortunate that a temple at the place in question had been demolished about 300 years ago under the orders of Babur but it was too late to remedy the wrong.
- 3.9 It is submitted that on 16.1.1950 one Gopal Singh Visarath filed Civil Suit No.2/1950 as a devotee of Lord Ram impleading some members of the Muslim community for restraining the defendants from interfering in his right to worship and from removing the idol from the place in question.

- 3.10 It is submitted that in the month of March, 1950 Paramhansh Ram Chandra Das filed Civil Suit No.25 of 1950 with the same prayer as was made in an earlier suit after giving notice under Section 80 of CPC to the Government of Uttar Pradesh.
- 3.11 It is submitted that in the year 1955 the temporary injunction granted by Ld. Civil Judge was confirmed by Allahabad High Court in Misc. Civil Appeal preferred against the said order.
- 3.12 It is submitted that in the year 1959 Nirmohi Akhara filed a R.S.No.26/1959 for handing over management of the temple.
- 3.13 It is submitted that on 18.12.1961 U.P. Sunni Central Board of Waqf alongwith some members of Muslim community filed a suit for declaration that the disputed structure was a Baburi mosque and alternatively prayer for possession was also made.
- 3.14 It is submitted that on 20.3.1963 Civil Judge passed an order to implead Hindu Mahasabha, Arya Samaj and Santan Dharm Mahasabha as defendants to the suit to defend the interest of Hindu community.
- 3.15 It is submitted that on 6.1.1964 all the four suits were clubbed. The suit filed by Muslims was made the leading suit.
- 3.16 It is submitted that vide order dated 1.02.1986, the District Judge, Faizabad passed an order to open the locks put on the front doors of the temple as the same was unnecessary creating hindrance in puja and performing rituals by devotees.
- 3.17 It is submitted that vide order dated 3.02.1986 the Lucknow Bench of the Hon'ble Allahabad High Court on

the petition filed by the members of Muslim community passed an order to maintain status quo as was existing on the said date.

It is relevant to mention that some members of Muslim community formed 'Babri Masjid Action Committee' to oppose the opening of locks put on the gate of the temple. Vishwa Hindu Parishad and other Hindu organizations countered the agitation initiated by members of Muslim community. In other words the communal passion of both the communities flared up and there was serious threat to law and order situation in the State of Uttar Pradesh.

- 3.18 It is submitted that on 1.07.1989 Shri Ram Lala Virajman and Asthan Shri Ram Janma Bhoomi through next friend filed Suit No.236/1989 in the Court of Civil Judge, Faizabad praying that the entire property mentioned in Annexure 1,2 and 3 attached to the plaint be declared the property belonging to deity and the defendants be restrained from interfering in construction of a new temple after demolishing the old structure.
- 3.19 It is submitted that on 10.07.1989 the Hon'ble High Court allowed the application filed by the State Government under Section 24 of CPC and directed to transfer all the suits to the High Court to be tried by three Judges Bench. In compliance of the aforesaid order all the five suits were transferred to the High Court. The High Court had passed an order to maintain status quo over the land in dispute.
- 3.20 It is submitted that on 9.11.1989 Shilanyas for construction of a glorious Shri Ram Temple was performed outside the area of suit land.

3.21 It is submitted that in the year 1990 , the Director U.P. Archaeology submitted black/white colored photographs taken under the orders of the Hon'ble High Court alongwith album and videography report. Shri Rakesh Tiwari the Director appeared as a witness and proved the report submitted by him.

3.22 It is submitted that in the year 1991 the U.P. Government acquired 2.77 acre lands adjacent to the land involved in the suit to develop the area for pilgrimage. Another purpose was to enable the devotees to start construction of a temple beyond the area of suit land. The aforesaid acquisition was challenged by members of Muslim community before the High Court.

3.23 It is submitted that the judgment was to be delivered on 2.12.1992 by the High Court but the same could not be pronounced on the said date.

3.24 It is submitted that on 6.12.1992Hindu Organizations had given a call for performing Karseva for construction of Shri Ram Temple over the acquired land i.e. outside the land involved in the suit.

3.25 It is submitted that on 6.12.1992, the devotees were not being allowed to perform Karseva over the land outside the land involved in the civil suits on which interim order was operating. The passion of Hindu devotees broke on 6.12.1992 and they demolished the disputed structure.

Artifacts were recovered from the demolished structure. In those artifacts and the images of Hindu idols and articles of worship have been found including a SHILALEKH with the inscription of temple of Shri Hari Vishnu. These materials have been kept under the custody of U.P. Government in Ram Katha Kunj. The artifacts have

also been proved by Shri Rakesh Tiwari the Director of Archeological organization of U.P. in his statement made before the Hon'ble High Court.

3.26 It is submitted that on 6.12.1992, the devotees raised and established a make shift temple of Shri Ram Lala at the said place on 6.12.1992 according to Sanatan Vedic Dharma by performing necessary rituals.

The Government of Uttar Pradesh restrained the Hindu devotees from performing puja, darshan and Aarti of deity Ram Lala Virajman and the same was being allowed to be perform only by a pujari.

3.27 It is submitted that in the above circumstances a writ petition was filed on 21.12.1992 by Vishwa Hindu Adhiwakta Sangh, restraining the Government and the administration from interfering in puja and darshan by devotees at the place in question.

3.28 It is submitted that the Hon'ble High Court vide judgment and order dated 1.01.1993 allowed the writ petition and restrained the Respondents from interfering puja, aarti and darshan by devotees of the deity Shri Ram Lala Virajman at the said place.

3.29 It is submitted that an Ordinance was issued by Hon'ble President of India on 7.01.1993 acquiring the disputed land as well as a very large area adjoining the disputed land with a declaration that matter was being referred to the Hon'ble Supreme Court by President of India under Article 143 of the Constitution of India to decide the question as to whether the disputed construction was raised after demolishing a Hindu temple/structure.

3.30 It is submitted that on 24.10.1994 the aforesaid acquisition Act was challenged by members of Muslim community, leading case being M. Ismail Faruqui vs. Union of India & Ors., reported in (1994) 6 SCC Pg.360. The Hon'ble Court vide judgment and order dated 24.10.1994 returned the reference made by the Central Government. The Hon'ble Court also struck down Section 7(2) of the Act in so far as the pending suits have been awaited and directed that all the suits would be decided and that status quo will operate over the entire acquired land till the final disposal of the matter. In consequence of the aforesaid judgment, the suits stood revive.

3.31 It is submitted that on 1.8.2002/5.3.2003 the Hon'ble High Court directed the Archeological Survey of India to make survey beneath the disputed structure and submit report.

3.32 It is submitted that on 31.03.2003 in case of Mohd. Aslam Alias Bhure vs. Union of India & Ors. (2003) 2 SCC 576 the Hon'ble Court has held that status quo will be operative over the entire property till the final adjudication of the matter.

3.33 It is submitted that on 22.08.2003, the A.S.I. submitted its report with opinion that the structure in dispute did not have its foundation but same was raised on the existing walls. The floor of the disputed building was just over the floor of the earlier building. The existence of several pillar bases go to show the existence of a sufficiently bigger structure.

From the report it is also clear that the A.S.I. team had also got a number of Hindu structures, cellular shrines and proof of habitation starting from the Stone Age.

3.34 It is submitted that the Lucknow Bench of the Hon'ble Allahabad High Court vide judgment and final order dated

3.09.2010 decided the suits. It has been ruled by the High Court that 1550 sq. yards was the property in dispute in suits. It has been ruled by two judges out of three judges that it was proved to the hilt that the structure in question had been raised after demolishing the Hindu temple existing at the same very place. But at the same time the suit property has been divided between three plaintiffs namely Shri Ram Lala Virajman, Nirmohi Akhara and Sunni Waqf Board.

3.35 It is submitted that in the year 2010-2011 aggrieved with the aforesaid judgment both members of Hindu and Muslim community have filed appeal before this Hon'ble Court.

3.36 It is submitted that the appeals filed by both Hindu and Muslim parties have been admitted by the Hon'ble Court vide order dated 9.5.2011. [reported in (2011) 15 SCC 440].

The Hon'ble Court has directed the parties to maintain status quo in regard to suit land as directed in para 86 and 87 in the judgment rendered in case of M.Ismail Faruqui vs. Union of India & Ors. reported in (1994) 6 SCC 360. The Court has further directed that the land adjacent to the suit land which was subject matter of acquisition by Central Government, the party shall maintain status quo as directed by the order of the Court passed in Mohd. Aslam Alias Bhure vs. Union of India reported in (2003) 2 SCC 576 and (2003) 4 SCC 1. All these appeals are pending for hearing.

4. The Petitioners submit that Petitioners have not filed any appeal or petition before this Hon'ble Court or any High Court of

the India seeking the same relief as sought before this Hon'ble Court.

5. The present petition is being preferred on the following amongst other grounds:

5.1 Because the Indian Constitution is federal constitution. The rights and obligations of the Union and the States are well defined. The matter relating to the rights and obligations concerning the finance, property and contracts have been dealt with in Part XII of the Constitution of India. The matter relating to succession of property by the States and the Union have been well defined in Chapter III of Part XII of the Constitution of India. Article 294 of the Constitution of India provides that:-

“all property and assets which immediately before the commencement of the Constitution were vested in his majesty for the purposes of the Government/Dominion of India and all property and assets which immediately before such commencement were vested in his majesty for the purposes of Government of each Governor's province shall vest respectively in the Union and the corresponding State”.

5.2 Because in view of the clear provision contained in Article 294 of the Constitution of India the land and properties situated within the State of Uttar Pradesh vested in the Government of Uttar Pradesh from the date of the enforcement of the Constitution. As such the land and property situated at Ayodhya continued to the property of the State of Uttar Pradesh. The Union cannot take over any part of the land of the State of Uttar Pradesh including the land and property situated at Ayodhya.

- 5.3 Because the subjects for making law have been earmarked in the 7th Schedule of the Constitution of India. Those subjects are simply field of legislation but not the source of power for making law either by the Parliament or State Legislature.
- 5.4 Because the Parliament enacts law relating to acquisition and requisition of property as enumerated in item 42 of IIIrd list of 7th Schedule. In the exercise of the power for making law relating to the acquisition of property the Parliament cannot take over any part of land vested in the State under Article 294 of the Constitution of India.
- 5.5 Because the State Legislature has exclusive power to make law on the subject of Pilgrimages to any place within the State under item VII of list II of 7th Schedule. The State Legislature has exclusive power to make law relating to historical monuments and records other than those declared by or under any law made by Parliament to the of National importance. Item 67 of List 1 Parliament is empowered to enact law on the subject of 'Ancient and Historical monuments and records, and archeological sites and remains, declared by under law made by Parliament to be of National importance.
- 5.6 Because it is undisputed that the property in question situated at Ayodhya has not been declared as Ancient and Historical monument by any law made by Parliament.
- 5.7 Because from historical and archeological reports it is well establish that the property in question situated at Ayodhya is a historical monument and as such on the said subject the State Legislature alone has power to make any law under item XII of list II of the 7th Schedule.

- 5.8 Because it is further submitted that the property in dispute at Ayodhya is important for Pilgrimage. It is a historical monument as well. The State Legislature has exclusive power to enact law on those subjects and Parliament cannot encroach upon the State power to enact law.
- 5.9 Because it is noteworthy that in the preamble of the Act declares that Parliament was enacting the Act since there was a long standing dispute relating to the structure (including the premises of inner and outer courtyards of such structure) commonly known as Ram Janma Bhumi-Baburi Masjid situated in village Kot Ram Chandra in Ayodhya in pargana Haveli Avadh, Tehsil Faizabad Sadar District Faizabad as the said dispute was affecting the maintenance of public order and harmony between different communities in the country and it was necessary to maintain public order and to promote communal harmony and the spirit of common brotherhood amongst the people of India.
- 5.10 Because the term 'Public order' falls within the domain of State Legislature under Item 1 of list 2 of 7th Schedule. Admittedly Parliament has enacted the impugned Act for maintenance of Public order. As such Parliament has encroached upon State subject and has no legislative competence to make any law relating to Public Order or maintenance of Public order. In view of the provisions contained in Article 245 and 246 of the Constitution of India the Parliament cannot usurp the power of State Legislature and the law made by the Parliament in derogation of such provision is void and inoperative.
- 5.11 Because the impugned Act infringes the right of Hindus of worship guaranteed under Article 25 of the Constitution of India. It is historically proved that there are temples in

existence in the vicinity of the property in dispute from thousands of years. There are temples, places of worship, places for pilgrimages and structures, temples, Dharmshalas for the benefit of the Pilgrims where Puja, Arti, Bhog was being performed since ages without any interruption. In this regard the structure of Manas Bhawan, Sankat Mochan Mandir, Ram Janmasthan Temple, Katha Mandap, Sita Ki Rasoi and Janki Mahel are important. As a result of acquisition the worship of deity at those places have been stopped.

5.12 Because the Parliament or the Legislature has no power to infringe the right of pilgrimage and worship of Hindu devotees at the places of worship standing in the vicinity of the disputed structure. The Hindus have right to perform Puja, Arti, Bhog and other rituals at the places of worship in the temple, Ashram, Dharmshalas situated near the disputed structure. The Union or the States have no power to stop puja and other religious activities at such places.

5.13 Because the impugned Act is ultra vires to Article 25 of the Constitution of India in so far it restricts the rights of Hindus to perform Darshan and Puja in the temple and Dharmshalas and other place of worship situated in and around the disputed structure.

5.14 Because the Parliament by the impugned Act as acquired about 67 acres land. The area of land in dispute is only . 313 acres (about 13635 sq. feets) only. Apparently a very large area unconnected with the property in dispute has been acquired. No public purpose will be served by acquiring such a large area at the cost of religious sentiments of Hindus. There is no reasonable basis to uphold the acquisition of such unconnected large area with the disputed site. The impugned Act is unreasonable and

has been enacted at the cost of Hindu sentiments infringing their right to religion guaranteed by Article 25 of the Constitution of India and as such the same is liable to be struck down.

PRAYER:

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Issue an appropriate writ, order or declaration declaring the impugned 'The Acquisition of Certain Area at Ayodhya Act,1993 (Act No.33 of 1993)' beyond the legislative competence of Parliament and also violative of Article 25 of the Constitution of India and consequently void; and
- b) Issue an appropriate writ, direction striking down the Act known as 'The Acquisition of Certain Area at Ayodhya Act,1993 (Act No.33 of 1993)' ; and
- c) Issue a writ, order or direction in the nature of mandamus restraining the Central Government and the Government of Uttar Pradesh from interfering in Puja, Darshan and performance of rituals at the places of worship situated within the land admeasuring 67.703 acres acquired by the impugned Act particularly at the land belonging to Shri Ram Janm Bhoomi Nyas, Manas Bhavan, Sankat Mochan Mandir, Ram Janmasthan Temple, Janki Mahal and Katha Mandap;
- d) Issue any other writ, order or direction as are deemed fit and proper in the facts and circumstances of the case;

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN & FILED BY:

ANKUR S.KULKARNI
ADVOCATE FOR PETITIONER

Place: New Delhi

Drawn on: .02.2019
Filed On: .02.2019

the benefit of the Pilgrims where Puja, Arti, Bhog was being performed since ages without any interruption. In this regard the structure of Manas Bhawan, Sankat Mochan Mandir, Ram Janmasthan Temple, Katha Mandap, Sita Ki Rasoi and Janki Mahel are important. As a result of acquisition the worship of deity at those places have been stopped.

3. It is most respectfully submitted that the Parliament or the Legislature has no power to infringe the right of pilgrimage and worship of Hindu devotees at the places of worship standing in the vicinity of the disputed structure. The Hindus have right to perform Puja, Arti, Bhog and other rituals at the places of worship in the temple, Ashram, Dharmshalas situated near the disputed structure. The Union or the States have no power to stop puja and other religious activities at such places.

4. It is most respectfully submitted that the impugned Act is ultra vires to Article 25 of the Constitution of India in so far it restricts the rights of Hindus to perform Darshan and Puja in the temple and Dharmshalas and other place of worship situated in and around the disputed structure.

PRAYER:

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Issue a writ, order or direction in the nature of mandamus restraining the Central Government and the Government of Uttar Pradesh from interfering in Puja, Darshan and performance of rituals at the places of worship situated within the land admeasuring 67.703 acres acquired by the impugned Act particularly at the land belonging to Shri Ram Janm Bhoomi Nyas, Manas Bhavan, Sankat Mochan Mandir, Ram Janmasthan Temple, Janki Mahal and Katha Mandap; and

b) Issue any other writ, order or direction as are deemed fit
and proper in the facts and circumstances of the case;

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN
DUTY BOUND SHALL EVER PRAY

DRAWN & FILED BY:

ANKUR S.KULKARNI
ADVOCATE FOR PETITIONER

Place: New Delhi
Drawn on: .02.2019
Filed On: .02.2019

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. OF 2019**

[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF:

Shishir Chaturvedi &Ors.		Petitioners
	Versus	
Union of India & Ors.		Respondents
	WITH	
I.A. No.	OF 2019: Application for interim direction	

**PAPER BOOK
(for index kindly see inside)**

ADVOCATE FOR PETITIONERS:ANKUR S.KULKARN

PROFORMA FOR FIRST LISTING

SECTION:

The case pertains to (Please tick/ check the correct box):-

<input type="checkbox"/>	Central Act: (Title)	Constitution of India	
<input type="checkbox"/>	Section:	'The Acquisition of Certain Area at Ayodhya Act, 1993 (Act No.33 of 1993)'	
<input type="checkbox"/>	Central Rule: (Title)	N.A.	
<input type="checkbox"/>	Rule No(s):	N.A.	
<input type="checkbox"/>	State Act: (Title)	N/A	
<input type="checkbox"/>	Rule No(s):	N/A	
<input type="checkbox"/>	Impugned Interim Order: (Date)	N.A.	
<input type="checkbox"/>	Impugned Final Order: (Date)	N/A	
<input type="checkbox"/>	High Court: (Name)	N/A	
<input type="checkbox"/>	Names of Judges:	N/A	
<input type="checkbox"/>	Tribunal/ Authority: (Name)	Authority	
1.	Nature of matter:	<input checked="" type="checkbox"/> Civil	<input type="checkbox"/> Criminal
2. (a)	Petitioner/ appellant No. 1:	Shishir Chaturvedi & Ors.	
(b)	e-mail ID:	N.A.	
(c)	Mobile phone number:	N.A.	
3. (a)	Respondent No.1:	Union of India & Ors.	
(b)	e-mail ID:	N.A.	
(c)	Mobile phone number:	N.A.	
4. (a)	Main category classification:	18-ORDINARY CIVIL MATTERS	
(b)	Sub classification:	1807-OTHERS	
5.	Not to be listed before:	N.A.	
6.	Similar/Pending matter:	N/A	
7.	Criminal Matters:		
(a)	Whether accused/convict has surrendered:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(b)	FIR No.	X	Date:	X
(c)	Police Station:		N.A.	
(d)	Sentence Awarded:		N.A.	
(e)	Sentence Undergone:		N.A.	
8:	Land Acquisition Matters:			
(a)	Date of Section 4 notification:		N.A.	
(b)	Date of Section 6 notification:		N.A.	
(c)	Date of Section 17 notification:		N.A.	
9.	Tax Matters: State the tax effect:		N.A.	
10.	Special Category (first petitioner/appellant only):			
	(i) [X] Senior citizen > 65 years		(ii) [X] SC/ST	
	(iii) [X] Woman/child		(iv) [X] Disabled	
	(v) [X] Legal Aid case		(vi) [X] In custody	
11.	Vehicle Number (in case of Motor Accident Claim matters):		N.A.	
12.	Decided cases with citation:		N.A.	

Date: .02.2019

[ANKUR S.KULKARNI]
Advocate for the Petitioners
Registration No.

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