



A113

PSN

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 10866-10867 OF 2010

IN THE MATTER OF: -

M. Siddiq (D) Thr. Lrs.

... Appellant

VERSUS

Mahant Suresh Das & Ors. etc. etc.

... Respondents

AND

OTHER CONNECTED CIVIL APPEALS

CONVENIENCE COMPILATION OF EXHIBITS

BY

DR. RAJEEV DHAVAN, SENIOR ADVOCATE

(PLEASE SEE INDEX INSIDE)

ADVOCATE-ON-RECORD: EJAZ MAQBOOL

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ANNEXURE A – 7

EXHIBIT – A10

Copy of the Register, inquiry of rent free land included in the record/ file inquiry of rent-free land case No. 53, re-quiste filed with case of Rajab Ali and Muhammad Asghar rent free holders of village Shahava Paragana Haveli, Avadh decided on 14th March, 1860.

Number	15
Name of Tehseel Office and Taluka	Faizabad Paragana Haveli Awadh
Name of the village where rent-free land is situated	Shahnawa
Total area of the rent-free lands of person claiming remission Manzakhwah Judge Village (illegible) with number of wells and the area/ number of lands in Acres.	Cash
Total amount of Annual Revenue	302 Ruppes, 3 Ana 6 Pai
Name of the Donor/ Grantee	Babar Shah King of Delhi on the basis of testimonies
Date of Grant	No knowledge

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Register of Inquiries	Name of the grantee, his caste/ community and residence	Syed Baqi resident Awadh Mouzzin Masjid Babri situated at Awadh
	Details of rent-free grant when given and possession in years of each rent-free grantee	Based on the testimonies, this land-free grant was given as Waqf at the time of the preparation for construction of Babri Masjid situated at Ayodhya by King Babar for meeting the expenses of the salary of Muezzin and Khateeb. The year and date are not known. This land-free grant was given to Saiyed Baqi for his life time thereafter to his son (illegible) Ali for life time and thereafter to Saiyed Husaini Ali. His son had the possession of the lands for about sixty years. Now presently, his son-in-law Saiyed Rajab Ali and Muhammad Asghar son-in-law by having it. Till possession of 1263 Fasli era was instituted by the Emperor Akbar and began on the 10 th of September, 1555 (Harvest Year) continued to receive/ include in cash from village Shahnava through receipt (illegible) Inquiry into the rent-free land just began in the year 1264 when riots broke out. The year of the fasal (crop) was found to be 63 (illegible). There are other documents of the original awarding rent-free grant (illegible). The settlement of the village aforementioned _____ of the village mentioned is his name (illegible).

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	Name of the person having the possession at present with the name of his father, caste/ community and age and his relation with the previous rent-free grantee	Rajab Ali son of Fateh Ali caste/ community Saiyed aged about 70 years. He is the son-in-law of the grand-son of the original rent-free land holder (grantee of rent-free land). Muhammad Asghar son of Rajab Ali caste Saiyed aged about 30 years is the grand-son (pota) of the grand-son of the original rent-free land holder.
Remarks of the Superintendent/ Inspector of Inquiries.		
Decision of the officials of inquiry regarding conduct and character of the rent-free land holder regarding final outcome of the objection.		
Decision/ Order of the Commissioner.		
Decision/ Order of the Chief Commissioner		

4

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Order on Board	<p>Decision: Since the map has been suitably prepared in English so it was ordered to be kept in record/ file 11 March, 1860 at Signature of Hakim Bakht.</p> <p>Decision of the Board in accordance with the order of the Government vide Slip No. 2321 dated 29th June, 1880 this grant will survive till the survival (continuation) of the proposal for which it was given exemption from land revenue. So it was ordered that deed/ certificate be given to the grantee and receipt of it be obtained from him as per procedure.</p> <p>Written on 6th October, 1860</p> <p>Signature in English running hand</p> <p>Copied</p> <p>Compared.</p>
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// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 125

EXHIBIT - A12

Copy of the Excerpts of Register No. 6 (e) Conditional Land Revenue exemption Tahseel Faizabad included in the Index of Register No. 6 Village

– Bahranpur, Pargna, Haveli, Avadh, Tahseel & District, Faizabad.

1	2	3	4	5	6	7	8	9	10	11	12	13
Sr. No.	Paragna	Name entered in the Register No. 1		Register No. 2 not entered	Name of the rent free land holder	Details of land holder, Address, and marks of rent fee land holder	Muslim	Area According to Bigha of account No. Kasara settlement	Name of the concerned Govt.	Land Revenue	Total of the Columns	
1.	Haveli Avadh	Bahuranpur	32	32	Muhammad Asghar	Muhammad Asghar S/O Rajjab Ali, Community – Saiyed Resident – Sahnava				146/-	4/	150/-

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						Paragna - Haveli, Avadh Age - 54 years Height - 5 feet, 4 inches Face: Clear Marks: Brown over eyes Date of Verification: 15 August, 1883							
--	--	--	--	--	--	--	--	--	--	--	--	--	--

Number and Date of (Illegible) of Government

14 Slip No. 321, dated 29 June, 1860 (M); Till the land revenue of rent free status (Illegible).

ANNEXURE A - 149

EXHIBIT - 7

Copy of proceedings of Deputy Commissioner, Faizabad, dated 13th September 1860 included in the Miscellaneous file of department No. 470, cases of government lands, Case No. 76, village Avadh, District Faizabad. Nature of the case, rent-free lands of Janmasthan Masjid, decided on 30th October, 1860.

Proceedings of the office of Collectorate of Faizabad in the court of Mr. Babrak Carnegie Sahib Bahadur, Deputy Commissioner, dated 13th September 1860.

Docket No. 4105, dated 6th September in connection with Commissioner Sahib Bahadur through docket No. 876 dated 9th September 1860 was sent with the content/subject that the map of the lands which have been selected for approval for giving in lieu of the lands of the Masjid Janmasthan. Therefore,

It was ordered that the proceedings be presented before Munshi Nand Kishor Sahib Bahadur, Additional Assistant Commissioner for immediate action to be taken with accuracy in relevant matter.

Singed (illegible)

// TRUE AND TRANSLATED COPY //

ANNEXURE A – 14

EXHIBIT – A19

Copy from old settlement file Settlement Officer to Court
Zilla Faizabad

No of Case	Mohammad Afzal Ali	Pltf.
(Illegible)	and Mohammad Asgar	
Behrampur		
Talukha		
Pargana Haveli Oudh	Govt.	Defendant
Claim superior proprietary right revenue free		
Date 3 rd January, 1870		

Parties present the Pltf. Who has been present at all the sittings in the other cases connected with this village is today absent, but as all the other cases are now conducted and his suit is under a grant from the British Govt. his case is proceeded with.

I find that in answer to the Chief Comm.'s case 43/1443 of 21st May 1863 enquiring about endorsement for support of mosques and other religious purposes in the Faizabad District. A letter (No. 53 of 2nd July 1863) was sent by the Defendant stating that a sum of 302/2 was paid annually from the imperial revenue for the support of the Janmasthan Mosque in the Ayodhya.

On the 28th August the Commissioner forwarded copy of the letter from the Secretary to the Chief Commissioner to his address No. 2482 of 25 August 1863 which is as follows:-

"With reference to your letter No. 829 of 9th (Illegible). I am directed to inform you that the Governor-General has sanctioned the

Chief Commissioner: proposal for the Commutation of the cash payment of Rs.302-2-0 granted in perpetuity for the support of the Janmasthan mosque at Faizabad to a grant of land rent-free estimated to yield a yearly rental of that amount and to request that you will provide for the change by a grant of Nazul land near Ajoydya."

In obedience to these orders, a proposal was made, and statements submitted (D.C.'s No. 381 dt. 16th Nov. 1864) to give over (Illegible) Sholapur and Beharampur.

To this Comm. replied in (Illegible) 1289 of 20th Nov. Reply to no. 38/D/16th inst. States that the land included in Beharampur and Sholapur seems exactly to suit the requirement of the case. The cultivated area gives the exact (Illegible) wanted and there is no land likely to come under cultivation and thus give the Moafidar larger income at the expense of the state. (Illegible) Begs D.C. will take an agreement from the managers of the cantonment (? Endowment) and off. Of Comm. Will then report the grant for the sanction of final comms."

In No. 433 of 23rd Dec : 1864 submitted this agreement.

The agreement is on record under signature of Mohammaad Asghar and Mohammad Afzal Ali.

Commr. In his No. 867 D/9th September 1865 forwarded copy of F.C's No. 2105 D/5/6 Sept. approving of the selection of land made by the offl. Dy. Commr of Faizabad for Janmasthan mosque.

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In accordance with these orders all other suits relating to the village
having been disposed of – I now decree as follows:

Decree

The superior proprietary right in Mauza Bahranpur is decreed revenue
free to Mohamad Asghar and Shahid Afzal Ali.

Sd/-
(Illegible)
3.2.70

(Illegible)

(Illegible)

Ex. A19
No. of Suit 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)
Date of Filing.: 25.3.50
Admitted by Plt.
Denied by Deft.

Sd/-
Civil Judge

// TRUE COPY //

English Translation of Exhibit 49 (Suit 4) (Register Vol. 11,

Page 271 / 283 to 329) is a copy of the Nakal Khasra Abadi, Kot Ram Chandra, pargana Haveli Awadh, Tahasil and District Faizabad of 1931 A.D. of nazul register. At page 311, the Hindi transliteration of the aforesaid Exhibit, original whereof is in Urdu, the entry of Nazul plot 583 is as under:

Name of Building (1) : Masjid Babri-Shahi
 Number Aarazi (2/1) : 583
 Raqba Aarazi (Area of Plot) (2/2) : 305/9 B, 15 Biswansi 4 Kach.
 Number Sabiq (Old) (3/1) : Abadi 444
 Raqba Sabiq (Area old) (3/2) : 7 B, 11 Biswansi 14 Kach
 Name Malik Aarazi (Owner) (4) : Masjid Waqf Ahde Shahi
 Name Matahaddar (Subordinate) if any (5):
 Name Kabiz Haul (presently occupied by) (6) : Masjid
 Kism (Nature) (7)
 (9) Raqba (Area) : 9 B, 15 Biswansi 4 Kachh.
 (1) Baadiye Lagar (2) Bila Lagar
 (Without Rent)
 Kandhal (10) : Bajariye Missil Numbari 427 No. 6/47
 Dastandazi (11) : Raiganj, Munfasla 26 February San 41 Indraz
 (12) : Indraj Raghunath Janambhumi Ke Mahant
 Mukarrar Kiye Gaya, Ke Bajaye Mahant
 Ram Sharan Das.

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Raqba (13)

Lagan (14)

Khet numbari (15)

Kalfiyat (Details) (16)

No. of plot

Masjid Pokhta Waqf Ahde

Shahi andar Sahan Masjid Ek

Chabutara Jo Janambhumi

Ke naaam Se Mashhoor Hai,

Darakhtan Goolar Ek Imli Ek

Mulsiri Ek, Pipal Ek, Bel

Ek... Masjid Mausma Shah

Babur Shar Marhoom.

Sd/- Illegible

14.6.41

(Para 2372 at page 1435 of ADJ)

(Note: though the original document is horizontal but for the
purpose of convenience it has been typed vertically)

ANNEXURE A - 162

EXHIBIT - 23

In the Court of Deputy Commissioner Faizabad

1. Muhammad Zakir Son of Saiyed Muhammad Razi, Resident of Village Shah Navan, Paragna Haveli, Avadh, Trustee Babri Masjid, Ayodhya.
2. Imtiyaz Ali Advocate, Faizabad, President Anjumane Islamia Ayodhya.
3. Haji Agha Mirza, Saudagar Chowk, Manager, Treasurer and Clerk, aforesaid Anjumane Islamia.
4. Shaikh Abdul Ghaffar Son of Shaikh Abdul Qadir Pesh Imam (Prayer Leader), Resident of Mohalla Qaziyana Ayodhya City.
5. Mir Farzand Ali Son of Mir Kherat Ali, Maafidaar (Holder of rent-free land) Resident of Mohalla Qaziyana.
6. Mir Massom Ali Son of Mir Husain Ali, Resident of Mohalla Qaziyana.
7. Maulavi Saiyed Vazirudeen Son of Mir Alikhan, Resident of Mohalla Begumpura.
8. Muhemmed Yusuf Son of Abdul Baqi, Resident of Mohalla Begumpura.
9. Ikramullah Son of Hafiz Habibullah, Resident of Mohalla Barvaritola City.
10. Rahim Bakhsh son of Haji Muhammad Zakir, Resident of Barvaritola.
11. Saiyed Rehmat Hussain, Advocate, Ayodhya City, District Faizabad.

Petition as per Section 15(9) of Police Act (Act 5 of 1861)

Your Highness,

The Petitioners above named pray as under

Article 1: That Babri Masjid situated in Ayodhya City has been endowed for the benefit and use of all Muslims since older times.

Article 2: That Petitioner No. 1 is a Trustee of the mosque and Waqf (endowment) abovenamed and Petitioner No. 2 is the President of Anjumane Islamia Faizabad and Petitioner No. 3 is treasurer and manager of the said Anjuman and Petitioner No. 4 is the Pesh Imam of above mentioned Babri Masjid and all petitioners mentioned at Serial No. 5 to 11 being Muslims bear relation to the Babri Masjid and the public Waqf connected therewith and it is their right and duty to manage and maintain its properly.

Article 3: That in connection with the Ayodhya riot dated 27th March 1934 the Bairagis of Ayodhya and other Hindu people attacked the said Babri Masjid intentionally and out of religious bigotry and tried to demolish it from many places. They caused great damage to it and they had broken whatever things were there in the Masjid. They also burnt the things or removed them stealthily. They have demolished the building of the Masjid from many places and have caused damage to

the domes to such a great extent that its restoration will require huge expenses.

Article 4: That the total damage caused to the Masjid by the Bairagis and Hindu people of Ayodhya City is estimated to cost of minimum Rs. 15,000/-. The Petitioner request that the said amount be recovered from the Bairagis and Hindu people as damages/compensation and be paid to us as per section 15 of the Police Act 5 of the year 1861.

Your Devoted Servants,

Muhammad Zaki, Trustee and President

And

Imtiyaz Ali, Advocate.

Haji Agha Mirza Saudagar, Treasurer

And

Shaikh Abdul Ghaffar,

Pesh Imam and

Meer Farzand Ali, and

Meer Maasoom Ali and

Maulavi Saiyed Vazeeruddin and

Muhammad Yusuf, and

Ikramullah, and

Raheem Bakhsh, and

Saiyed Rehmat Hussain

Advocate of the Petitioners,

Signatures:

Saiyed Muhammad Zaki, in his own handwriting

Imtiyaz Ali.

Agha Mirza, in his own handwriting

Abdul Ghaffar, in his own handwriting

Thumb Impression of Meer Farzand Ali

Saiyed Masoom Ali

Saiyed Muhammad Vazeeruddin, in his own handwriting

Saiyed Muhammad Yusuf

Ikramullah, in his own handwriting

Raheem Bakhsh, in his own handwriting

Rehmat Hussain

Copy writer: Saiyed karfash Abbas

Compared by Zaidi Bharat Singh

Verified (Illegible)

// TRUE AND TRANSLATED COPY //

www.vadaprativada.in

109 17
ANNEXURE A – 29

EXHIBIT – A43

Copy of the D.C's order (Mr. Nicholson) on the list of compensation dated 6.10.34 regarding Babri Mosque Ayodhya Faizabad. File regarding cow slaughter question at Shahajanpur and Ayodhya List No XV – 162 containing file register volume I from deposition from I to XV from 1929 -30 to 1934 – '35

These amounts for payment of compensation are approved subject to any orders that may be passed on objections.

Sd/- Illegible
D.M.
6.10.34

Ex. A43
No. of Suit 2 of 1950
Name of Parties: (Illegible)
Filed by: (Illegible)

Sd/-
Civil Judge

18

110

Date on which application is made for copy accompanied by the requisite stamps.	Date of posing notice on notice board	Date of delivery of copy	Signature of official delivering copy
7/12/51 Seventh Dec. 1951	5.4.52 Fifth April, 1952	14/4/52	

// TRUE COPY //

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www.vadaprativada.in

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ANNEXURE A – 35

EXHIBIT – A49

Copy of the Order of Mr. Milnerwhite dated 12.5.34 on ceiling of Babri Masjid, Ayodhya. File regarding cow slaughter question at Shahjahanpur and Ayodhya Riot No. XV-162 containing file register volume 1 from deptt. from I to XV from 1929-30 to 1934-35.

The Mohammadans have been permitted to start the work of cleaning of the Babri Mosque from Monday 14th May.

I have also asked them to get estimates needed for the repair of the mosque. For the purpose their contracting I would be allowed access to the mosque when necessary.

Once the mosque is cleared up, it will be possible to use it for religious services. This can be allowed but processions & demonstrations should not be allowed.

The guard should be returned on it.

S.P. Obd. day to be informed.

Sd/-
(Illegible)
12.5.34

Ex. A49
O.S. No. 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)

Sd/-
Civil Judge

20

125

Date on which application is made for copy accompanied by the requisite stamps.	Date of posing notice on notice board	Date of delivery of copy	Signature of official delivering copy
7/12/51 Seventh Dec. 1951	5.4.52 Fifth April, 1952	14/4/52	

Dt. 28.8.58

// TRUE COPY //

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www.vadaprativada.in

इक्कीविट : 19

नकल दरखास्त शीतल दुबे धानेदार अक्क मोरखा 28 नवम्बर सन् 1858 ई० मुकदमा नं० 884
 व मुकदमा अर्जी धानेदार अक्क दर बारह खड़ा करने निशान दर मस्जिद जन्म अस्थान सन्त
 निहंग सिंह फकीर खालसा वाक्या मुहल्ला राम कोट (कोट राम चन्द) परगना हथेली अक्क
 तहसील व जिला फाँजाबाद मोरखा 15 दिसम्बर सन् 1858 ई०
 गरीब परवर सलामत,

खुदाबन्द आज के रोज मुसम्मि निहंग सिंह फकीर खालसा साकिन मुल्क पंजाब
 बीच मसजिद जन्म अस्थान के होम और पूजा गुर गोविन्द सिंह मुकहूर किया और निशान श्री
 भगवान के खड़ा किया और पच्चीस नफर सिद्ध भी वास्ते डिफाजत वक्त खड़ा करने निशान
 के वहाँ थे। बाणिम न अर्ज किया। आफताब दोलत इकबाल का रौशन हो खुरा। फकरा

अर्जी

फिदवी शीतल दुबे धानेदार अक्क मोरखा 28 नवम्बर सन् 1858 ईसवी
 दस्तखत. शीतल दुबे बखल हिन्दी

नकल किया - २०
 मुकाबला किया - २०
 अल्काज - 100

Verified to be correct
 transliteration

23/11/2007

Exh. 19

Gareeb Parwar salamat Khuda wand,

Today Mr. Nihang Singh Faqir Khalsa resident of Punjab, organised Hawan and Puja of Guru Govind Singh and erected a symbol of Sri Bhagwan, within the premises of the Masjid. At the time of pitching the symbol, 25 sikhs were posted there for security. Deemed necessary so requested. May your regime progress. Pleasure.

Applicant.

Your obedient servant

Sheetal Dubey, Thanedar Oudh

Dated November 28, 1858."

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नकल दरख्वास्त मुहम्मद खतीब व मुअज्जिन मस्जिद बाबरी वाक्या अवध मोरखा 30 नवम्बर सन् 1858 ई० मुकदमा नं० 884 मुकदमा अर्जी धानेदार अवध दर बारह खड़ा करने निशान दर मस्जिद जन्मस्थान सन्त निहंग सिंह फकीर खालसा के मुहल्ला राम कोट (कोट राम चन्दर) परगना हवेली अवध तहसील व जिला फेजाबाद मुनफसिला 15 दिसम्बर सन् 1858 ईस्वी ।

गरीब परदार आदिले जमा सलामत,

जनाब आली साहा जदीद सर्जद हुआ है कि मुसमी निहंग सिंह सकना पंजाब सिक्खिहान मुलाजिम सरकार दौलत दार अजाबकी बैरागियान जन्मस्थान के बानी फ़साद हैं। बीच मस्जिद बाबरी वाक्या अवध क़रीब महाराज व सिम्बर के एक चबूतरा मिट्टी का बबुलदी चहार अंगुस्त बनाके कंकरी से मामूर करके कायम किया है ववजह व रोशनी आतिश के क़रार दिया है। प चबूतरा मस्जिद अन्दर कटहरा के ऊपर चबूतरा मस्जिद के चबूतरा जदीद के बल्कि यह जो मौकूफ हुई है। यह बुलंदी तकभी सवा गज की तैयार करके निशान व तस्वीर बुत इसलाम किया है व बराबर उसके एक गड्ढा खोद कर मुण्डेर पुख्या करवा उसकी तैयार करके आतिश रोशनी की है पूजा व होम में मससफ है व जाबजा मस्जिद में कोयले से राम राम लिखा है। आदिले रियाया, यह मुकाम इन्साफ का है। इसीतरह जुल्म ज़्यादती व अहले हम्बू अहले इतरताम पर शरते हैं व इज़्ज़त मासिम, फ़रीकन के है व मज़मून इसलाम बादशाही से साफ सरीह है कि मजहब पर कोई फ़रीक बग़र्ज कर्फी बनावेगा व अज़्ज़त एहतिमातान गुवादस्त करेगा तो सरकार से सज़ायाम होगा। जनाब आली, मुकाम गौर का है, मस्जिद, मुकाम, इबादत मुसलमानान है बल्कि बखिलाफ इसके पूजा होम की व सादिक में कविल ग़ल्ला अमलदारी सरकार मुकाम जन्म अस्थान के सदहा घरस से परेशान पड़ा रहता था व अहले हम्बू पूजा करते थे। चबूतरा व यसाजिश शिव गुलाम धानेदार अवध के बैरशीयों ने शबाशव में बासदुर हुक्म सरकार का वास्ते गुमानियत के नाफिज़ हुआ था बबुलदी एक बालिशत तैयार कर लिया। उस वक़्त साहब डिप्टी कमिशनर बहादुर ने बमूजिब हुक्म जनाब साहिब कमिशनर बहादुर के धानेदार की मौकूफ किया व बैरागी पर जुर्माना संपीन हुआ। अब फिलहाल उस चबूतरा को भी तख़नीनन सज़ा गज तैयार करा लिया। इस सूरत सरीह ज़्यादती शानित है। लिहाज़ा उम्मीदवार हैं कि बनाम मुतज़ा खान कोतवाल शहर सदर हुक्म होवे कि कोतवाल बघरने खुद मुआइना करके अमूरात जदीद खुदवा डालें व मर्दान हम्बू को बाहर मस्जिद के करें व निशान बुत उलटवाए व बस्थाही लिखी को धुलया दें व आइन्दा को हुक्म होवे, फ़रें याजिब जान के अर्ज़ किया।

सैयद मुहम्मद खतीब मुअज्जिन
मस्जिद बाबरी वाक्या अवध
मोरखा 30 नवम्बर सन् 1858 ईस्वी

नकल किया - 20
मुकामला किया - 20
तादाद अल्हाज़ - 250

Verified by the Commission
for the Government of India
at the Department of Public Works
at the Government of India
at the Department of Public Works

93 (24)
Exh. 20

"Copy of the application of Mohammad Khatib Moazzin of the Masjid, dated November 30, 1858 case no. 884 regarding application of Thanedar Oudh, for reconstructing the symbol within the Masjid Janam Sthan Mahant Nihang Singh Faqir Khalsa Mohalla Ram Kot, Kot Ram Chander Pargana Haweli, Oudh, Tahsil and District Faizabad decided on December 15, 1858.

Gharib Parwar Aadil-e-Zaman Salamat

Sir, In a recent incident one Nihang Sikh resident of Punjab Sikkhan, a government employee (Sic) is creating riot on Janam Sthan Masjid situated in Oudh. Near Mehrab and Mimber, he has constructed, inside the case, an earth Chabutra measuring about four fingers by filling it with Kankars (concrete). Lighting arrangement has been made. . . . and after raising the height of Chabutra about 1 1/4 yards a picture of idol has been placed and after digging a pit near it, the Munder wall has been made Pucca. Fire has been lit there for light and Puja and Home is continuing there. In whole of this Masjid 'Ram Ram' has been written with coal. Kindly, do justice. It is an open tyranny and high handedness of the Hindus on Muslims. You are the master of both the parties since the Shahi era (sic) if any person constructs forcibly he would be punished by your honour. Kindly consider the fact that Masjid is a place of worship of the Muslims and not that of Hindus. Previously the symbol of Janamasthan had been there for hundreds of years and Hindus did Puja. Because of conspiracy of Shiv Ghulam Thandedar Oudh Government, the Bairagis constructed overnight a Chabutra up to

94

(25)

height of one 'Balisht' until the orders of injunction were issued. At that time the Deputy Commissioner suspended the Thanedar and fine was imposed on Bairagis. Now the Chabootra has been raised to about 1 1/4 yards. Thus sheer high-handedness has been proved. Therefore it is requested that Murtaza Khan Kotwal City may be ordered that he himself visit the spot and inspect the new constructions and get them demolished (sic) and oust the Hindus from there; the symbol and the idol may be removed from there and writing on the walls be washed. Orders may be issued for the future (paper torn). Deemed necessary, so requested.

Sd/- Syed Mohammad Khatib,

Moazzim Masjid Babri sites in Oudh.

Dated November 30, 1858."

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ANNEXURE A – 48

EXHIBIT – A70

Copy of the Order dated (not legible) case no. 884, application to Police Sub-Inspector Avadh regarding planting of flag in the Masjid/Janmasthan by mendicant Teksingh Khalsa decided on 15th December, 1958.

Today the proceedings of a case were presented before me. It came to my knowledge by the said proceedings that in compliance of the Order of 30th November, _____, the mendicant/ sadhu who is squatting in Babri Masjid was ordered to be evicted.

It is ordered that a written order be issued to the Sub-Inspector of Avadh that if the mendicant does not come, then he should be arrested and presented before me.

5th December, 1958.

Signature of the Official in English Script

Copied

Compared

Number of words: 35

// TRUE AND TRANSLATED COPY //

27

101

एकजीबिट - 22

नकल रिपोर्ट धानेदार अवध मोरखा 8 दिसम्बर सन् 1858 ईस्वी व मुकद्दमा नं० 884
मुकद्दमा अर्जी धानेदार अवध दर बारह खड़ा करने निशान दर मस्जिद जन्म अस्थान सन्त
निहंग सिंह फकीर खालसा बाइया राम कोट (खोट राम चन्द) परगना हवेली अवध
तहसील य जिला फैजाबाद मुतफत्तिला 15 दिसम्बर सन् 1858 ई० ।

गुरीब परवर सलामत,

परवाना बकारुल तलब निहंग सिंह फकीर साकिन मस्जिद जन्म अस्थान के
वारिज हुआ चुनौचे हस्तुल हुक्म हजुरे वाला के यजरिये रिपोर्ट हजा फकीर मजकूर व खिदमत
बन्दगाभ वाला है हाजिर होता है । बाजिब जानकार गुजारिश किया फकत मोरखा 8 दिसम्बर
सन् 1858 ईस्वी

अलअब्द

शीतल दुबे धानेदार अवध

नकल मिया - २०
मुकाबला किया - २०
सादाद अरकाज 100

Van Jugal to the Court
translation

Palmer
for Jugal
22/12/2007

www.vadaprativada.in

"Copy of the report of Thanedar Oudh dated December 6, 1858 in case no. 884. Application of Thanedar Oudh regarding erecting Darbar and pitching a symbol in the Masjid Janamasthan Sant Nihang Singh Faqir Khalsa resident of Ram Kot (Kot Ram Chandra) Pargana Haweli Oudh, Tehsil and District Faizabad, decided on December 15, 1858.

Ghareeb Parwar Salamat,

Parwana Wakarul Talab Nihang Singh Faqir resident of Masjid Janamasthan has been received. The Faqir has appeared and is present. As per orders a report in respect of the above said Faqir is being submitted for perusal deemed necessary, so requested. Dated December 6, 1858.

Sd/- Sheetal Dubey Thanedar Oudh.

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ANNEXURE A - 189

EXHIBIT - 54

Copy of the application of Muhammad Asghar and Rajjab Ali dated 12th March, 1861 Included in the file No.25 of Village, Mohalla Kot Ramchandra Ayodhya.

Meer Rajjab Ali
Versus
Imkani Sinh

Decided on 18th March, 1861

Before your Excellency and Lordship.

May your patronage continue!

I humbly submit that Imkani Sinh has illegally occupied lands of the plaintiff and erected a choobatra on it without our permission near Babari Masjid Situated at Janmasthan. After submission of application by us, your worship keeping the ends of justice in view, had issued orders to the sub-inspector of Ayodhya to evict said Imkani Sinh from the chabootra but without demolition of the hut cause dispute still remains. Whenever a Mahant goes there or stays in the hut, cause for dispute will arise. We, therefore, pray that an order be issued to the sub-Inspector of Avadh that after the eviction of the said person, the hut/kutir also should be demolished and in further precaution be taken that no foundation of a new house is allowed to be laid.

12th March 1861

Applicants

Your Obedient Servant

Muhammad Asghar and Meer Rajjab Ali and Muhammad Afzal Khateeb and Muezzin of Babri Masjid Situated of Janmasthan, Ayodhya.

// TRUE AND TRANSLATED COPY //

1713

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ANNEXURE A - 190

EXHIBIT - 55

Copy of the report of Subedar regarding execution of the order of 16th March, 1861 included in the file of Bandobast (settlement) No.75, Mohalla Kot Ramchandra, Avadh.

Your Excellency.

Meer Rajjab Ali Versus Imkanisinh decided on 18 March, 1861.

Your Excellency! In execution of this order, Imkani Sinh, the defendant has been evicted from the Kutir (hut). Not only that, the hut also has been demolished. This report of execution of order is submitted.

Dated 16 March, 1861.

Your obedient Servant

Khemsiah Subedar, Avadh.

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 9

EXHIBIT - A13

Copy of the Application dated 25th September, 1866 included in file No. 223 decided on 18th March, 1877 Mohalla Kot Ramchandra Ayodhya, Avadh, District, Faizabad.

Meer Rajjab Ali Khateeb, Babri Masjid ... Plaintiff

Versus

Ambika Singh ... Defendant

Saiyed Muhammad Afzal Trustee of the Babri Masjid situated in Ayodhya special petitioner.

Gist of the petition regarding digging for a new store-room by the defendant and placing of the new idols inside the doors of the newly constructed chabootra by Tulsidas, etc. Bairagis Janmasthan Ram residents of Avadh.

Long live the cherisher of the poor!

Babri Masjid situated near Janmasthan at Avadh proper was built by King Babar and sweeping and cleaning of which is being continued to be taken care of by the Trustees as appointed by him. The Trustees are continued even during the British Government.

Hindus have from the very beginning continued to make efforts in the matter of the Masjid since long. Therefore, prohibition against any new construction has already been filed requesting taking of bond and fine in cash. The Masjid has remained safe and protected due to the help and justice of the Government in the various suits filed. The Bairagis were planning to build a Shivalay near the Masjid. But, due to the (timely) intimation of the events and consequent prohibition from the Government, the mischief was averted.

(32)

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About a month ago, Tulsidas, etc. Bairagis with the intention of placing an idol in the janmsthan stealthily placed an idol inside the premises within a period of three hours. After inquiring into the matter, this obedient servant submitted a complaint in the police station but no order has been issued by the Government for demolition/removal. The existence of the store-room will be a daily cause of mischief from the side of Bairagis. Store-room has been built near the chabootra during night within two days by the Bairagis. Due to the building of this chabootra, the mischief has reached to such an extent that they have now constructed this Store-room. They will be able to build more things within a short span of time as this has been their way. Therefore, stating the present situation, I request that order to demolish the Store-house be issued as to protect the Masjid from the mischief of the Bairagis. Whatever was deemed fit and proper has been stated.

Petitioner of your devoted servant

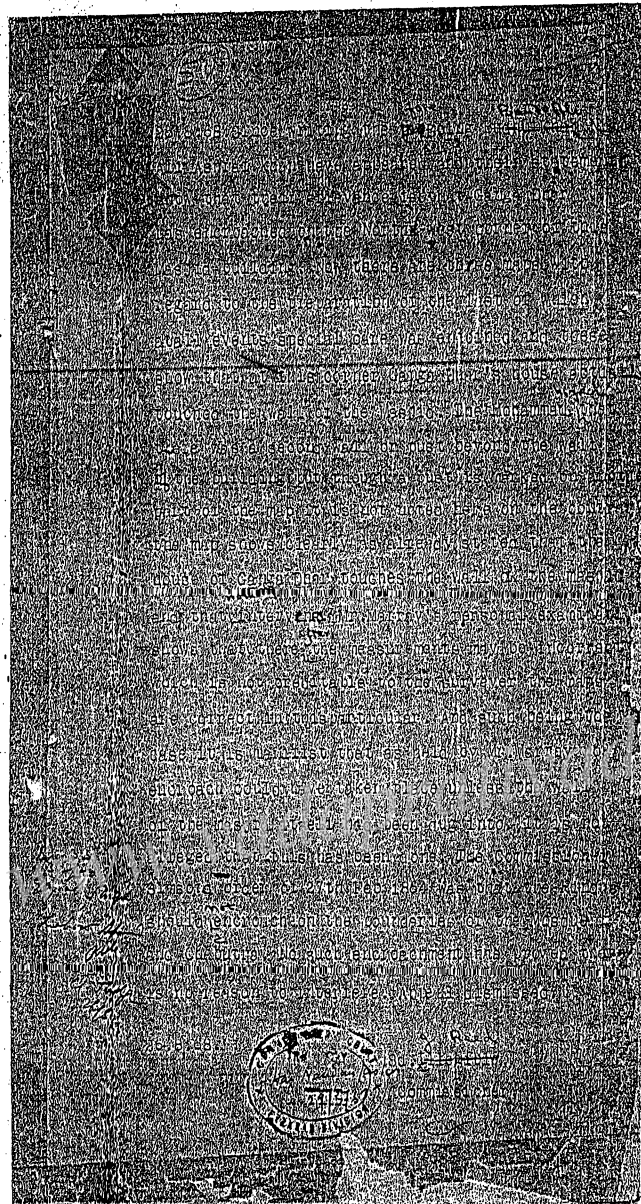
Muhammad Afzal,

Trustee Babri Masjid,

Situated at Avadh,

Dated 25th September, 1866

// TRUE AND TRANSLATED COPY //



"26.08.68. Since writing the foregoing Bande Ali Niamat Ali Ashraf Khan have appeared and their statements show that their grievance is that Ganga Dhar has encroached on the North-West corner of this Masjid building. Now there are three maps with regard to the preparation of the last of which at all events special care was enjoined and these show that at this corner Ganga Dhar's house actually touched the wall of the masjid. The Mohammads urged that there was a second wall or post beyond the wall of the building but though a "post" is marked on another part of the map it is not noted here on the contrary the map shows clearly as already stated that the house of Ganga Dhar touches the wall of the masjid and that nothing intervenes. Mr. Marrey's personal examination shows that thereafter the measurements may be incorrect which is not creditable to the surveyor the maps are correct in this particular. And such being the case it is manifest that as held by Mr. Marrey no encroachment could have taken place unless the wall of the masjid itself had been dug into. It is not alleged that this has been done. The Commissioner Simons order of 27th Feb 1864 was that the Hindus should not encroach on the boundaries of the Mosque and Chabutra. No such encroachment has proved there is no reason to interfere. Appeal dismissed."

Exh. 26

"Copy of plaintiff included in the file of Haqiyat; Mauza Kot Ram Chandar Pargana Haveli Oudh, Tehsil and District Fazabad Vol. 3, Basta 132, Mohd. Asghar etc. Plaintiffs vs. State defendant. Dawa Arzi Ram Kot Pargana Haveli Oudh, decided on August 22, 1871 Bandobast 125 No. Hadbast. Syed Mohd. Asghar and Mohammad afzal maternal grandsons (Nawasa) of Late Syed Husain Ali, Khatib and Moazzin Masjid Babri situated at Janamsthan Oudh vs. the Government-defendant. Claim over 71.2 Jaribi 21 trees of tamarind according to Khasra number as per Amaldaramad Qadeem (old).

Garib Parwar Salamat,

The post of Khatib and Moazzin, Jama Masjid Babri situated at Janamsthan Oudh is ancestral (PushtDar Pusht and Naslan Baad Naslan).....21 Imli trees have been in the possession and use of the applicants and their ancestors since ancient times. The said right was of Rajab Ali Shah, Fazirabad, ancestor of the applicants. The Faqir was residing there with the permission of the plaintiffs' ancestors. He was our servant. During the Shahi period, when the said Faqir became against the plaintiffs' ancestor, he was ousted from the premises. Since then we have been in possession over Bagh Imli (sic) There was interference/resistance by us and against Baram Das and others a decree was issued by the Court in favour of the objector, i.e. the applicant which remained in force in case of Haridas Chela Baram Das but on filing of another case Khasra number was given and the applicants are in possession thereof..... It is requested that this Hon'ble Court may after due inquiries, pass decree for eviction from trees of Imli, Khandhal and graveyard may be issued in favour of applicants. Deemed necessary, so prayed.

Dated Febraury 22, 70.

We Mohd. Asghar and Mohd. Afzal aver that our names are there in the
plaint. Whatever is said is correct to the best of our knowledge and
belief.

Sd/ Mohd. Asghar and Mohd Afzal. Mohd. Asghar and Mohd. Afzal are
the matriarchic grandsons of Khatib and Moazzin Masjid Babri.

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"Copy of the judgment dated August 22, 1871, included in the Haqqiat, Village Kot Ram chandra, Pargana Haveli Oudh. Tehsil and District Faizabad Vol. 3 Basta no. 132. Mohd. Asghar and others petitioners vs. Government respondent. Claim over Arzi Ram Kot, Pargana Haveli Oudh.

Judgment dated August 22, 1871.

Statements of the witnesses of the plaintiffs were recorded and perused. The plaintiffs are the claimants of the ownership right of Arazi Qabristan and trees of Tamarind (Imli), in front of the door of Masjid Babar Shah and Janamsthan. Enquiries reveal that possession of the plaintiffs over the tamarind trees is well established, but the right of the ownership of the land cannot be of the plaintiffs. This is a general graveyard and courtyard in front of the door of the Masjid Janamsthan. Therefore such an Arazi (piece of land) cannot be a private property. As such it was ordered.

Decree for the ownership of 21 tamarind trees standing in the Qabristan, bearing Khasra number, (included the file) in Mauza Ram Kot pargana Haveli Oudh in favour of the plaintiffs is passed but suit regarding ownership of the plaintiffs with respect to the aforesaid Arazi qabristan (graveyard) is dismissed. Copies of the decree be given to the parties. Parwana be issued to Sadar Munsarim for necessary action. Except necessary documents, the file be consigned to office.

Dated August 22, 1871.

Sd/- Secretary (Urdu)"

ANNEXURE A - 126

EXHIBIT - A21

Copy of the list of the fields in a village included in the record of the previous settlement (Illegible) volume No. of the rough register 1504 year decided on 22 August, 1871 in the court of official of the settlement Faizabad in the case of Muhammad Asghar etc. Plaintiffs Versus Govt. Defendant suit for the lands of (Illegible) Pargna, Haveli, Avadh.

Shri Ram No. 1

Copy of the list of fields of the village Ramkot Pargna, Haveli Avadh District Faizabad Pertaining to 1277 (Fasli) Year 1873.

No.	Bigha	(Illegible)
57	21) (Illegible)	(Illegible), tree in the possession of the Muhammad Asghar
164	1)3	Garden (Illegible)
165	1)2	Faest
158	1)3	
163	5)4	Lands of Jama Masjid
	7)13	

Signature : Shri Prasad Patra
Village Accountant

Ex. A21	
No. of Suit 2 of 1950	
Name of Parties:	(Illegible)
Filed by :	(Illegible)
Date of Filing :	25.3.50
Admitted by	Pltf.
Denied by	Deft.
Sd/- Civil Judge	

// TRUE AND TRANSLATED COPY //

"Section 1. Whereas each and every place within the boundary wall of the mosque is that of the Mosque and its wall being the construction of Masjid itself which had been gifted Maafi. It should be entrusted to the Mutawalli of the mosque and not to Hindu defendants.

Section 2. That it is a general principle that matters related to Masjid should be handed over to Muslims and matters regarding Shivala and Temples should be handed over to the Hindus. No law intends nor is against this principle. In spite of this, the subordinate officer accorded permission to the defendants for erecting a new door in the wall of the Masjid northwards. This act is in contravention of the general principle and rules and can not be acted upon simply because the defendants had never any concern with the wall of the Masjid. It is, therefore, requested that as per old tradition matters of the Muslims may be left to Muslims and religious matters regarding Hindus should be left to them.

Section 3. That from a perusal of the file of case Mohammad Asghar Appellant vs Mahant Baldeo Das dated November 7, 1873 in this court, it becomes clear that the order for removing the idol that is Charan Paduka has already been passed by this Court. Now since there is no permission to install an idol on the Chabootra, i, how can right over the wall of the Masjid could be given to the defendant, inasmuch as, giving such a permission would be violative of law and justice.

Section 4. That a written evidence as entered in the order of the officer, is to the effect that on the door of the outer wall of the Masjid the name of "Allah" is engraved, which is material written evidence and deserves to be taken into consideration. This could have been presented in the lower court in support of the appellant as required under the law. This fact can be ascertained by spot inspection so that evidence in favour of the appellant may come to light.

Section 5. That wherein that appellant had himself requested that he

could erect the door on his own expenses and he was ready to do so and that door could have been prepared and installed with cost of Rs.10-15. In that event, the appellant could have been granted permission or the Government itself could have done it. The defendant belonging to other religion could not have been accorded permission to construct the door against religious canons. The respondent has cleverly done so for creating trouble in future. He wanted to spend more money to place idols along with the door (sic). It is a matter of justice that how idols could be placed on the wall of the Masjid which would be against all the canons of Islam. It is a Sheer high-handedness of the idol worshippers against the Muslims. Therefore the appellant, demands justice from your honour so that likelihood of any possible riot in future could be avoided.

Section 6. That there has been old controversy between the respondent and the appellant and the Hon'ble Court has ordered that the respondent should not do any thing ~~new~~ on that place. But because of Baldeo Dass Baigragi being underground, the order dated November 7, 1873 could not be served upon him. That is to say, that the idol has not yet been removed as per orders. The respondent with the intention of occupying it continues to indulge in several activities on the wall and on being restrained by someone, he becomes aggressive and is bent upon to fight with him. So he has made a Chulha within the said compound which has never been done before. In the past, there was mere a small Chulha (kitchen) for Pooja which he has got extended.

Section 7. That the aggrieved appellants pray your honour to administer justice to him and after perusal of the order dated November 7, 1873, which is enclosed in the Sarishta, file and recent and new constructions may be removed and the appellant may kindly be given his rights. Deemed proper so prayed."

"A doorway has recently been opened in the wall of the Janum-Ashtan not at all in Baber's mosque, but in the wall which in front is divided from the mosque by a railing. This opening was necessary to give a separate route on fair days to visitors to the Janum-Asthan. There was one opening only, so the crush (sic: rush) was very great and life was endangered. I marked out the spot for the opening myself so there is no need to depute any Europe officer. This petition is merely an attempt to annoy the Hindu by making it dependent on the pleasure of the mosque people to open or close the 2nd door in which the Mohammedans can have no interest.

2. No objection was made to the opening of this second door.

3. On the 10th November 1873 Baldeo Das was ordered in writing by the Deputy Commissioner to remove an image place on the Janam-Asthan platform. A report was made by someone (probably a police officer) that he had gone to the house of Baldeo Dass and found that the latter had gone to Gonda. The order was explained to Gyandas and other priests who said could not carry out the order. The order passed on this (15) was that if the other party (i.e. the complainant) would name person on whom an order of removal could be served such should be served.

4. There apparently the matter rested. There is no later on the file."

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Exh. 16 Typed Copy

"As the door in question was opened by the Deputy Commissioner in the interests of the public safety I decline to interfere. Appeal dismissed."

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ANNEXURE A -124

EXHIBIT- A8

Ext. A8
(O.S. No. 2 of 1950)

Paper No. 76

Copy of the accounts of income and expenditure,
etc. submitted by former Trustees in the Court of Civil
Judge Bahadur Faizabad.

Shia Central Board

Versus

Sunni Central Board

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1279

Village Bahoranpur, Paragna Haveli, Avadh and the lands of Sholapur situated at Faizabad conditional rent-free for Jama Masjid Babri situated at Avadh.

Revenue paying lands :

11 Bigha 7 Biswa

Abad (cultivated) Partly Wasteland.

11 Bigha 7 Biswa

Land revenue collected from

Sholapur

Bahoranpur Village

11 Bigha

307 Rupees

7 Biswa Waste land

Arrears remaining payable by (illegible) cultivated

287

20 Rs.

11 Bigha 7 Biswa

Expenses below:

Whitewash to Babri Masjid
29 Rs.

Government with share of the village

Sawai Amount

Rural expenses

38 Rupees 6 Anna

Repairing of 11 Rs. 7 Anna

Lime bricks

27 Rupees

Mahed (illegible) of Masjid

Earthen vessels etc.

7 Rupees

(illegible) 7 Rs. 4 Anna

Deposited in the Treasury

(illegible) Lime Bricks

36 Rupees 6 Anna

Dasta 1 Rupee. (illegible)

(illegible) 7 Rupees

1280

45

Holy month of Ramazan

13 Rupees

Expenses of Eid-ul-Fitr and Eid-ul-Azha 19 Rs. 8 Anna

Iftari to those Fasting 3 Rupees

Completion of reading of Quran 7 Anna

Earthen Vessels 7 Anna

White wash to Eid-Gah 2 Rupees 8 Anna and

Perfume 2 Rupee 7 Rupees

Carting expenses of floor cloth/ and utensils 1 Rupees

Eidul Azha

Earthen Utensils 2 Rupees

Miscellaneous 7 Rupees (Illegible)

Repairing of Masjid 11 Rupees.

Salary of the employees of Masjid--→Mansoor Ali Muezzin (Illegible) Two months 4 rupees

Repairing of the dome 5 Rupees

Repairing of the buttress 4 rupees

Regarding leading Juma Prayer 44 Rs. (Illegible)

Repairing (Illegible) 2 Rupees

18 Rupees parcel (cask) of 37 (nos.) Moharram

Four Rows 100 yards 5 Rupees

Big Trunk (Casket) 6 Rupees

Canopy (illegible, 4 thal (piece of cloth) 4 rupees (illegible) 8 Anna

46

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Expenses of Civil Court and goods in the Civil Department for possession of water-tank) 55 Rupees.

Maal against rustansmurai of possession holder 55 Rupees

Preliminary 35 Rupees

Appeal 20 Rupees

In the department for dismissal and cancellation of the sale-deed (illegible) section 152 Rs. 25

Rights of collection and nambardari (illegible) Muhammad Asghar

Rights of Tahseel - Cash and

Nambardari 5 Rs.

25 Rupees

(illegible) Muhammad Asghar 15 Rupees

Ali Naqi 50 Rupees

Ahmad Ali 50 Rupees

Let it be clear that the shares of the afore-mentioned are four (illegible). No land is under mortgage and these are from the Court of Ayodhya.

Servant

Muhammad Asghar Khateeb (Friday Prayer leader) and Mutvalli (Trustee of the Masjid above-mentioned).

Details of income and expenditure of village – Bahoranpur Paragna Haveli
 Avadh and the lands of Sholapuri Saiyed Muhammad Asghar Khateeb and
 Trustee Babri Masjid situated at Avadh pertaining to the year 1307 Fasli
 submitted in the Court of Munshi Muhammad Ahmad Sahib, Deputy
 Collector, Official of the Pargana Tahseel and Nuzool (Government Lands).
 Land revenue of Bahoranpur (Illegible) 348 Rs. 7 Anna

Saiyed Muhammad Asghar 25 Rupees

Arrears 333 Rupees 7 Anna

Land revenue recovery 186 Rupees

Outstanding with people (illegible), etc. 47 Rs. 7 Anna

Sholapur 109 Rupees - 109 Rupees

50 Rupees - 395 Rupees

Expenses:

Amount of Siwai (1/4th)

42 Rs. 8 Anna

Rural expenses 11 Rupees

White wash to Babri Masjid (yearly)

26 Rupees 12 Anna Lime (Illegible)

2 Rupees 4 Anna Lime (Illegible)

13 Rupees 8 Anna

Labour charges to Contractor 8 Rupees

Mall – material (Illegible) 8 Anna.

Expenses of Iftari of Rozadar (for breaking fast) 4 Rs.

White-wash and cleaning of Eidgah 2 Rs.

(Illegible)

(Illegible)

Miscellaneous

1 Rs. 8 Anna

1 Rupees

1 Rupees

Expenses of Eidul Fitr 8 Rupees

Eidul Azha 8 Rupees

White-wash (Illegible) 2 Rupees.

Paan (Betels leaf prepared and folded up) 2 Rupees.

Perfume 7 Rupees.

Vessels like pot and jar, etc. 4 Rupees 8 Anna.

(Illegible)
(5 Rupees)

(Illegible)
7 Rupees.

Repairing to Babri Masjid with buttress 30 Rupees.

Salary to Muezzin 36 Rupees (for the whole year).

Salary to Water bearenn, expenses (illegible) 6 Rupees.

Salary to Peshnamaaz (Pesh Imam) 18 Rs.

Preparation of prayer rug (Illegible) Rs. 12/-.

Rights of Trusteeship and Khutabat.

Muhammad Asghar (as received from older times) 150 Rupees.

Expenses of Court against subjects (people) which may be needed 50 Rupees.

Total land revenue of both the villages 315 Rupees 7 Anna.

Expenses during the year other than Court expenses (illegible)

2 Rupees 4 Anna.

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Extra

7 Rupees

Servant

Muhammad Asghar

Mutavalli and Khateeb Masjid Babri having the right of Trustee.

Details of the papers of the right of zamindari village Bahoranpur
Paragna Haveli Avadh.

Copy of the application of Revati Tiwari resident of Bahdranpur
through which he had made acclaim of pokhtadari at the time of making
payment of compensation before Deputy Commissioner, District Faizabad
Revati Ram Tiwari Zamindar and village, Bahoranpur, pokhtadarparagna
Haveli Avadh.

Applicant

Long live the Cherisher of the poor

Regarding application of secure pledge of the sayar of the
khaamtahsel - pertaining to the question that applicant is ready to pay
Rs.100 to Meer Asghar Ali Zamindar as pokhtadeh but he wants to destroy /
abolish dehkhanam tahseel.

Khanam tahseel

Collection direct from the cultivators.

The zamindar and pokhtadari of the said village has continued in the
name of the applicant since long period. Therefore, this village remained

with Kherati Lal as gift/ grant. This was given effect in the government in the name of Kherati Lal as gift/grant. This was given effect in the government in the name of Kherati Lal for Rs. 140/- and applicant gives him Rs. 166/- through pokhtadari. When collection (of land revenue) started (illegible) by Government from Kherati Lal Rs. 156/- was given by the person making the agreement and this amount continued to be deposited in the Government through Bholenath, Inspector/Superintendent of Nuzool (Government lands). Now Muhammad Asghar has got this village in the form of grant free accordingly the applicant is ready to pay Rs.100/- as pokhtadari but he intends to make the village tahseel. Because of this my rights are destroyed and consumed by him. We are considered old Zamindar and pokhtadari. I, therefore, expect that my village is protected from Khamtahseel and the applicant/ petitioner will give him Rs.100 as land revenue. What is necessary has been submitted. Application.

Your obedient Servant

Raghu Tiwari, Zamindaar & Bokhtadaar, Village - Bahoranpur, Submitted on 16th April, 1866.

In the Court of (illegible) Deputy Commissioner Sahib Bahadur ordered that this may admitted and kept with the record be written on 16th April, 1866.

Copy of the judgment of the Court of Mr. Rodburn Sahib Bahadur, Assistant Superintendent of Settlement Revati Ram and Sundar Tiwari and Suraj Bali Tiwari Versus Government of Kaiser-e-Hind Suit of the right of zameendari as original proprietor of entire village of Bahuranpur that another suit pertains to Nuzool village of Bahuranur. Tiwaris have filed a suit. They

say that they are the owners/ proprietors. In the case of Bhairosinh, etc. We have written our opinion that those people were the original proprietors. At this point, it is sufficient that during the inquiries by Government in the year 1861 this was the real/factual position which was found. And many proofs are found in support of this Page 18 till 19 may be looked at. Former claimants and now too have confessed that a long time has passed to the handing over of right in the hands of Tiwari family and the present suit is in the capacity of the heirs/ inheritors. Such plaintiff after arising of the cause of the suit again confessed that this village was excluded from the register for payment of land revenue since about 50 years. Deposition of Revati Ram, etc. Tiwari's and Kherati Lal and Qanungo from page- 12 to 12 may be seen. IT is clear that this village was included in the free hold of Begum Sahiba to the death of a person to whom this village was granted as rent-free. On the demise of Begum Sahiba instead of giving it on land revenue it was entered in the register of Sayar and till starting the weigh of the Government this was entered in the register of Sayar since then it is Government land.

Two issues require decision in this case:

- (i) In which capacity was the case in royal period.
- (ii) What was the situation/condition of the present claimants in the said village.

As regards issue no. 1 it is worth noting that of all the villages included in the Sayar other villages were removed from the register of land revenue by the kubullyat of the orders through inheritance and those who had purchased the rights but this village was not given. No witnesses came

forward about this village nor was there any statement/ deposition in past. It is evident that the right to Zamindari is not abolished only because of entry not being made in the Register of Sayar.

As regards issue no. 2 – there is witness/ proof from Government side. It means that Government the right has a concern in the administration of zamindari. Tiwaris have no relation nor is any proof there that Tiwari's had given any written statement at the time of the abovementioned confessed that we had no right to sell or mortgage. Bindaa Tiwari on page – 15 deposited that we have received Rs. 25/- rent paid by the cultivator Wankar from the Contractor of the Sayar. But Tiwaris had no right of selling or mortgaging the claim of Sevantilal scribe of nuzool (Government lands) was as the basis of purchase from Tiwaris. On page 16 the deponent has stated that it was given to continuously Tiwari's as Rs. 25/- naukar on based as 120 Rs. Land revenue. But when Sayar of the year was asked about the year 1248 Fasli, 1263 fasli then he stated only this much that Tiwaris had obtained administration for the year 1257 Fasli and they were ejected in the end of the year because of increase of Rs. 15/- by and then person – Sheetal Prasad Qanungo has on page – 19 deposed that this village always remained khamtahseel (annulment of the settlement previously made as a punitive measure consequent embezzlement) of Government, Tiwari's did not get Zamindari rights. And then Qanungo on page on 20 says that I don't know by whom agreement was given, but stated that Tiwari's had got the rights of Zamindari. Now, it is written regarding written testimony/ proof though the scribe of the Sayar has stated that lease was given. On this side in the index/ list of the garden (orchid) of Bijesar the lease of the Sayar was found. (Illegible). Though the Tiwaris has presented papers of many years

though they have got the lease also inclusion in the Register of Sayar as we have written above.

As regards Issue no. 2 the proof/ testimony is as under:

Revati Tiwari stated on page 12 that when this village was in the (jagir) of Begum Sahiba and the agent of Begum took half the crop and he did not state anything about the administration after his application. Sundar Tiwari stated on page-13 that the village was in my Zamindari but the Contractor Sayar of the period of Begum Sahiba obtained it after giving Rs. 25/- as naukar (subsistence allowance). The above-named has confessed that he had no right either to sell or mortgage or the lands. Binda Tiwari has on page-16 stated that he has received Rupees 25 subsistence grant from the Ministry of Sayar but Tiwaris had no right to buy a mortgage. Kherati Lal scribe of nuzool (Government lands) right was through purchase from Tiwaris. On page-16 the deponent has stated that this was continuously given to Tiwaris on 25 rupees (naukar – subsistence grant) based on 120 rupees land revenue. But when the Sayar of the year was asked regarding the year 1248 Fasli and 1263 Fasli he only stated this much that Tiwaris got the administration for the year 1257, and that in the end of the year due to the increase by and then person of Rs. 15/- they were ejected Shital Prasad Qanungo has on page-19 stated that this village always remained Kham tahseel of Government Tiwaris did not get the right of Zamindar. And that Qanoongo on page-20 stated that Tiwari's got the right of Zamindari. Now a days it is written with reference to written testimony deposition. Though the scribe of the Sayar has stated that the lease was given. The patta (lease) of Sayar was found near Bijesar-Bagh. Though, Tiwaris presented papers of many years. Though they have the lease also but for the court it is not as

(54)

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in regard to the year 1257 Fasli in which scribe of the Sayar state that they had given the consent/ agreement. But they have receipt of 1 Rs.8 Anna. On page-23 it is stated over and above the receipt instead of cash which was given by a few kubuliyatdars is of such less rupees. From the side of many people proper payment was made as Bunda had disclosed. It was under cultivation's by many people (Cultivation on rent). Moreover, it also becomes known that from one year to another year the ancestral rights were different. But without share in the lease page (10) and accepting the deposition of Sundar and all Tiwaris I am of the opinion that their bonafide intention was to tell it to Babu Barugar Sinh which cannot be in any way, given effect. The plaintiffs themselves have presented the documents by which the obtaining of possession by lawyer became known. Why he did not get the 'possession' from this it is known that the right of Tiwaris – even though right of possession and transfer was perished by the rule of Sayar. It is true that plaintiffs have a chit/ slip in which same Zamindar has written the seal of the Sayan. But these people are cultivators. It is not proved that the plaintiffs had continuous possession of the village. On the contrary it was the illegal possession of others. Though it was by way of contract. As per the rules of Sayar his rights were perished complete. This means that their right of Zamindari and upon it their deduction of land revenue from their deposition and also from the situation of the Sayar became limited and perished and it was found to be that of Talukdar by way of purchase. I cannot revive the rights which have perished before fifty or hundred years. The suit of the plaintiff is dismissed.

3 February, 1870 decision of Mr. Udburn Sahib Bahadur Assistant Settlement Commissioner.

Second copy.

Department of settlement in the Court of Mr. Udburn Sahib Bahadur
Superintendent of Settlement, District Faizabad, Muhammad Afzal Ali and

Muhammad Asghar Plaintiff

Versus

Government Bahadur Defendant

Suit of the Superior right of rent free of village Bahuranpur Paragna Haveli, Avadh plaintiff was present during these other suits/case but he is absent today. But since other cases are over this suit slate to the grant by Government (illegible). The case started in the way that Court reply of Government, Chief Commissioner Bahadur Number 43/14 and 630 dated 21st May, 1864 relating to the inquiries of Waqf for Masjid situated at Faizabad and other objections wants to know/ informs that a slip 53, dated 2 July, 1864 was sent by Deputy Commissioner Bahadur. It was on the subject that a sum of 302 Rupees, 3 Anna for the Masjid Janmasthan situated at Ayodhya is being paid since the days of Imperial Government annually. On 28th August Commissioner Sahib Bahadur copy of the Secretary Chief Commissioner which was addressed to Commissioner and which was bearing 40, 2482, dated 25th August, 1884 was sent as below with reference to his slip no. 829, dated 9th August, 1863 I inform you now Governor General Bahadur the proposal of Chief Commissioner Bahadur regarding cash compensation 302 Rupees 3 Aana grant for expenses of the Masjid Janmasthan district, Faizabad grant of a land without payment of land revenue the annual Land revenue of which must be equal to the said amount is sanctioned. I request you that in the exchange some lands may be given

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near Ayodhya. In order to implement these orders a proposal was made and Deputy Commissioner map through his docket 381, dated 16th November, 1864 for giving land as compensation of Sholapuri and Bahoranpuri was sent. On this, Commissioner vide his docket no. 1289, dated 28th November, 1864 replied. Reply no. 381 dated 16, '64 contents are this:- Lahds included in Bahoranpur and Sholapur. From this suit/ complaint it is right by known that what is desired from this suit is exact/ commensurate collection of land revenue from the area under cultivation. But no land seems to be such as may be cultivated and as this may rent-free land holder gets more income for the expenses on the property, I request that Deputy Commissioner obtained an agreement from the rent-free landholders and acting Commissioner will then send report to the Financial Commissioner through slip no. 423, dated 23rd December, 1864. This agreement with the signature of Muhammad Asghar and Muhammad Afzal is available in the record. Commissioner sent a copy slip of the Financial Commissioner No. 2185, dated 5 and 6 September (illegible) sanctioning of rent free lands which the acting Commissioner Faizabad had selected for Masjid Janmasthan - through slip no. 517, dated 9th September, 1865 was sent. All other cases were decided in accordance with these orders and it was again decided. It was therefore, recorded that Decree regarding superior right of zamindari and hafidari (rent free land holding) in that payment of land revenue of village Bahoranpur in favour of Muhammad Asghar and Muhammad Afzal were issued written on 3rd February, 1870.

Signature of Mr. Odburn Sahab, Assistant Commissioner, Faizabad.

It is to be noted that Tiwaris of Village Bahoranpur in view of the Court got the sale deed of entire village Bahoranpur, Paragna Haveli Avad then complaint of the Department bearing No. _____.

Copy of the decision of the Court (illegible) Prasad Sahib Bahadur, Additional Assistant Commissioner, District Faizabad decided on 3rd June, 1878, Muhammad Asghar, Plaintiff.

Versus

1. Humairabibi, resident of Ganeshpur Paragna Sakkar, District Basti and
2. Sundar Tiwari and
3. Bhola Tiwari
4. Kashi Ram claim for 515 Rupees on date of presenting:

11th May 1877

Today this case in the presence of Plaintiff, advocate of the plaintiff, advocate of the defendant no.1 was presented with reference to the claim of plaintiff possession and cancellation of the sale deed of Sundar Tiwari, Bhola Tiwari and Kashiram defendants no. 2 and 3 and 4 which defendant no.1 (illegible) regarding 3 Anna and Pai share in the zamindari located at village Bahoranpur (illegible) Tiwari and sevak and Ram Het Tiwari sons of Tiwari (illegible) and Ramanand s/o Salikram and Ram Prasad, and Baijnath and Devi Ram sons of Revati Tiwari against Defendant no. 7 written 10 August, 1886 the case of which filed separately. After recording the replies of the defendant the issues were decided that defendants no.2 to 4 have written a sale deed of zamindari in the name of defendant no. 1 whether it is lawful and where he is competent/ authorized to enter into sale deed or not? The sale deed is produced from the file of rights. The right of zamindari of

the lawyers was rented after the case of pakhtadari. Date 3rd February, 1870. Hic case was dismissed and the decree of the superior right of the plaintiff was issued so in the circumstances when the right of zamindari sellers who produced unsubstantiated then the writing of the sale deed (illegible) of zameendari of the said village will be considered illegal.

The buyers are not competent to write the share of zamindari therefore it was added that decree of initial count as per section (illegible) case no. 4725 yar 1877, value 515 rupees value of start up 29 rupees. Date of appeal, 1 May, 1877 in the Court of Settlement, District Faizabad.

Muhammad Asghar,

...Plaintiff

Versus

Humairabibi and Sundar Tiwari
and Bhola Tiwari and Kashi Ram

...Defendants.

Suit of 3 Anna and pai location village Bahoranpur Paragna Havelli, Avadh.

Today this law suit in the Court of Rai Shiv Prasad Sanib Additional Assistant Commissioner, District Faizabad in the presence of the advocate of the plaintiff and the advocate of defendant was present for hearing and arguments and whatever arguments were presented by the concerned parties were considered duly.

This Court (illegible), decrees in favour of Muhammad Asghar (Plaintiff) for possession and cancelation of the sale deed dated 15th August, 1876, regarding share of Zamindari of village Bahoranpur Paragna Havelli Avadh written defendant no. 2 to 4 versus Defendant No. 1 should be payable the expense of the plaintiff with interest 6 Rs. Annual starting from

today till the date of recovery should be imposed as defendants written on
3rd June, 1878.

(Illegible)

Expenses of inquiries at the site
12th March the site will be
inspected.
(illegible).

Share of the Plaintiff
(illegible)
Stamp 37 Rupees
Fees to peons for serving 3 rupees 12 anna
Process
Advocate
Remuneration 25 Rupees
Miscellaneous: 1 Rupee 59 paise.

Copy of the agreement included in the department of execution.

I, Sundar Tiwari, cultivator of Bahuranpur indebted and Muhammad
Asghar holder of rent-free land holder and Decree holder Bahuranpur
Paragna Haveli. From the Department of execution of decree 110 Rupees 2
Anna pertaining to the year 1875 in connection with the rented revenue of
Decree holder and holder of rent free lands has attached my movable and
immovable properties in Faizabad Tahseel. I had deposited Rupees 21
rupees and 91 rupees and remains to be paid 2 Anna is I, indebted, confess
that all the things attached be released by the decree holder and I will pay
the decree amount till 1278 fasli amount in installments will be paid fully.
Moreover, whatever land revenue pertaining to the year 1276 Fasli and 1277
Fasli is outstanding will pay principal and the cost when decree issued. Even
if a single grain remains outstanding the above-mentioned rent free land

60

1295

holder will have the right irrespective of crop and without giving even a days time to eject me from the cultivation of 43 Bighas and 16 Biswa and cultivate the lands (himself) instead of indebted and promise there is not for 100 years but limited to the side of decree. I, the indebted, will have no objection whatsoever. Now will I request for extension of the time period even for a day and the cover will also be free not to take the crops in consideration. After ejection from the said lands whatever movable and immovable properties of indebted is available should be recovered from it. I or my successors will have no objection whatsoever. And the compromise agreement dated 31st May, 1870 before Munshi Shiv Prasad Sahib, Additional Assistant regarding objection to ejection between decree holder and debtors has been written and filed all points of it may be considered and cancelled and null and void, because of the reason that I the indebted have no right of possession 43 Biagha and 19 Biswa or as per Section 32 Act, 19 of the year 1868. The rent-free land holder has written this in view of maintenance and patronage of me the indebted. This may be considered as (illegible) from the total compromise agreement. This is due to the reason that if ever the suit is dismissed from the department of the settlement then we will have no right or anything and will remain like the Sayar subjects, as regards the Fasli year 1278 after the cutting (of the crops) the rent-free landholder will have the right to retain cultivation of the said lands from the indebted or entrust it to another cultivator or from all the lands whatever portion may be given to the indebted for cultivation will be the right of decree holder. I or my brothers will have no objection whatsoever from this compromise agreement, I have accepted the conditions of the deed of compromise and the land under attachment may be relocated. These few

sentences have been included and introduced by way of compromise agreement so that this may serve as proof and may be of use when needed.

Written on 6th June, 1870.
Servant Sundar Tiwari.

Muhammad Asghar decree holder (in his own hand-writings) servant became a witness Saiyed Muhammad Husain, Zamindar (Illegible) Bundelsah witness Shivnath.

Scribe Ganga Prasad Sahib became a witness,
Uttamchand Qamenge, Paragna Office.

Note: - The contents of pages 15 to 40 of this document do not appear to be relevant and the same are not to be relied upon. Hence Hindi Transliteration of the same is not required to be supplied.

Verified to be Correct
Hindi Transliteration

Sd/-
(Z. Jilani)
Advocate

Sd/-
(Z. Jilani)
Advocate
16-01-2008

// TRUE AND TRANSLATED COPY //

EXh. 24

"Janab Sub-Judge Sahab Bahadur Faizabad.

Copy of plaint, included in the file of case no. Alif 943- 1883-1884
Syed Mohd. Asghar vs. Raghubar Das decided on June 18, 1883.

Janab Munsif Bahadur, Tehsil Faizabad Syed Mohd. Asghar s/o Syed
Rajab Ali caste Syed, occupation- Zamindari and Maafidari, aged about
55 years, Zamindari Muaza Shahnawa pargana Haveli Oudh, Tehsil
Faizabad- Plaintiff

vs.

Raghubar Das Mahant Chela and Nirmohi Akhara situated at Oudh
resident of Oudh (defendant).

The plaintiff begs to pray as under:

Description of the claim for Rs.30/- as rent for user of Chabutra and
Takht situated near the door of Babri Masjid Oudh and regarding
organizing Kartik Mela at the occasion of Ram Navami.

... Haqqiat (Right) regarding 1288 Fasli and regarding 1289 Fasli at the
rate based on its use as described in the lease.

1- That the courtyard and the Chabutra before the Masjid Janamsthan is
the property of the plaintiff whereupon, from ancient times, is organized
Mela Kartiki and Ram Navami. In other days shops of flowers and
Batasha were being stalled, the contract wherefor was of Rs.35/- per
year. The plaintiff and the defendant had agreed to distribute this
amount between themselves in the ratio of 50-50.

2- That in 1288 Fasli, before Kartik Asnan and Ram Navami the
defendant with mala fide intentions, as against the contract of Rs. 35/-
made two shares of Rs.30/- only without consent of the plaintiff for both
the festivals/fairs, whereas, the contract was given in favour of Faqir
Murao, resident of Oudh. Action in this regard was taken in 1289 Fasli.

In 1288 Fasli Patta share of the plaintiff and the opposite party:

Rs.30/-=Rs.15+Rs15

1289 according to Patta

Rs30/-

The plaintiff prays that after due inquiries and observing judicial requirements a decree with costs may kindly be passed.

Claim under 1288 Fasli

8th November 82

The petitioner is the claimant whatever he has written in the application, is correct, Alabda.

Sd/- Mohd. Asghar Zamindar.

Syed Mohd. Asghar Zamindar, Khatib, Mutwalli Masjid Babri situates in Oudh."

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EXHIBIT -17

IN THE COURT OF SUB JUDGE, FAIZABAD

Decision of the court dated 18.06.1883 related with the suit titled Sayyad Mohammad Asgar Versus Raghubar Dass and copy of the decision of the court has been enclosed with the file (Misal) of suit no. 1374/943. Today this file has been put up in the court in presence of the above mentioned parties and advocate for the defendant for inspection. In this suit these two issues have been highlighted. First: Whether either parties or defendant had been receiving half amount of rent in respect of sitting on the platform (Baithak of the Chabutra) and half amount of rent in respect of Gaddinashini / enthronement (Takht Nashini)? Second: Whether any profit has been received by the parties? If yes, then how much profit has been received by the parties from year 1288 till year 1289? This rent amount belongs in respect of sitting on the platform (Baithak of the Chabutra) and half amount of rent in respect of Gaddinashini / enthronement (Takht Nashini). For the purpose of evidence plaintiff have produced five witnesses and defendant have produced two witnesses. Just looking upon the witnesses of plaintiff, it appears that they are submitting their respective evidence for the profit of plaintiff and witnesses of the defendant are also

submitting their respective evidence for the profit of defendant. But looking upon the statements of the witnesses of the plaintiff, in the opinion of the court, the statements of the witnesses of the defendant are important. Verification of the evidence of the statements of the witnesses of defendant has been obtained from one witness namely Ganga Prashad Kanoongo, Pargana - witness of the plaintiff. Since always defendant has been obtaining the rent amount from the above mentioned Baithak (Meeting room). This statement of witness of plaintiff - Kanoongo is very strange, in spite of this fact that he has not obtained any rent amount against any shops and meetings rooms in any year. Then on which ground Kanoongo has framed this suit against the plaintiff that both parties have agreed for the settlement on half - half rent amount and agreeing by the defendant for half amount of rent is also against defendant and it is also against logic and common sense. Whether the above mentioned rented place can be given on rent by any person on rent on the base of oral prosecution upon the decision of Tehsildar or Kanoongo under their signatures for always? If this decision is looked upon in the eye of law through which rent amount has been divided for us in accordance with the above mentioned description. According

to the judicial appeal upon which cross examination was made on the above mentioned statement of the Kanoongo, in which it was stated that the parties have their half -half share in the total rent amount, this statement is against the above mentioned statement. Therefore, it is necessary to look again into the statement of the Kanoongo. If due to any reason the above mentioned incident would have happened in this court even then this court does not satisfy itself regarding the above mentioned incident. The above mentioned fact related to half - half amount of income relates to a fair. While 8-9 fairs are conducted within a period 4-4½ years. Looking at this fact and looking at the half amount of income which is being received from the fair, the possession of the parties upon the above mentioned area and income of half - half amount from the above mentioned area by the parties can not be proved and plaintiff is responsible for the said suit and plaintiff is the main party in it. Therefore, it is not difficult for him for getting made arrangement of his servant and for getting provided evidence in his favour. The incident related to his statement has been often investigated because there is statement of the plaintiff which is the main statement. Plaintiff has to make clear his statement and this fact

indicates his incomplete information regarding the above mentioned question. Evidence of the witnesses of plaintiff has been got recorded clearly. From the evidence of the witnesses it is clearly found that when he raised question from the plaintiff against reply in this manner from which the above mentioned fact was becoming clear. Fact related to profit of half - half rent amount has been mentioned in the statements of these witnesses and this fact also becomes clear in the statements of the above mentioned witnesses. While looking at the main issue, this fact becomes also clear that the profit of half - half rent amount does not belong to this lengthy period of time. Now taking into consideration the entire above mentioned proceedings and the evidences mentioned in the above mentioned entire statements, now court has reached on this conclusion that the evidence of the witnesses of the plaintiff does not carry any weight and therefore, the same is not liable for taking into consideration in this matter but from the evidence of a witness of the plaintiff - Kanoongo this fact becomes clear that plaintiff wants to get done passed order in his favour and the decision of the Commissioner is awaited in this matter. Previous Tehsildar now posted as Commisssioner. Looking at the internal position and again

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making this issue clear according to Section 154 Civil Procedure Code. Suit of the plaintiff is dismissed and total cost including cost of the advocate for the defendant will be borne by the plaintiff only.

18th June 1883

Sd/-

Hari Kishan, Sub Judge

Copy is correct as per its original.

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एकजीबिट-18

मोरछा 2 नवम्बर 1883 ई०

नवाब दरख्वास्त मुहम्मद असगर मुतबल्ली व

खागीय मसजिद बावरी बमुकदमा नं० 98435 बावया जन्म अस्थान अवध

यद्वासासी साहिब असिस्टेन्ट कमिश्नर साहिब बहादुर फ़ैजाबाद फैसला 22 जनवरी सन् 1884 ई०।

सैयद मुहम्मद असगर बनाम रघुवर दास

सैयद मुहम्मद असगर खतीब व मुतबल्ली जामा मसजिद बावरी बावया अवध मुद्दई
बनाम

रघुवर दास महन्त चबूतरा जन्मस्थान साकिन अवध

गरीब परवर सलामत। हाल शरायत मुद्दालिया कहां तक अर्ज कलें हाल जो मुक़ासरे ये है कि दीवार अहाला मसजिद बावरी के अन्दर चबूतरा जन्म अस्थान मुद्दालया का है और मुद्दालया की सिवाय चबूतरा के दीवार अहाला बैरुनी से या कटेहरा से या फाटक से कोई चारवा नहीं है कुल मुताल्लिका मसजिद व मनुहा के है व अलामात व निशानात उसमें मसजिद के नहीं बल्कि ऊपर दरवाजा जो दीवार बैरुनी का है उस पर अल्लाह रक़्अ है मुताबिक उसके फ़ैज़ बसर्फ़ सायल में घला आता है व जब ज़रूरत मरम्मत वगैरह की होती है। सायल में मरम्मत कराया है बल्कि अर्सा तीन साल का हुआ है कि दीवार फाटक की गिर गयी थी तब 50 रु० खर्चा करके मरम्मत कराया है हमेशा से सफ़ेदी हमराह मसजिद के दीवार फाटक पर सायल करता आया है, बुर्गोचे इस साल भी हरब मामूल सामान सफ़ेदी का लिया मगर मुद्दालय सफ़ेदी दीवार फाटक पर करने के हारिज है व कहते हैं कि हम सफ़ेदी करेंगे लिहाजा बेवजह तकरार से सफ़ेदी मसजिद की मुल्की है। थाना इतिला किया अफ़सर पुलिस ने फहमाइश किया कि उस जगह पर करो। चूंकि मुद्दालय की जगह सिवाय चबूतरा या रसोई दूसरी नहीं है व दीवार फाटक हमराह मसजिद तामिर हुआ है मुद्दालय से वास्ता नहीं है फहमाइश बतौर नहीं है बल्कि सरजू दास चेला मुद्दालय का हर वक़्त आमादा फौजदारी का रहता है व जब जब मुद्दालय में कुछ काम किया है तब अदालत से बाज़ रखा गया है। इस वास्ते मुद्दई को ----- नहीं है कि मुक़ामिल मुद्दालय का होवे वगैर हिमायत सरकार के लिहाजा दरख्वास्त हजा हज़ूर में गुजरा कर उम्मीदवार हूँ कि ताइकीकात बवाजा बाला व मुलाहिजा दीवार व इमारत मसजिद व भीज लफ़्ज़ अल्लाह मुद्दालय बाज़ रखा जावे कि सायल सफ़ेदी दीवार व फाटक व मसजिद तारे धागिबन अर्ज किया

मोरछा 2 नवम्बर सन् 1883 ई०।

अर्जी

फ़िदयी मुहम्मद असगर

मुतबल्ली व खतीब मसजिद बावरी बावया अवध।

नकल किया - 20

मुकायला किया - 20

मुलफ़ाज तखमीनान - 290

EXHIBIT -18

Dated: 02nd November, 1883

Copy of application submitted by Mohammad Asgar
Mutawalli and Khatib / Imam, Babri Masjid
Suit NO. 95435 related to birth place Awadh

IN THE COURT OF ASSISTANT COMMISSIONER, FAIZABAD

Date of decision: 22.01.1884

IN THE MATTER OF:-

Sayyad Mohammad Asgar Versus Raghubar Dass

Mohammad Asgar Mutawalli Jama Masjid Babri related to
birth place Awadh . Plaintiff

Versus

Raghubar Dass Mahant Chabutra (Platform) Birth Place,
Awadh,

R/o AwadhDefendant.

Hon'ble Sir,

Plaintiff humbly submits as follows that plaintiff is
unable to explain the complaints of defendant that the Birth
Place Chabutra (Platform) within wall of the Ahata of the

Babri Masjid belongs to the defendant. While defendant has no relation with the outer wall of Ahata, Kathera and Phatak and all these places relate to above mentioned Masjid. There are no marks / signs of Masjid. But there is outer wall upon which Allah has written. Applicant has been receiving profit from it from olden time. Whenever any necessity for its repairing and renovation arises then at that time applicant gets done the same. Now a period of three years has passed from the death ceremony when wall of the Phatak has collapsed and its repairing was got done after paying an amount of Rs. 50/- and plaintiff has always been getting done white washing and repairing Masjid. Plaintiff also purchased the white washing material in this year for getting white washed the same but defendant came there for doing white washing on the Phatak and wall. Defendant says that now he will do white washing there. Therefore, due to having arisen dispute, the white washing of the Masjid could not be got done. Information was given to the In-charge Police Station regarding this incident and Police Officer made to understand in detail about this incident happened at that place. Defendant has no other place there except Chabutra (Platform) and Rashoi (Kitchen). The above mentioned Phatak (gate) and wall have been constructed along with the

Masjid. Defendant has no relation with them. But Sarju Dass - Chela of the defendant always remain ready and active for fighting. Whenever defendant has done any work then court process has been used. Therefore, plaintiff has no illegible to face defendant without the help of the government. Therefore, this application is submitted to you and I hope from you that you will investigate entire matter and thereafter you will stop the defendant from wall, building of the Masjid and the place where name of Allah has written. Defendant wants to get done white washing of Phatak and wall and Masjid. Therefore, this application is submitted for your kind perusal.

Dated: 02.11.1883

Applicant

Fidchi Mohammad Asgar

Mutwalli and Khatib Babri Masjid,

Awadh

Copied by:

Compared by:

Illegible :280

"..... The outer door will be left open. No lock will be allowed upon it.
It is absolutely essential to observe the strictest neutrality and maintain
the status quo."

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"Copy of the application of Raghubar Das dated 27.06.1884 no. 19435 at Janamsthan Oudh in the Court of Janab Assistant Commissioner Sahab Bahadur Faizabad. Date of Judgment. 22nd January 1884. Syed Mohd. Asghar vs. Raghubar Das before the Court of Deputy Commissioner Bahadur.

Mahant Raghubar Das, Janamsthan situated at Ayodhya - plaintiff.

Interpretation of the claim application of the applicant. After considering the objections may kindly be heard.

Gharib Parwar Salamat.

It is prayed that your honour may be pleased to make the spot inspection on any day, then we shall never have any grievance and the applicant will be satisfied. Secondly your honour has not allowed Muslims to carry out white wash. They are doing white wash at places where they never have done so. This fact will become clear from the spot inspection. Inquiries in this very case have been carried out by Mirza Mahmood Beg. Therefore, if your honour makes a spot inspection, the truth of the applicant's averments would also be ascertained and as such, it is prayed, that the spot inspection may be made by your honour so that truth may come to surface.

Yours faithfully Raghubar Das, Qabristan Janamsthan at Ayodhya.
Dated June 27, 84."

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ANNEXURE A – 15

EXHIBIT – A22

Ext. A – 22
(O.S. No. 2 of 1950)

In the Court of the Munsif Sahib Bahaddur situated at Ayodhya

Mahant Raghubar Das
Mahant Sthan Janmasthan

...Plaintiff/ Suitor

Vs.

Secretary of State of India
in Council

...Defendant

The Plaintiff above begs to submit as under:

Claim for grant of permission for construction of temple, i.e. prohibition by the defendant to the plaintiff regarding construction of Chabootra – platform – Janmasthan situated at Ayodhya 17 feet in the North, 21 feet in the East, 17 feet in the South, 21 feet in the West. Prohibition may be stayed. The amount of the claim cannot be calculated as per market rate. Therefore, as per Item no.17, paragraph 6, Annexure – II, Act, 1870 Court fees affixed. The position can be understood well from the attached map.

Section 1: That the site of the place of birth situated in Ayodhya city Faizabad is a very old and holy place of worship of Hindu community and the plaintiff is the Mahant of this place of worship.

Section 2: That the Chabootra Janmasthan is 21 feet East to West and 17 feet North to South wherein *Charan Paduka* is affixed and small temple is placed which is being worshiped.

Section 3: That the Chabootra is under the possession of the plaintiff. There being no building/ structure on the chabootra the plaintiff and the faquirs (mendicants) face great hardship in the summer by heat, in the monsoon by rain and in the winter by cold. If a temple is constructed on the chabootra it will not cause any harm to anyone. On the contrary, the construction of the temple will provide great relief to the plaintiff, and other mendicants and pilgrims.

Section 4: That Deputy Commissioner Bahadur Faizabad had probably in March or April '83, on the basis of the objections of a few Muslims prohibited the construction of the temple. Aggrieved by this, the plaintiff had sent a written petition to the local government and when no reply was given the plaintiff had submitted notice under section 424 of Civil Procedure Code on 8th August, 1884 in the Office of the Secretary, Local Government. But this too remained unreplied. Thus the cause of the claim arose from the date of prohibition at Ayodhya within the jurisdiction of the Court.

Section 5: That the well-wishing subject has the right to construct a building in its possession and ownership as it may desire. It is the duty of the just and fair Government to protect its subjects and help them secure their rights. It is also the duty of the Government to make proper bandobast for maintenance of law and order. The plaintiff, therefore prays for issue of decree for construction of a temple on Chabootra – janmasthan – situated at Ayodhya 17 feet in the North 21 feet in the East 17 feet in the South and 21 feet in the West so that the defendant may not prohibit/ restrain the plaintiff in the construction of temple. The cost for the claim should be borne by the defendant.

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Details of the papers:

Receipt of Post Office about Notice

Yours devoted Servant

Mahant Raghubar Das-Plaintiff

19th January, 1885 AD

I, Raghubar Das Mahant Janmasthan Ayodhya, Plaintiff, solemnly affirm on oath that all the contents of the claim petition are correct to the best of my knowledge and belief.

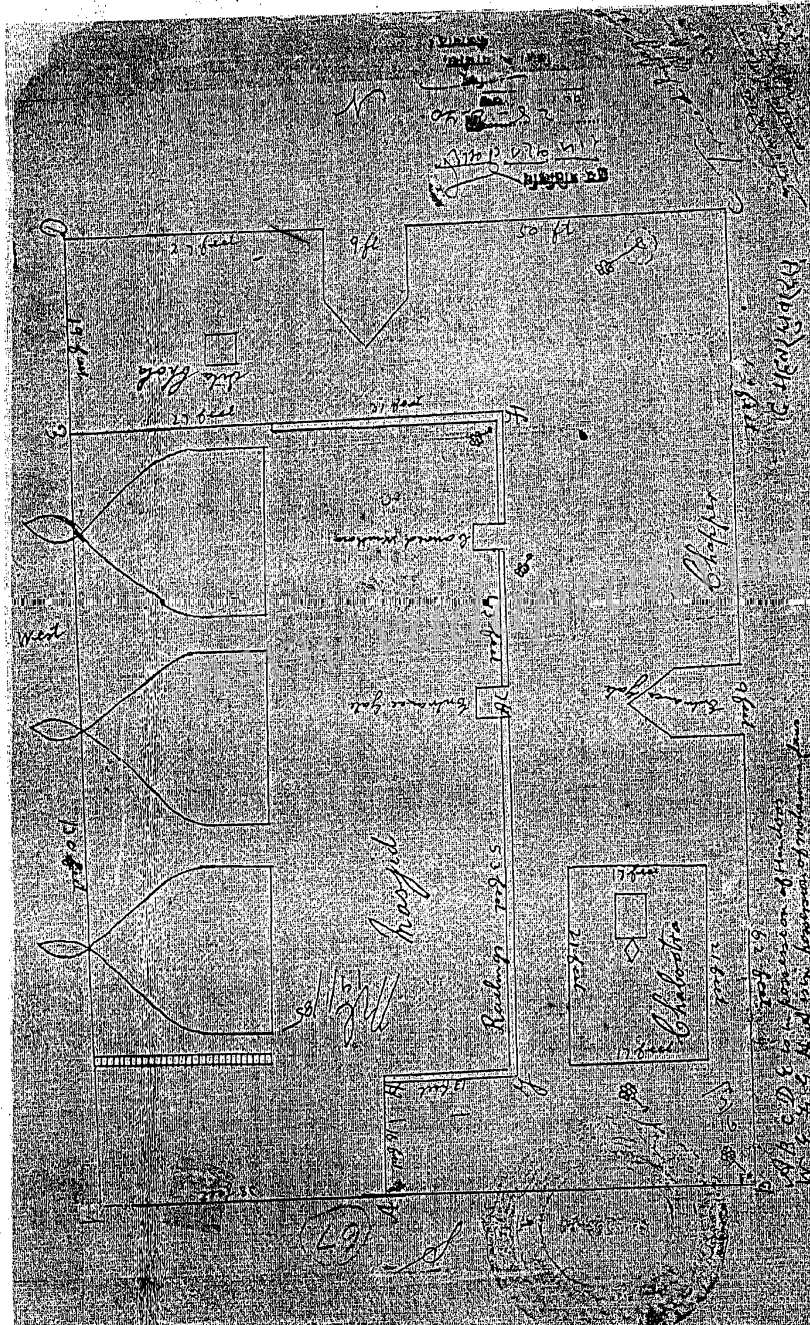
Signature:
Mahant Raghubar Das

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59 (78)
ANNEXURE A - 17

EXHIBIT - A24

IN THE COURT OF SUB-JUDGE, FAIZABAD.

Copy of the report of the Inspector submitted before Gopal Sahay
Commission dated 6th December, 1885 included in the Suit No. 61/ 85
connected with the suit.

Mahant Raghuvar Das

Versus

Secretary of State

Decided on 24th December, 1885.

Your Excellency

In execution of the Order of the Court, after visiting the disputed site and in
the presence of the parties the Site map was prepared which is presented
as an enclosure to this report. Rs. 1 (One) was received as free of the
Commission paid by plaintiff on 6th December, 1885 and the map was
prepared after taking the measurement of the disputed Chabootra.

Signature of Gopal Sahai
Commissioner.

// TRUE AND TRANSLATED COPY //

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ANNEXURE A – 19

EXHIBIT – A26

In the Court of Sub-Judge Sahb Bahadur Faizabad.

Copy of the decision of case 61/280, year 1885 decided by Pandit Hari Kishan Sahib Sub-Judge Bahadur Faizabad dated 24th December, 1885.

Mahant Raghubar Das Mahant Sthan Janmasthan situated at Ayodhya

Versus

Secretary of State for India and Muhamad Asghar

Suit for permission of construction of Mandir/ Temple.

Decision of the Court:

Today from this record of the case in the presence of plaintiff and his advocate Kakkumal and Pandit Vishwambhav Nath, Government Pleader and Muhamad Asghar, Defendant and his advocate, it has become clear that the plaintiff is the Mahant of the Janmasthan. His Suit in the name of the Secretary of the State was presented. Thereafter Muhammad Asghar as per his request was joined as Defendant. The summary of the suit of the plaintiff is that Chabootra janmsthan East-West 21 feet, North-South 17 feet is under the possession of the plaintiff and because of no building/construction on it, the plaintiff and other mendicants are put to great hardship. In summer from heat, in monsoon from rain and in winter from extreme cold and that construction of a temple at this Chabootra will cause no damage/ loss. The worship which is being done today will be continued in the same way. For reasons, Deputy Commissioner Sahib prohibited construction of the temple therefore the plaintiff prays for issue of a decree for construction of a temple on Chabootra and by amendment the date of

(80)

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suit/ claim be declared 15th June, 1884. The Government pleader in his written reply in detail submitted that since the plaintiff was not evicted from the Chabootra therefore cause for claim/ suit does not arise and the suit suffers from bar of jurisdiction and the plaintiff has no right to the remedies prayed for by him.

Muhammad Asghar the defendant in his written reply submitted in detail that the stamp affixed on the suit are not sufficient. Stamp should have been affixed with regard to the value of the property and it also suffers from the bar of jurisdiction and that the land of Chabootra is Zayad Qayam and it is not in the possession of the plaintiff and he has been restrained many a times from construction on it. Keeping the circumstances of the case, six issues of law are required to be determined:-

- (1) First, whether sufficient stamp has been affixed on the suit?
- (2) Whether the Suit is time-barred?
- (3) If not, is there a cause for the suit to arise?
- (4) Whether such redressal of grievance is legal or illegal?
- (5) Fifth what is the measurement of the Chabootra?
- (6) Sixth the land of the chabootra is in the possession of which party which party?

The burden of proof with respect to the points no. first, third, fourth and sixth for determination is on the plaintiff. The burden of proof for second point is on defendant and the fifth regarding measurement and rebuttal of the sixth is decided to be on the defendant. Through Gopal Sahay, Custodian of the Records, the map of the disputed site was got prepared and included in the record of the proceedings which was deemed fit to be

revised. In connection with the revision to the map, following papers as proof thereof were submitted by both the parties:

Written proofs submitted by plaintiff;

Copy of the selection of Gazetteer of Avadh State Page 7 printed by the order of the Government, May;

Journal of the Asiatic Society relating to the translation of Ayodhya Mahant;

Proofs from Defendant.

Order of the officiating Deputy Commissioner with translation of the order of the officiating Commissioner;

Copy of the Decision of the Court of the Sub-Commissioner and sanction of the Deputy Commissioner for demolition of the house of raso of Sitaji;

A slip of paper signed by ex-Deputy Commissioner dated 23rd February, 1857;

Copy of the order of the Deputy Commissioner 6th December, 1858;

Copy of the Judgment of Sahib Bahadur 3rd December, 1860, and 16th March, 1881 in the case of Meer Rajab Ali Versus Singh;

Copy of the statement of Bholanath Inspector (Government Lands) 8th September, 1866;

Copy of the order of Mirza Khudadad Beg as per the approval of the order of Deputy Commissioner, 12th January, 1884;

Copy of the order of Assistant Commissioner Muhammad Asghar
Plaintiff Versus Govind Ram;

Copy of the application of GurmukhSinh resident of Lahore city 18th
May, 1883;

Copy of the application and order of Meer Shah Munshi, etc. 17th
January, 1885;

On the site of the land in the presence of the parties and advocate of the plaintiff and Inspector of Nazool (property vesting in the Government), Investigations were started. Four witnesses each from the side of the plaintiff and Muhamad Asghar Defendant were produced and their statements were recorded. No need was felt to produce any witness from Government side. After hearing the arguments of the advocates of the parties regarding determination of the point No. 1, it is clear that the plaintiff's redressal is for granting permission for the construction of mandir. Muhammad Asghar, Defendant has in his reply stated that the stamp as per the estimated cost of the construction of the temple should be affixed. The stamp should be affixed with reference to the cost of Chabootra. In view of the annexure II section 17 Sub-section 6, Act 7, 1870, it is very clear that if the value of claimed property case be fixed by market rate stamp of Rs. Ten is sufficient. Construction of temple can be done for Rs.100, Rs.1000 and more than that in a few thousands also. No amount can be fixed for it. Hence for such a claimed property market rate cannot be fixed and the suit is not for constructing the Chabootra so that the stamp should be taken on its value. Hence stamp of Rs. 10/- is sufficient and proper.

Regarding determining second point it became evident that no information/ notification under Criminal Procedure Code was issued by the District Magistrate in accordance with the procedure in the name of the plaintiff the cancellation of which might have been incumbent upon the plaintiff. A person Gurmukh Singh Punjabi had brought stone for construction of the temple. Deputy Commissioner had issued order in his name to remove the stone. The order of the Deputy Commissioner is clearly to the effect that Munshilal and Ram Narayan whose agent Gurmukh Singh is and who has brought the stone for construction of temple cannot be permitted and Commissioner has disallowed appeal on the basis that there is no previous permission for construction as it is legally necessary to obtain permission for construction. So no order for prohibition for construction of mandir on chabootra has been issued to the plaintiff. It is not necessary for the plaintiff to get the order cancelled and the precedent submitted by the Government Pleader is not relevant to present case as in that case court order was issued against plaintiff. So In this suit no order regarding construction on Chabootra was issued against the plaintiff. Moreover, taking into consideration Section 23, Act 15, of the year 1877, it is evident that in such cases, complaint suits should be instituted any time.

Since whenever the date of order of rejection is given it creates cause for suit and a new cause for suit arises and a new suit may be filed and no special cause is available barring jurisdiction in such type of case, there is the limit of six years as per special head. Therefore the limit of six years under head no. 120 of Act 15 of the year 1877 seems to be fit and proper. Therefore there is no time bar of hearing in the present suit. Regarding third decision without the objection of the defendant, it is found to be time-barred and there is the objection regarding cause for the suit. Moreover, the plaintiff

(84)

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was restrained from construction and no order for construction was issued on it. This also is a cause of complaint (suit) to arise

Regarding determination of point – 5 measurement was done on site and the measurement of the map is correct which is as per the contents of the suit. Muhammad Asghar too had no objection now about the measurements mentioned in the suit. But it is less by some inches but correct in feet. As regards point six taking into consideration the site it is evident that, charan (feet) in paduka is the print/ mark which is being worshipped. Over and above this, the temple situated on the chabootra an idol of Thakurji is kept which is being worshipped. The chabootra is in the possession of the plaintiff and whatever is offered on it is taken by the plaintiff. This matter, i.e. offering is also accepted by Muhammad Asghar at this point of time. The possession of plaintiff is proved by the witnesses of the plaintiff and railing wall separating the boundary of Hindus and Muslims exists from a long period which will be referred to in the future have been set up. The witnesses of the defendant express their lack of knowledge about the possession of the chabootra by the plaintiff. Between the Masjid and Chabootra is a well-built wall with railings. A map of the site was prepared by the Custodian of the maps as per amended suit from which the situation/facts of the case will become clear. It became clear that boundaries between this and Chabootra have been set up and this is also supported by the Government Gazetteer which was compiled before the present controversy. It is evident that before this controversy arose that both Hindus and Muslims offered worship on the place. In the year 1855, after the quarrel between Hindus and Muslims a wall in the form of the railing was erected to avoid controversy. So that Muslims may worship inside it and Hindus may worship outside it. So the outside land with chabootra which is

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In the possession of the plaintiff belongs to Hindus. As regards framing of the fourth issue which is based upon the decree for dismissal of the suit, the place is not generally like other buildings where the owner and the possessor has the right to build or construct on it. Taking into consideration the special situation of the place, the prayer for construction of the temple is at the place where there is only one way to the Masjid. Though the place where Hindus worship they hold its possession since old because of which there cannot be objection to their ownership and the area surrounding around the wall of the Masjid and on the outer door word Allah is engraved. In such place and chabootra, if a mandir is constructed the bell will be rung and the conch will be blown, contiguous and adjoining it and there is only one approach for the Muslims and Hindus. If the Hindus are prevented to build a temple most probably inimical case will arise and will culminate in the massacre of thousands.

Keeping this expediency in view, the officials connected with criminal matters from time to time have prohibited construction of a new religious building. Therefore, this Court is also of the opinion that permission for construction of a mandir/ temple is tantamount to laying the foundation of a war and mischief between Hindus and Muslims. Therefore, it is in the interest of two communities of Hindus and Muslims, it is good and opportune not to give permission for the construction of the temple. In the wisdom of this Court and considering special situation, justice demands that permission for such redressal should not be given and looking to the principle of contract it becomes clear that none of the parties should be made to enforce the contract which is found to be against the public good. Therefore in view of the reasons mentioned above, in the opinion of this Court, this redressal is believed to be against the legal way. Therefore the result of this issue is in

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the favour of the defendant and as regards others matters it is decided a in
favour of the plaintiff. Order as per section 198 of Civil Procedure Code; the
suit of the plaintiff is dismissed and the costs of the suit to be borne by
concerned parties and case be sent to record.

24th December, 1885.

Signature:
Harkishan, Judge

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ANNEXURE A - 37

EXHIBIT - A51

Copy of the proposal of Tahavvurkhan dated 25th February, 1935 included in the File/ record of Babri Masjid Ayodhya, District Faizabad.

Before
Deputy Commissioner,

May your good fortune continue, Long Live the cherisher of the poor!

Your Highness,

I submit that this obedient servant was given the contract of Babri Masjid long back. The only work that remains now is to the tune of Rs.100 to 200.

But it is very difficult for me to carry it out without money. I am unable to complete the remaining work amounting to Rupees Hundred to Two

Hundred. I cannot think of running any other business without money. So

the hardship to myself and my children should be removed. Moreover, while

giving the work it was also ordered that payment will be made to me as and

when money is received. It came to my knowledge that money is being

collected since long time and enough money has been received. Long time

back, I had orally expressed my difficulty before your Highness. In the

meantime, your obedient servant fell ill due to which he could not recount

his difficulty in person before your Excellency. Secondly, the houses which

were burnt due to riots were ordered to be constructed by this obedient

servant. I had repaired the tiling of 13 houses. Some minor work of repairing

the doors remains to be carried out before monsoon sets in. Some trees

and extra materials were given to this obedient servant as per the orders of

the Deputy Commissioner, Faizabad through Naib Tahseeldar (Nuzool),

Faizabad. At that time, I was told that when I get the money the cost of the material will be adjusted from my bill (against the material given). As regards the houses lying incomplete, I had even collected material for completing the repairing work. But I could not complete the work for want of money. Therefore, through this petition, I request you and hope that considering my difficulty, order for payment will be issued in my favour. I have submitted this prayer considering it fit.

Details of construction of houses:

- (1) Maqsoodan;
- (2) Habeebullah;
- (3) Haji Noor Muhammad;
- (4) Khairat Husain Mohalla Mughalpura;
- (5) Shahadat Ali;
- (6) Rehmat Ali Mohalla Begumpura;
- (7) Abid Ali;
- (8) Ameenullah;
- (9) Afzalullah;
- (10) Mohammad Kareem Mohalla Solhati
- (11) Maula Bakhsh
- (12) Muhammad Bakhsh Mohalla Qazyana;
- (13) Zahoormiyan

Obedient servant
Tahavvur Khan Contractor,
Resident of Lal Bagh, Faizabad
Signature : Tahavvur Khan
Dated: 25.2.1935

// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 31

EXHIBIT - A45

Copy of the order of D.C. Faizabad dated 26.2.35 on the application of Jahwouwar Khan file regarding cow slaughter question of Shahjahan and Ayodhya List No. XV-162 containing file Register volume I from deptt form 1. to XV from 1929-30 to 1934-35.

Pay Rs. 7000/- (Seven Thousand) on ack at once.

S.D.M. Sadar will please make him put in detailed bills for the workers entrusted to him to report what should be paid on each after inspecting the work done or getting to be to inspect is if there are numerous houses.

Sd/- Illegible
26-2-35

Ex. A45
O.S. No. 2 of 1950
Name of Parties:
Filed by :

(Illegible)
(Illegible)

Sd/-
Civil Judge

(90)

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Date on which application is made for copy accompanied by the requisite stamps.	Date of posing notice on notice board.	Date of delivery of copy	Signature of official delivering copy
7/12/51 Seventh Dec. 1951	5.4.52 Fifth April, 1952	14/4/52	

Dt. 28.8.58

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ANNEXURE A - 30

EXHIBIT - A44

Copy of the Estimate of Tahaur Khan dated 15.4.35 regarding Babri Masjid Ahodhya. File regarding Cow Slaughter question at Shahjahanpur and Ayodhya Riot No. XV-162 containing file register Volume I from Deptt. I to XV from 1929-30 to 1934-35.

Munshi Tahour Khan
Approved contractor P.W. Department
Lal Bagh, Fyzabad

Detailed quantities of : Abstract for Babri Mosque of Ajodhia

S.No.	Description of work	Length Bredth, Thick Nos.	Total	Grand Total	Rate	Amount Rs. P.S.
1.	Dismantling masonary work			11016	1/10	110 2 6
2.	First class brick wall in lime			2526	36/-%	909 5 6
3.	Domes masonary work			6742	45/-%	3033 14 -
4.	Cement Masonary			2248	70/-%	1573 9
5.	Arch work "Slab"			67 1/2 36	4"1/2" 1/2 %	27 " " 40 " "
6.	Roofment over dome in lime			1059	30/8%	323 - -
7.	Stone work of Chajja			21.33 ft	4/8	96 - -

92

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8.	Iron work grated windows	16	10/- EACH	160	-	-
(a)	" gate	16	10 each	160	-	-
(b)	" ring	15.50XX	18/-	279	-	-
(c)	" nail	3-1/8	4/8	14	-	-
9.	Cannice complete 3"	17	-1/6	16	-	6
10.	Line/XX Gates	7280	4/-%	291	3	-
11	Cement Plaster 1" thick 1 cement 2 sand	8287	12/%	754	7	-
12	Ornamental work	1957	25/-%	489	4	-
(a)	Do - Ornamental work- Gauge Repairing					
(b)	Ornamental large dome					
13	Chandla Inside domes & gates	22	Each	66	-	-
A	Repairing Chandla					
14	Making domes patta complete	3	50/- each	150	-	-
15.	Artificial Kuls Brass	3	50/-	150	-	-
16	White washing as details listed cements	13567	3/1%	25	7	-

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(a)	White washing Old walls				
17	Scaffolding		50	-	-
18	Ordinary repairs of plinth back sid	2.5	50	-	-
19	Removing (Illegible) & cleaning	2.5	100	-	-
20	Painting & Varnishing over windows & doors	524	18	5	-
Total			Rs.	8735	1 6
B.F.			Rs.	8735	1 6
21	Repairing Kabrastan		300	-	-
22	Making letters & filling glasses	116	XX	14	8 -
23	Making guinni complete for Domes	305	/2/-	38	2 -
24	Gola, Choosi & Gata	153	/2/-	19	2 -
25	Sangmarmar with making XX the second gate			7	8 -
Grand Total			Rs.	9114	5 6
Less Rs.25/-				2278	9 6
Credit			Rs.	6835	12 -
Deduct for old material			(Illegible)	100	- -
Balance			Balance	Rs.	6735 - 12

94

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(Illegible)

(Illegible)
Rs.30/-
per month

90

(Illegible)

Total 6825 12 -

Sd/-
Tahour Khan Contractor
Lal Bagh, Faizabad
15.4.35

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ANNEXURE A – 36

EXHIBIT – A50

Copy of the petition of Tahavvur Khan dated 16th April, 1935 included in the file/ record of Babri Masjid, Ayodhya, Faizabad.

Before official of the Tahseel, Faizabad

May his patronage continue. Long live the cherisher of the poor!

Your Excellency,

It is humbly submitted that the delay in submitting the Bill of the Babri Masjid is due to the reason that the spire of the dome is under preparation at Benaras. It has not yet arrived. However, I am submitting the Bill immediately as ordered by Your Excellency. The marble stone on which the word 'Allah' will be written is also not yet completed. Both of these jobs will be completed within a week. The Bills of houses will be submitted within this week. Remaining work is under progress. What is necessary is submitted.

Your obedient servant

Tahavvur Husain, Contractor, residing at Lal Bagh, Faizabad

Tahavvur Khan

16.04.35

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ANNEXURE A - 34

EXHIBIT - A48

Copy of the inspection note dated 21-11-1935 by Mr. Zorawar Sharma, Assistant Engineer P.W.D. Faizabad file regarding cow slaughter question at Shahzahanpur and Ayodhya Riot No.XV-162 containing file Register Volume 1 from Defdt. from I to XV from 1929-30 to 1934-35.

I have inspected the Babri Mosque at Ayodhya. It is one of these places damaged by irresponsible fanatics during communal riots in Ayodhya in 1933 or 1934. The damaged portions were rebuilt and the mosque restored to its new condition about one year ago. The accompanying bills are for the work done in reconditioning this mosque. In a case like this, it is not possible to check with any degree of minute correctness, the measurement of the work done. All that is possible now is to compare the quantities entered in the bill with the quantities in the sanctioned estimate and judge if the differences are justified. The deviations in such works necessitating the payment for extra repairs are generally supported by the orders of the officer in-charge of the work, and these orders or remark of the officer in charge should be the correct basis for deciding this side of the question. I have seen the work at site and think that it has been done generally satisfactorily. The amount of the estimate as passed by M. D'Cruz Assistant Engineer on 29th May 1934 is Rs.7329/- and of the bill dated April 15, 1935 is Rs.2729/4/-.

The bill for the burnt houses can not be checked with out the estimate being found, as it is of the nature where damaged portions have been rebuilt and white washed over in the same way as the old ones.

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The accompanying are my notes regarding the bill for Babri Mosque as for extra items and rates are concerned:-

Item No.3 and 4 of the bill. Dome masonry work and cement masonry are 6742 cft and 2248 cft against 5759 cft and 1920 cft respectively in the estimate. The officer in-charge of the construction should satisfy that this extra work has been done under his orders.

Item No.6: Roof line concrete has been done 1546 cft against 1059 cft in the estimate. Certainly this was a place where excess could have been avoided.

Item No.7 – Stone work has been done $48 \frac{1}{4}$ cft against 21.33 cft in the estimate. The excess could have been avoided. The order of the officer in-charge of the work should decide whether the contractor did this under his explicit orders.

Item No.8(a): "Gate" same remarks as above for item no.7.

Item No.8(e): "Rail" This item is not provided in the estimate and could have been omitted. The price entered is very high and needs to be reduced from Rs.42 to 14/-.

Item No.11: Cement Plaster 1" "thick" has been done 6287 sft against 3904 sft. In the estimate. Obviously cement plaster over an area of 2383 sft has been done in place of lime plaster in the estimate. The contractor's action requires to be justified by the production of the order under which he did this substitution.

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Item No. 16(a)- "White washing old walls 1 coat" is a new item. The officer in charge of the work should decide if he ordered this to be done. These remarks hold good for items No. 12(a), 12(b) and 13(a) of the bill.

The rates for items No. 16 and 20 (white washing 2 coats and painting) of the bill should be reduced to those in the estimate viz-/3/-% and 3/8/-%.

The rates for items No. 22, 23 and 24 of the bill are very high and need to be reduced to half of what they are.

The rate for item no. 25 of the bill is very high and needs to be reduced to Rs. 7/8/- only.

In the end of the bill there is an item of Rs. 90/- for pay of the work against at Rs. 30/- per month for 3 months.

Such items are not usually payable to contractors and this item might be omitted altogether unless these are exonerating circumstances to justify the payment of this item.

Sd/-
S. Ahmad Raza,
Head Clerk
Executive Engineer's Office
Faizabad Prov. Division
23/XI/35

Ex. A48
O.S. No. 2 of 1950
Name of Parties:
Filed by :

(Illegible)
(Illegible)

Sd/-
Civil Judge

// TRUE COPY //

Exh. A58 (99)

Sub 1

1169

महाराष्ट्र सरकार के कानून विभाग, मुंबई, २६३६ डी० काका

के निम्नलिखित कानून के अन्तर्गत कानून का कानून तहसील के काका

महाराष्ट्र सरकार के कानून विभाग, मुंबई, २६३६ डी० काका

गरीब परावर अन्तर्गत कानून काका मुंबई के कि मकानाता अयोध्या
को कि बल में कत गये है। जिसको तावेदार को मुकम्मल किये हैये
बहा उका और तावेदार को रुपया भी तक नहीं मिला, दयाफत से
मालूम हुआ कि स्ट्रीट मकानाता का गायब हो गया है। इस वजह से
अनाब इन्वॉन्स पी० डब्लू डी० वामरी परिवार का बिल बैंक करके
मिस्त को वापस कर दिया। मकानाता का बिल और स्ट्रीट के रह गया
अनाबी जाहा इस स्ट्रीट को अनाब मायब तहसीलदार धीरे धीरे नष्ट
पी० डब्लू डी० से बैंक के दोबारा तावेदार से स्ट्रीट लिया गया।
जिसकी उड़ी कापी मेरे मोबुल है और इस ही तावेदार इसको या इसकी
कापी भेज करके छुटता है मेहरबानी करके मेरा मकानों का बिल अनाब
इन्वॉन्स तावेद के है बिल बैंक हो जाये तावेदार को रुपया मिल जाये
क्योंकि रुपये की छल्ल करत है तावेद नही है।
अनाबी
विदवीत-हर तावेदार धीरे धीरे तालवाग के काका।

२-१-३६

२० तहसील

Verifed to the court
translation
Hilary
23/9/00

(100)

1170

Copy of the application date 2 January 1936

Tehsil Masjid Vs. Hakim Faizabad,

It is requested that houses which have been burned in the riots at Ayodhya. Long time have been passed since the tabedra has been appointed but still money is not received to the tabedra. On inquiry it revealed that estimate of the houses has been missing and due to this reason Engineer of PWD has checked the bill of Babri Masjid and returned the file. Bill of the houses is remained without the estimate. This estimate be checked again at the nazul rate from the Naib Tehsildar PWD and again estimate is taken from the Tabedra. Its under copy is available in the... In case order is passed the its copy can be produced, please made the of the house and checked from the Engineer so that after checking the bill Tabedra got the money because money is urgent needed.

Applicant

Sd/O Tabrar Khan Contractor, R/o Lal Bagh Faizabad

2.1.36

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ANNEXURE A – 32

EXHIBIT – A46

Copy of the report of Mubarak Ali Bill Clerk dated 27.1.36 regarding the construction of the mosque Ajodhya file regarding cow slaughter question of Shahjahan and Ayodhya List No. XV-162 containing file Register volume I from deptt form 1 to XV from 1929-30 to 1934-35

Sir,

The bill of the contractor regarding the construction of the mosque is herewith put up as ordered. As regards the bill from the burnt houses, the estimates of which have been lost, had recently been sent to the Nazul Naib Tahsildar under the order of D.C. for checking the work done by the contractor on the spot.

Sd/-
Mubarak Ali
Bill Clerk
27.1.36

Ex. A46
O.S. No. 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)

Sd/-
Civil Judge

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Date on which application is made for copy accompanied by the requisite stamps.	Date of posing notice on notice board	Date of delivery of copy	Signature of official delivering copy
7/12/51 Seventh Dec. 1951	5.4.52 Fifth April, 1952	14/4/52	

Dt. 28.8.58

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ANNEXURE A - 33

EXHIBIT - A47

Copy of the order dated 29.1.36 of Mr. A.D. Dixon, regarding the repairs to the Babri Mosque Ayodhya file regarding cow slaughter question of Shahjahan and Ayodhya List No, XV-162 containing file Register volume I from deptt form 1 to XV from 1929-30 to 1934-35

The repairs to the Babri Mosque has been checked by the P.W.D. The payment for this work, amounting to Rs. 6825/12/- should, I think be paid now.

Sd/-
A.D. Dixon
29.1.36

Ex. A47
O.S. No. 2 of 1950
Name of Parties:
Filed by :

(Illegible)
(Illegible)

Sd/-
Civil Judge

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120

Date on which application is made for copy accompanied by the requisite stamps.	Date of posing notice on notice board	Date of delivery of copy	Signature of official delivering copy
7/12/51 Seventh Dec. 1951	5.4.52 Fifth April, 1952	14/4/52	

Dt. 28.8.58

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ANNEXURE A – 38

EXHIBIT – A52

In the court of Deputy Commissioner, Faizabad.

Tahavvurkhan contractor, resident of Lal Bagh, Baansmandi,
Faizabad.

Long live the cherisher of the poor!

I beg to submit that the bill of the Petitioner relating to repairing of the houses situated at Ayodhya was of the total value of Rs.3604, 9 Anna. Out of this amount Petitioner has been paid Rs.3287, 1 Anna & 6 pai only. The reason for reduced payment seems to be that the Deputy Tahseeldar (Nuzool-Govt. lands) Faizabad during the inspection of the work proposed that looking to the thickness of two to three doors of 1 ½ inches their value instead of Rs. 23, 12 Anna, 16 Rs. 1 Anna and 3 pai should be calculated as Rs.16/- and 11/- Rs. And the value of the windows instead of Rs.7/- be reduced to Rs.5/-. Your Excellency, at the time of the verification statement, the thickness of the doors was found 1 ½ inch and after reducing the cost of the windows Public works Department had sanctioned Rs.23-12 Anna, 16 Rs. 11 Anna 3 pai and 7 Rupees. And the Petitioner had fixed doors and windows years ago. At the time of the verification these were found in the new condition by the verifying officer. This is the reason for the proposal of reduction in the amount. But new doors and windows cannot be made in the proposed amount. Due to the reasons mentioned above, I expect your Excellency that 3 doors of 1 ¼ inch and the rate of windows may be got rechecked through Public Works Department and the remaining amount paid to the Petitioner. The Bill of the applicant pertaining to Babri masjid was of the total amount of Rs.7229/- out of which Rs.6825 has been paid to the

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Petitioner. This means less payment of Rs.403, 4 Anna against the sanctioned estimate of Rs.7329. Thus payment made to the Petitioner is less compared to the sanctioned estimate. Petitioner requests for the explanation of the amount not billed so that he may represent his case before Your Excellency in this regard.

Yours obedient servant.

Tahavvur Husain, Contractor

Date 30th April, 1936.

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ANNEXURE A - 5

EXHIBIT - A7

(Original is written on the stamp of Rs.1)

Ext. A - 7

(O. S. No. 2 of 1950)

Paper No. 75-A

I, Saiyed Muhammad Zaki, son of Saiyed Muhammad Razi Trustee of Babri Masjid (Waqf) am a resident of village Sahnava Paragna (Sub-Division) Haveli Tahseel and District Faizabad. Since the person giving this undertaking is Nambardar and Trustee of the Masjid Babri (Waqf) situated at Mohalla Ramkot Ayodhya City, District Faizabad and Maulavi Abdul Ghaffar son of Maulavi Abdul Qadir, resident of Mohalla Vashishth Kund, City Ayodhya, District Faizabad is the Pesh Imam of the said Masjid (appointed by) Waqf. His salary Rupees 274/- 50% (Fifty percent) of which comes to Rs. 137/- is outstanding for payment till 1935 by the said Waqf. The responsibility for the payment of the said outstanding amount rests with the person giving this undertaking through this agreement. Therefore, the person, making this agreement in sound health and full sense willingly agrees to pay in full the salary amount which is outstanding for payment to Maulavi Abdul Ghaffar Pesh Imam as per the details given below in five equal installments within the period of 2 years starting from the end of October 1936 till the end of October, 1938. If the person giving this undertaking makes default in the payment of the installment on the time/date mentioned herein-below, Maulavi Abdul Ghaffar will be free to avail legal remedy for recovering the outstanding amount from the person giving this undertaking. This may include decree and auction of this property of the person giving this undertaking and also from the property of the Waqf with damages and costs. The person giving this undertaking or his

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successors or the person officiating on his behalf the said Waqf will have no objection, whatsoever against the legal remedy resorted to by Maulavi Abdul Ghaffar for recovering his outstanding salary. This undertaking is given in writing to him -Maulavi Abdul Ghaffar as his proof thereof and may be made use of whenever required.

Details of Installment of Rs. 274.

First Instalment 31st October, 1936 Rs. 74 (74/-);

Second Instalment 30th April, 1937 Rs. 50/- (50/-);

Third Instalment 31st October, 1937 Rs. 50 (50/-);

Fourth Instalment 30th April, 1938 Rs. 50/- (50/-);

Fifth Instalment 31st October, 1938 Rs. 50 (50/-)

Handwritten on 25th July, 1936 by Ziaullah, resident of Sahnava.

Servant
Saiyed Muhammad Zaki Trustee Signature in Urdu

Witness
Ikramuddin in his own hand-writing
Signature in Urdu

Ex. A7
No. of Suit 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)
Date of Filing : 25.3.50
Admitted by Pltf.
Denied by Deft.

Sd/-
Civil Judge

// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 41

EXHIBIT - A61

Copy of the petition of Abdul Ghaffar Pesh Imam, Babri Masjid situated at Ramkot, Ayodhya City dated 20th August, 1938 submitted in person before Waqf Commissioner Sahib, Faizabad included in Waqf File No. 26, District Faizabad.

Before Waqf Commissioner, District Faizabad.

Your Highness!

May your patronage continue.

From your obedient servant

Versus

Muhamad Zaki, Trustee (Mutavalli) Babri Masjid situated at Ramkot, Ayodhya City.

My salary as Pesh Imam of the said Masjid is fixed at Rs. Five per month. The said Trustee never pays me salary regularly. Your devoted servant's salary of Rupees 274/- was payable by the Trustee upto the period of 31st December, 1935. The Manager entered into an agreement with me in this regard. As per said agreement the total amount of outstanding salary was to be paid to me till 31st October, 1938. But, I have received only Rs. 40/- till date and Rs. 238 is yet to be paid. Over and above this amount, an amount of Rupees 155/- starting from First January, 1936 till 31st July, 1938 at the rate of Rs. 5/- per month is also due for payment to me. Thus an amount of Rs. 389 is payable to me as outstanding salary. I, therefore, with utmost respect, request you to issue an order for payment of at least minimum amount by the said trustee to me.

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Yours obedient servant.

Written on 20th August, 1938

Copy of the agreement referred in the petition is attached herewith for perusal which may please be returned.

Petition of Abdul Ghaffar residing at Ramkot, Ayodhya city, Mohalla Qazyana.

Signature of Abdul Ghaffar in Claim No. 95-A, 11.3.59.

Name of the petitioner – Ahhmedbeg Faizabad

Fees charged: Normal, free of cost

Date of preparation of copy : 23.03.59

Date of handing over of copy: 23.3.59

// TRUE AND TRANSLATED COPY //

Annexure 57 A-14 (111)

Copy of Report dated 18-4-42 filed and made by

Bhawan Nath Saheb, Pleader, Commissioner.

Reg.suit No.95 of 1941.

Mht. Ram Charan Dass vs. Mht. Raghunath Dass and
others.

Fixed for :- 4th April and 4th May, 1942.

In the court of Mr.Har Charan Dayal Saheb Addl.Civil
Judge, Fyzabad.

Mahanth Ram Charan Dass.....Plaintiff

Versus

Mahanth Raghunath Dass and others.....Defendants

Regular suit No.....of 1942.

Date of filing report- 18-4-1942.

Sir,

In the above mentioned case I was appointed
Commissioner for preparing maps showing all the
properties in dispute in lists A and B attached to the
plaint and to show the market value of all the
properties mentioned in them separately.

58 (112)

In compliance with the above order I went to the spot on 3.4.1942 and on subsequent consecutive dates as directed. On behalf of the I have met Sharma and the Plaintiff's agent through Sita Ram Dass defendants.

----- The measurement work was done by me on 3rd, 4th and 5th April, 1942. I fixed the 5th Of April, Ajodhia for the Parties to adduce oral and documentary evidence. The deft. Showed to me some sale deeds, a note was made by me but the parties did not adduce any oral evidence as directed on the 7th of April 1942 the deft. agent requested me to inspect the registration records for 1940 as he said that it was not possible to get copies of the documents in such a short time. I therefore inspected the registration records for 1940 and took the necessary notes. As the sale deed on which reliance was put contained a pucca house the deft applied to me on 10th April 1942 to adduce some oral evidence on the question of the valuation of the materials. I fixed 12th April, 1942 for that purpose and informed the parties accordingly. The evidence of the parties were recorded by me which I am attaching herewith. On the 16th of April, 1942 again the deft applied to inspect the record of 1941. I did it and communicated to the plaintiff's counsel. He

made an application on the 17th morning when I communicated the result of inspection that he will like to examine and adduce some evidence, that the price fixed in the sale deeds of the Amama estate was a fancy price. I fixed the evening of the 17th for recording this evidence. None has turned up till now and it is 9 p.m.. The first report of mine was ready but I had to redraft it in view of the additional evidence brought to my notice.

I have prepared the mass on scale "1 equal to 10" and have also shown in the map the different portions that are double storied. In the first plan the line shown as yellow does not belong to the temple.

There was a dispute as to the ownership of item no.3 of list(B). This house is said to belong to a minor who is an heir to one Mst. Birja. As this item was shown in list(B) at item no.3. I have made measurements and fixed its value as directed by the Court.

The condition of the houses has been worse owing to and neglect of respondent even in the 18th morning no person turned up on behalf of the plaintiff. His counsel has sent an intimation to his intention of

fo (114)

adducing any evidence I have made calculation as far possible from the statement that are before me. They have dealt itemwise in the few pages. The map of item in the list (A) has not been prepared but the dimensions of it has been given in report.

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LAST CA)

61 (115)

Item no.11: It is a temple shown as Akhara Nirmohi in the plant. The various constructions have been shown by me in the map and from it the inference that is drawn is that the main construction except the shops lying on the northern side of the land are only upper house of the temple and I have shown it in details on the map. Constructin is said to be nothing in which the worshippers when on a visit to a joins but at present they are ought to different tenants. The monthly rent for this is paid to be Rs.8 per Kothi which comes out to Rs.11/8. I found one Kothi on the eastern side as it appear that annual to which the kothis are earning Rs.138 per annum their seem to be from this building. The area cover of this building is ___ bigha ___ biswa will consider the exact value of the land in the same civinity. This was shown to me by one Mahant Hari Das for Rs.1312/8. This contained a compound wall also on left side. This plot consists of a cell which is a wall built in pucca brick. Although the deed does not contain any rental but the evidence has and it is a narrow one although I had filed the 6th and 12th.

The constructions on this site are very old. The main portion of the building and part of the temple is shown in the map as Bhandar Khana and the drain to the north of the general agent's room are in a dilapidated condition.

62

(116)

The shops too are in a tottering state. The value of the bricks and labour etc will appear from the following amount:

Bricks	1600-00-0
Time etc.	600-00-0
Labour	1500-00-0

To this may be added the cost of the two wells Rs.500/-

Total thus comes to Rs.4,500/-

As the building is very old we have to give the depreciating value to the materials. The above estimate is of a function, as it is the main property and the temple and portion of its eastern side is fairly repaired even recently. There should be depreciation put on this property of the total valuation.

The average life of a building but as better materials were used in olden times in portion of the temple and a portion on the eastern side in a better condition. The other portions that were built that is the shops have completely lost their as they seem to be 40 years old. In view of the above considerations, I fix Rs.1500/- as the fair value of the temple as adjoining constructions. The value of the shops and constructions is as under;/-

Bricks Rs.750/-

62 (117)

Li me Rs.200/-

Labour Rs.750/-

Karis Rs..250/-

and doors

I have been asked by the counsel for the debt tht 50 times of the annual rent be the fair met value of the property because the shops can be purchased at as interest which is the bank rate. No doubt the bank rate is but in that case there is no depreciation of the principal and there is no incidental e.g. repairs which must be deducted from the income or the property. If we consider all these facts we are sure that expenses of management and the repairs will take away at Rs. 25 of the value of property. It may be even more than adding to this a depreciation of the house property be purchased at less than. Of course the site value also be considered. If we multiply fees by 16 the value comes to Rs.2218/- and it cae take out that Kothi that is vacant or my fall vacant the valueation will be less than Rs.2,000/- As these shops are on a main road they will fetch a little higher rent. Hence this little difference from m y view on sidering the circumstances and

64 (118)

condition of the building the value of the materials and its fair market value is Rs.2000/-. The total value of this item comes to a . This a temple popularly known as Akahra and is situated in mohala. It is one of the holy places in Ajodhya and is visited by every Hindu who comes to Ajodhya. From the plan prepared by me there are no worth the name except a small chabutri worshiped hindue and a few chappers put up by the pujaries for their residence. There is a small shop at the structure of this and which is a mobile etc. It consists of three takth places together and covered by sheets. This let out at a rent of Rs.161/- per year. It may be a contract for the shops of lowers to the worshipper. It is in dispute and is part of the matter of item no. It is site outside the temple.

Bricks Rs.500/-

Lime Rs.206/-

Labour Rs.500/-

Chabutra Rs.200/-

Trees Rs. 20/-

Flooring Rs.200/-

Rs.1670/-

65 (119)

The main item in which there is depreciations is the boundary wall which cost Rs.1200/-. The depreciation is this should be put at 607. The total value at present therefore Rs.1070-0-0.

The area covered by this temple is a business. The valuation of this may be put at Rs.500/- as it is surrounded on graveyards. The total value of this item comes therefore to Rs.1520/-. It is a well known as site Koop. It is a well settled as very sacred place was bought and put in it. It lies at a place surrounded by graves. It is close to Janam Bhoomi. It is feet deep and the water is about 15 feet. The cost of the well is as under:

Bricks and Kankara etc. Rs.400-00-0

Lime and other materials Rs.200-00-0

Labour Rs.400-00-0

As the Jagat of the this well seems to be recently buildt or it seems a little new because the well is not used for public purposes but only o specific ceremonies when water is drawn for a khata or ceremony. In my opinion the depreciation on this score should be put at . The market value In my opinion there is Rs.800/-

66 (12a)

Item No.4: This item consists of a building, was contested before me that it was a private house.

This item is situated popularly known as Tonna. It covers an area of biswas. The valuation of this building is as under:

Bricks Rs.320-00-0

Lime Rs.170-00-0

Labour Rs.300-00-0

Site Value Rs.300-00-0

Total Rs.1070-00-0

The building is quite old and a deduction of 60% should be given on Rs.770/-. The value of the materials therefore to Rs.300/- and the site value Rs.300/- total Rs.600/-.

I think that this is the fair market value of this property.

The site values in this case is a little less than other land closed by which is mentioned in list (B) as it is in a lane. If we multiply the rental it comes to Rs.480/- but I do not think it to be the value of the property and I fix the value at Rs./600/-.

67

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Item No.1: It is an astha in mohalla. The plot covered by this is 11 bighas 15 biswas. I inspected the sale deed on 7th April, 1942, of the plot lying to the south of it. The area of that plot was 4 bighas 4 biswas, and was sold for a sum of Rs.400/-. It was also mentioned in sale deed that there was a pucca house on it curious enough a well which is quite old was not mentioned in the deed 11th August, 1940. On the 11th of April the evidence was recorded by me. The pltt, examined one witness who said that more than half was covered by building with verandah on the east west and south and in the northern portion there was a temple. The defendants evidence consisted two witnesses who say that half the sites was covered but they never went inside the house. This is a curious story. It is difficult to understand that these people lived closely by would never have gone inside that building. There is a pucca house on this site the defendant witnesses have said that there was only a khanderpai on this site for the last 13 years. If it was so there is no earthly reason as to why it was not described as a khanderpai in the deed. The pltt's witnesses have said that the buildings that stood if erected newly will cost Rs.1500/- to Rs.2000/- rupees. The deft's first witness has said that the building was built by but contradicts him by saying that it was built of Gomma and

68 (122)

Lakhori. In view of these contradictions I do not but say reliable on the lefts witnesses P.W.1 has admitted that the house was sold. Putting a deduction of 60% on a sum of Rs.1500/- I am of opinion tht the malwa must have cost at least Rs.500/-. It is admitted that a portion of the malwa has been used in making the platform which is abaout 6 feet and a portion of it still lying. I have inspected the locality on the 16th and have found that there is a pucca well in a running order and the chabutra on its western side is also bout 5 ft high. I am therefore of the opinion that it must be worth about Rs.500/-. The well no doubt is old but it is a very deep well like that of site. Had it not been in running order it would have been of no value but as it is not that Rs.500/- will be a fair pride of that well. The said plot is situated on a pucca road to the south of it. Certainly that portion of the site can be used for shops which can yield a as there can be at least half a dozen shops. The site value therefor of this portion i.e. Rs.1000/- as certainly fair but this principle will not apply to the ahata in dispute where no pucca road exists. There is no doubt a kachha road on the west but the income from the shops will be leaking in this ahata. Hence the same valuation an not be put on the ahata in dispute. After deducting special advantage of the site it will be reasonable to put Rs.2000/-

69 (123)

per bigha as the market value of the land. And the valuation of the boundary well and the well is Rs.150/- the total will therefore come to Rs.1330/- other sale deed was shown to me in which 3 biswas and 5 biswans was sold for Rs.1400/- I could not sell the plot or its situations as the inspection was made by only on the 16th this sale deed was in favour of range of Amawan and as appears from the sale deed it adjoins his land on which he wanted to build a temple. It may be in view of that he might have paid a fancy price to an willing seller. The plff wanted to rebut it but this deed was shown to me very late. Moreover I found during that there was another sale deed of one biswa land with a pucca house for Rs.196/-. Although I have not seen the house still I think that the materials must have cost at least Rs.95/- and the value of the site must now be Rs.100/- this also shows that the sale deed in favour of Raja Amawan was obtained by paying a fancy price. It has further confirmed my view that the fair market value is in excess of Rs.2000/- per bigha and I adhere to my previous calculations of the valuation.

Item No.2: This is shata.situate in mohalla Ram mandir, close to Nirmohi Akhara on the borther side of the road building is quite old one. The construction are on the

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eastern and on the southern side of the ahata. The southern side is double storied and has got 7 shops in the lower storey. The building is vacant in the upper story except a portion on the south eastern side occupied by one. The site value was referred to by me in item no. 1 or list Rs./585/- as the area of this plot is 5 biswas 17 biswas. The valuation of the building is as under:

Bricks . . . Rs/750/-

Lime etc. . . Rs.250/-

Labour . . . Rs.750/-

Doors and Karis Rs.250/-

From there should be a deduction of 50% as depreciation of the materials. The value therefore comes to Rs.1000/-. Rs.595/- total Rs.1585/-. The rent of this building at present is paid to Rs.8/- per month which comes to Rs/96/- per year. Annual report will be Rs.1034/0 which is less than the value fixed by me. I therefore hold that the fair market value is rs.1585/-.

Item No.3: This house and item nos. 4 and 5 are situated in mohalla Rai Ganj and on the main road. Three sale deeds were shown to me. There are:

72 (125)

i) A sale deed of Rs.1375/- with land by one Dwarka in favour of Thakur Bankatesh Ji Maharaj, dated 15th March, 1948.

ii) Sale deed by Ms. Sheo Rani in favour of Bankey al for Rs.900/- dated 9th December, 1940.

a. As this sale deed concerns item no4, it will be discussed at its proper place.

b. A sale deed in favour of Barmodh Bann Bihari Dass and o.p.11 another by Santokh Dass for a sum of Rs.1000/- dated 3.9.1931. Both the houses mentioned at nos.1 and above the land is matahti and contains decent houses. The first one has got a double storied house well kept by the owner and the second only single storied house but seems to be quite new. The house in dispute stands on the nazul land with a rent of Rs.200/-.

The site value in comparison to the sale deeds would have been Rs.300/- but a deduction of a 100/- may be given in view of the rent fixed on it, so I hold that the fair market value of the site is Rs.200/-

Bricks Rs.200/-

Lime Rs.100/-

Karls and

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Doors	Rs.100/-
Labour	Rs.200/-
Well	<u>Rs.200/-</u>
Total	Rs.800/-

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As the house is very old I allow a depreciation of 50% as from me against the house is more than 30 years old. The bricks have ben deteriorated by weather. The value of the materials will be therefore I am the site value will be Rs.200/- Total Rs.520/- is a fair m aket value of th property. The rent of this house is said to be Rs.28/- per year. 16 times this amount will be Rs.356/- whih is much less than the actual value. I therefore hold that Rs.520/- is a fair market value of the property.

Item no.4: This house is on the western side of the road. This too is a very old house about 40 years at least the value of the materials is as under:

Bricks Rs.200/-

Lime Rs.1000/-

Labour Rs.200/-

Karis & door Rs.150/-

Total Rs.650/-

A depreciation in the value of the materials case should be fixed at 60% whih brings it to Rs.200/-, regards the site value I think that Rs./200/- is the fair market value. The total therefore is Rs.550/- mention ed by me at no.

Discussing item no.3 above. This house is in a little better

75 (128)

condition and occupies land one and half times more than the present house. Considering that valuation I think that Rs/250/- is the fair market value of the house. The rent of this house is Rs.1/8/- per mensem, 16 times annual rent would be Rs.280/- I am afraid that the rental value cannot be deemed as a safe basis for calculation and I have rejected it as in calculating the market value of the house and property.

Item no.5 : this house situate in mohalla nai ganj near the railway crossing. The preset rental of the house is Rs.1/- per mensem o nuy. 16 times the annual comes to rRs.192/- only and the valuation is to be fixed. I think the site value of this item should be fixed at Rs.300/-. The house is very old and with the exceptions of two rooms which are double storied on the western side, the remaining portion is in a dilapidated condition and unfit for residence. It is due to this fact that upper storey which forms part of the back portion of the house is vacant. The back portion is on a tilla and is in a line with the upper storey of the roof portion. The value of the material is as under:

Bricks	Rs.250/-
Karls & doors	Rs.100/-
Lime	Rs.100/-

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Labour Rs.250/-

Total Rs.700/-

As stated above the house is more than 40 years old and is in a rocking condition. A deduction of 70% in the value of materials must be given in this case. The value of the materials will therefore come to Rs.170/-. Adding this to the site value the fair market value will be Rs.475/-

Item No.6: This house is situated in mohalla Kaniganj. The house is in ruins. I think that the site value in this case can not be put at more than Rs.150/-. And the value of the materials Rs.50/- The total value of this house can in no case be more than Rs.200/- and I think this to be the fair market value of this property.

I have the honour to be

Sir,

Your most obedient servant

Sd. Tribhuwan Nath.

B.A., LL.B.

Pleader - Commissioner

TRUE COPY

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ANNEXURE - A-7

IN THE COURT OF THE ADDITIONAL CIVIL JUDGE, HYZABAD
Duplicate copy of order on the compromise filed
by the parties, passed by Mr. Har Charan Dayal,
Additional Civil Judge, Hyzabad in Regular
Suit No. 95 of 1941.
Decided on 4.6.1942

Shri Mahant Ram Charan Das Chela of Shri Ashantha
Naurai Das of Nimmoji Akhara Mohalla Ramghat
City Ajudhia.

Plaintiff

Versus

1. Raghunath Das Chela of Charan Das of the
above place.
2. Mahant Ram Das chela of Baba Govind Das of
Janalpur Katariya city Ahmedabad.
3. Raghunath Das chela of Mangal Das of Chhachhi
Kuan City Lucknow.
4. Mahant Baldeo Das chela of Mahant Mohan Das,
of Naka Muzafra, city Hyzabad.
5. Sukhran Das chela of Jagdeo Das, of Janalpur
Katariya City Ahmedabad.
6. Naga Ram Charan Das chela of Baba Tibeni Das
of Janalpur Katariya city Ahmedabad.
7. Ram Lakhan Das chela of Ram Padarath Das of

.../-

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Nimohi Akhara Moh. Ranghat city Ajudhia
Distt. Fyzabad.

8. Baba Nargain Das chela of Manohar Das of
Asthal Tulsi Das Moh. Chhdi. Pi. Tola city Bans
Baraali.

Defendants

Claim for declaration:-

Order

The suit is decided in terms of the
compromise. Let a decree be prepared in terms
of the compromise. Order 23, R. 3 C.P.C.

Sd/- Har Charan Dayal

Additional Civil Judge

4.6.1942

Annexure A-9 (132)

(Words about 2000)

Copy of decree in Original suit

Regular suit No.95 of 1941.

In the Court of the Additional Civil Judge, Fyzabad

Sri Mahanth Ram Charan Das Chela Sri Mahanth
Naurottam Das, resident of Nirmohi Akhara Mohalla
Ram Ghat city Ajodhia Distt. Fyzabad Plaintiff.

Versus

1. Raghunath Das chela of Dharam Das of the above place.
2. Mahanth Hari Das chela of Baba Govind Das of Jamalpur Katariya city Ahmedabad.
3. Raghunath Das chela of Mangal Das of Chhachhi Kuan City Lucknow.
4. Mahanth Baldeo Das chela of Kahanth Mohan Das of Naku Muzafra, city Fyzabad.
5. Sukhram Das chela of Jagdeo Das of Jamalpur Katariya city Ahmadabad.
6. Naga Ram Charan Das chela of Baba Tirbeni Das of Jamalpur Katariya, city Ahmadabad.

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7. Ram Lakhan Das chela of Ram Palarath Das of
Nirmohi Akhara Mohamghat city Ajodhia Distt. Fyzabad.

8. Baba Narain Das chela of Manohar Das of Asthil Das
Moh. Chhi. Fi. Tola City Banebaraoli.

9. Mahanth Sita Ram Das chela Naurottam Das of
Mohalla Ram Ghat city Ajodhia Distt. Fyzabad

Defendants.

Claim for (a) A decree to their effect be passed in
favour of the plaintiff against the defdts that the
plaintiff is still Mahanth of Nirmohi Akhara situated in
Mohalla Ram Ghat city Ajodhia and is in possession of
the property concerning the Akhara mentioned above
shown in list (C) attached herewith and defendants
have nothing to with Nirmohi Akhara or any property in
suit.

(b) A decree for possession with the property
mentioned in lists A & B attached herewith be passed
in favour of the plaintiff Mohalla Nirmohi Akhara
Mohalla Ram Ghat city Ajodhia, be passed in favour of
the plaintiff against defendants.

(c) A decree for mesne profits for the period
mentioned in list A of the suit & future till the delivery

23 (134)
of possession be passed (d). If any of their property
except the property in suit as found in the bonds of
defdts a decree possession with costs of the suit be
paid in favour of plff. Valuation of the suit
Rs.2273818/-. This suit is coming on this day for final
disposal before Shri Harchanran Dayal, Additonal Civil
Judge, Fyzabad. In the presence of the plaintiff and of
the defendant, it is ordered and decreed that the suit is
decreed and decided in the terms of the compromise
attached herewith Order 23, R.3 C.P.C.

Given under my hand and the seal of the Court this 4th
day of June, 1942.

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Cost of Suit

Plaintiff

Defendant

1. Stamp for plaintiff Rs.132-8-00 stamp for process

Rs.1-8 anna

2. Stamp for process Rs.1-8 annas

3. a) Stamp for prohibits Rs.21-4

3.b) Stamp for petition Rs.3-00

4. Pleaders fee certificate Rs.50

5. Compensation fee Rs.50

6. Service of process Rs.5-8

Total Rs.213-12

Harcharan Dayal

Additional Civil Judge

Fyzabad

6.7.1942

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Annexure A-12

IN THE COURT OF THE ADDL. CIVIL JUDGE, FAIZABADRegular Suit No.95 of 1941

Sh. Mahanth Ram Charan Das.....Plaintiff.

Versus

Raghu Nath Das & Ors.....Defendants

TERMS OF COMPROMISE

We, both parties have arrived at a compromise in the above case, therefore, this case be disposed of in view of this compromise and suit of plaintiff be dismissed on the basis of terms of compromise.

1. That, Mahant Raghunath Das, the Def. No.1 is and shall be the lawful Mahant of Akhada Nirmohi situated at Mohalla Ramghat, City Ayodhya and is and shall be the Mahant of Mandir Janambhumi and building attached thereto, situated at Mohalla Ramkot, City Ayodhya along with entire disputed properties and properties concerning the Akhada. Plaintiff shall have no right or connection with "Mahanti" of the Akhada or disputed temple or disputed Mahanti Property or any other property concerning the Akhada or temple as per Para No.4 of this compromise and hence suit of plaintiff be dismissed in view of terms of this compromise.
2. That, entire properties as described in above paragraph which is situated at Mohalla Ramghat, City Ayodhya shall be of Wakf Akhada Nirmohi and it would be mutated in revenue records in the name of Mahant Wakf Akhada. Since, Def. No.1, Mahant Raghunath Das is presently the Mahant of Akahada Nirmohi, therefore, entire properties as described in Schedule "Zeem" of suit and the properties those have still not been mutated in favor of Def. No.1 and the properties which is neither recorded in the name of plaintiff or anybody shall be mutated in the name of Mahant and Chief Mahant

Raghunath Das, the Def. No.1 and plaintiff shall have no objection in this regard. It may be noted that entire properties as described in Schedule "Zeem" at this time is attached and is in possession of receiver as per the order of Hon'ble Court, and from now onward the Def. No.1, Mahant Raghunath Das shall have complete rights over aforesaid properties on the basis of this compromise, that, Def. No.1 shall receive possession of properties as described from Sl. No.1 to 4 in Schedule "Zeem" attached with the suit, that is, he shall receive possession over 14..., in total over 16... Janki Sahu Mauza Jafar Hakkiyat Ala and 16 ... Mohal Andurun Mauza Armanpur Hakkiyat Ala, 16 ... Mauza Etmadpur Hakkiyat Muttafarika and 10 Pai, Patti Navrottamdas Mauza Etmadpur and shall also receive possession of properties described at Sl. No.5, 6, 7 in the Schedule "Zeem" attached with the suit and (illegible) 16 ... Mahalat Ata Hussain and Fida Hussain and 9 Ana 11 Pai ... Mehendi Hussain Mauza ... and Def. No.1 shall also be entitled to receive whatever amount which has been received by Hon'ble Receiver or would be received by him in respect of attachment of entire disputed properties as per Schedule "Zeem" attached with the suit. That, the contents of registered deed of relinquishment dated 20th August, 1940 executed by Ramcharan Das (Plaintiff) in favor of Def. No.1 and other Panch is absolutely correct and it is and shall be binding upon plaintiff.

4. That, it has been decided about Ramcharan Das (Plaintiff) that he shall reside in "Burja Wali Kothri" of "Ramghat Ki Imarat" situated at 2nd Floor inside the premises of Nirmohi Akhada, but he shall not have right to let out the same and till Ramcharan Das stays in Nirmohi Akhada, he shall be provided food and clothes as is provided to other Mahants of Akhada and besides this, Ramcharan Das (Plaintiff) shall remain in possession of properties of Ata Hussain (16 Ana), Fida Hussain (16 Ana) and Mehdi Hussain (9 Ana 11 Pai) situated at Nirmohi Akhada, Mauza Nakrauja and shall pay annual

40 (138)

rent and maintain his livelihood from above rent and Def. No.1 shall be entitled to get aforesaid properties mutated in his name in the capacity of Mahant and Chief of Nirmohi Akhada and the name of Ramcharan Das shall be recorded in the column meant for sub-ordinate for the ease of suit and payment of rent, which shall be recorded without any rights and after the death of Ramcharan Das aforesaid properties shall be vested in Def. No.1, or whoever shall be Mahant at the relevant time.

5. That, in view of Regd. Maintenance Deed (Guzaranama) Dt. 20th August, 1940, the Def. No.1 is liable to pay Rs.200, 275/- to Ramcharan Das (Plaintiff) till 4th June, 1942, but aforesaid maintenance deed shall stand rescinded from this day onward and this compromise deed shall take place of the above.
6. That, Mahant Raghunath Das, Def. No.1 has right to realize rent etc. in respect of disputed properties and Plaintiff shall have no objection in this regard. Outstanding rent means rent which is lawfully payable.
7. That, the names of Def. No.9 and Def. No.5 be deleted from the suit and cost of suit shall be borne by the parties. The terms of this compromise is acceptable to we, both parties, which we have executed under our free volition upon careful consideration.

(TRUE TRANSLATED COPY)

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IN THE COURT OF ADDL. CIVIL JUDGE FAIZABAD

Regular Suit No. 95 of 1941

Sh. Mahanth Ram Charan Das.....Plaintiff.

Versus

Raghu Nath Das & Ors.....Defendants

TERMS OF COMPROMISE

Schedule "A"

1. A pucca temple along with land situated within the premises of Akhada Nirmohi at Ramghat, City Ayodhya, Pargana Haveli Awadh, Tehsil & Dist. Faizabad, whose boundaries are described as under:

East: Temple of Acharya and Ahirana

West: Public Street

North: Pucca Road

South: Ahirana

2. A pucca temple along with lands situated at Janambhumi-Babri Masjid in Mohalla Ramkot, City Ayodhya, Pargana Haveli Awadh, Tehsil & Dist. Faizabad, whose boundaries are described as under:

East: Parti & Kabristan (Graveyard)

West: Babri Masjid

North: Pucca Road

South: Kabristan (Graveyard)

3. A pucca Chah known as Sita Kup concerning Janam Bhumi situated at Mohalla Ramkot, City Ayodhya Ji, Pargan Haveli Awadh, Tehsil & Dist. Faizabad, whose boundaries are described as under:

East: Kabristan (Graveyard)

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East: Tulsi Badi & Chabutra (illegible)

North: Kabristan (Graveyard)

South: Chabutra Sumitra

4. A pucca temple along with lands known as "Iksha Bhawan" situated at Mohalla Ramkot, City Ayodhya Ji Pargana & Tehsil & Dist. As Above, whose boundaries are described as under:

East: Pucca Road

West: Temple of Ramjharokha

North: Public Road

South: House of Kishori Nandan

Schedule "B"

- i. A compound along with lands situated at Mohalla Ramkot, Ayodhya Ji Pargana Haveli Awadh, Tehsil & Dist. Faizabad whose boundaries are described as under:

East: Temple of Ram Ghulam

West: Pucca Road

North: Street

South: Compound of Saragdwat

2. A compound along with lands and shops situated at Mohalla Raiganj, Ayodhya Ji Pargana Haveli Awadh, Tehsil & Dist. Faizabad valuing..... whose boundaries are described as under:

East: Public Road

West: House of Sipur, Rasik

North: Nauras

South: Pucca Road

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2. A pucca house situated at Mohalla Raiganj, City Ayodhya Ji Pargana Tehsil & Dist. As above, valuing a total of (illegible), whose boundaries are described as under:

East: Compounds 2 Nos. (illegible)

West: Road

North: House of Billu

South: House of Banke

4. A pucca house situated at Mohalla Raiganj, City Ayodhya Ji Pargana, Tehsil & Dist. As above, valuing a total of Rs...., whose boundaries are described as under:

East: Road

West: Street

North: House of Ramdas

South: House of Chhedi Teli

5. A pucca house situated at Mohalla Raiganj, City Ayodhya Ji Pargana Haveli Awadh, Tehsil & Dist. Faizabad, valuing Rs...., whose boundaries are described as under:

East: House of Halwai

West: Road

North: Street & Road

South: House of Swami Narayan

6. A pucca house situated at Mohalla Kunniganj, City Ayodhya Ji Pargana & Tehsil & Dist. As above, valuing Rs...., whose boundaries are described as under:

East: Road

West: Parti

North: Street

South: House of Ramdas

(TRUE TRANSLATED COPY)

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Schedule "Zeem"

Name of Village, Pargana, Tehsil and Dist.	Name of owner or tenant and nature of title	Share of plaintiff	Area	Rent along with... of owner	Rent along with ... of plaintiff
1. Jafrapur Pargana Nawabganj, Tehsil Nawabganj Dist. Gonda	Owner Janki Sahu	14 Ana 16 Ana	81-186		
2. Mauza Rajapur Pargana & Tehsil & Dist. As above	Owner...	16 Ana	9-193		
3. Etmadpur Pargana & Tehsil & Dist. As above	Hakkiyat Muttifarika	16 Ana	79-5		/

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(141(8))

4. Aijan	Tenant Navrottam Das	10 Pai	55-13	---	---
5. Mauza Nakraura Pargana & Tehsil & Dist. As above	Owner Ata Hussain	16 Ana	64-7	---	---
6. Ejan	Fida Hussain	16 Ana	46-7	---	---
7. Mauza... Pargana Nawabganj, Tehsil Nawabganj, Dist. Gonda	Mehdi Hasan	9 Ana 11 Pai 6347/6827	59-26	---	---

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ANNEXURE A - 44

EXHIBIT - A65

Under Section 53 of the (Illegible)

From:

Shia Central Board of Waqf U.P.
No.3 Nabiullah Road, Lucknow

To,

The Secretary
Sunni Central Board of Waqf, U.P.
No. 9, Neill Road, Lucknow

As Secretary of the Shia Central Board of Waqfs, U.P. and under its instructions for and on behalf of the said Central Board of Waqfs give notice as follows :-

- (1) That the waqf at Fyzabad founded by Badshah Babar under the mutawalliship of Syed Mohd. Zaki, Pasha Shah Nawa, P.O. Darshan Nagar is not a waqf pertaining to the Sunni Sect but is a waqf pertaining to the Shia Sect for the purposes of the U.P. Muslim Waqfs Act XIII of 1936.
- (2) That the Commissioner of Waqfs in the Course of survey proceedings under section 4 of the U.P. Muslim Waqfs Act of 1936 has erroneously held the aforesaid (Illegible) included it in the list of waqfs pertaining to the Sunnis (Illegible) submitted u/s 4 Sub Section 5 of the U.P. Muslim Waqfs Act of 1936.
- (3) That the Sunni Central Board of Waqfs has under section 5 of the Muslim Waqfs Act of 1936 of 1936, notified the Said waqf at No. 26

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page 11 of the notification (Illegible) pertaining to the Sunni Sect in the Local Gazette dated February 26, 1944.

- (4) That the Shia Central Board of Waqfs, Lucknow, is therefore constrained to institute a suit under section 5 sub section 2 of the U.P. Muslim waqfs Act XIII of 1936 against the Sunni Central Board of Waqfs for a declaration that the aforesaid waqf is not a Sunni Waqf but a Shia Waqf for the purposes of the Muslim waqfs Act XIII of 1936.

Lucknow
Dated : 11th April, 1945

Sd/-
Secretary
Shia Central Board of Waqfs U.P.
No. 3 Nabi Ullah Road

Ex. A65
O.S. No. 2 of 1950
Name of Parties:
Filed by :

(Illegible)
(Illegible)

Sd/-
Civil Judge

// TRUE COPY //

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(Ex-1)

TRANSLATION FROM URDU TO ENGLISH 6

Court Fee Rs. 6/-+6/-+6/-+12 Aanas

In the court of Civil Judge, Faizabad

Suit No. 29 of 1945

Suit U/s 5 U.P. Muslim Wakf Act 13/36.

In the matter of:-

Shia Central Board Aukaf, U.P.

Through Secretary of Above Mentioned Board No. 3,

Nabiullah Road, P.S. Wazirganj, LucknowPlaintiff

Versus

Sunni Central Board Aukaf, U.P.

Through Secretary of Above Mentioned Board No. 9, Neel

Road, P.S. Hazrat Ganj, Lucknow

....Defendant

Plaintiff respectfully submits as follows:-

Para no. 1. That Sayyad Abdul Baqi got constructed a beautiful Masjid during era of King Babar, which is situated at Birth place of Lord Ram in Ayodhya, District Faizabad, which is known as King Babar and

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which is popular in the name of King Babar till date.

Adjacent to the above mentioned Masjid there is one Idgah, which is situated at Illegible Tada.

Para no. 2. That Sayyad Abdul Baqi, who got constructed the above mentioned Masjid, he belonged to sect Shia Isna Ashariya. These above mentioned Masjid and Idgahs have been coming under the possession of Shia People since his era.

The Managers / Mutwallis have been appointed till date since that era from the family of Sayyad Abdul Baqi who got constructed the above mentioned Masjid and Idgah, who belong to sect Shia. In the Masjid and Idgah, Namaj is performed according to the rules and regulations (Maslak) of sect Shia.

Para no. 3: That Nawab Abul Mansoor Khan, Nawab Wazir Awadh paid a sum of Rs. 302/3/6/- in cash for the purpose of meeting the expenses of Masjid and for the maintenance of the Masjid and for paying the salary of Mouajjin and Imam and others. This charity is being renewed by Nawab Asifuddolah Bahadur

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Nawab Wazir Awadh and their followers through Shahi Sanath for the purpose of meeting expenses of Masjid and Muttawalis through revenue from the rulers of the village.

Para no. 4: That after the arrival of the British Government and after the investigation conducted by Chief Commissioner Awadh from the sanction of Governor General Bahadur Nankar have also continued the distribution of cash amount for the same purposes, for which purposes the same have been issued by the former rulers. The payment of the above mentioned cash amount will remain continued for the above mentioned purposes till this Masjid remains in existence.

Para no. 5: That at the instance of Chief Commissioner Awadh and on the sanction of Governor General in place of an amount of Rs. 302/6/2/- the said amount which had been spent as expenses at these places, was being paid to the above mentioned Mutwallis / Managers in compliance

of the above mentioned conditions. The above mentioned Mutawallis belonged to Village Bharatpur, Pargana Haveli, District Faizabad, Awadh and Solapuri Pargana Haveli, Awadh, Tehsil and District Faizabad. Afterwards decree was passed by the First Class Judge in favour of above mentioned Mutawalli for the payment of the above mentioned amount, which is related with the above mentioned property.

List (A) Alif of properties, which have been given in Wakf regarding which suit has been filed.

1. Pucca Masjid, which is known as Babri Masjid, which is situated in Mohalla Birth place of Lord Rama, Ayodhya City, Pargana Haveli Awadh Tehsil and District Faizabad.
2. Idgah, which is situated at Jalpatada Pargana Haveli Awadh, Tehsil and District Faizabad.
3. Muslim, Village Bhiwaanpur Pargana Haveli Awadh, Tehsil and District Faizabad.
4. Land admeasuring area 10 Bigha 15 Biswa 16 Biswansi, which is known as Bagh Solapuri,

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situated at village Faizabad Mahal Bhiwaanpur
Pargana Haveli Awadh, Tehsil and District
Faizabad.

Sd/- in English with Seal

04.07.45.

(B) Litigation expenses may kindly be got provided
to the plaintiff from the defendant.

(C) Any other relief which is found in the opinion of
this Hon'ble Court justified, the same may also kindly
be got provided in favour of plaintiff and against the
defendant.

Verification:-

I, Sayyad Sajid Hussain Rizvi, Secretary, Shia
Central Wakf Board- Plaintiff am verified that the
above mentioned contents from para nos. 1 to 8,
para nos. 10 and 11 regarding which enquiry has
been made and para no. 9 are true and correct
according to my personal knowledge and contents of

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//

para no. 12 are true and correct according to legal advice obtained by me and which is believed to be true and correct.

I, plaintiff put my signature at place Kothi No. 3, Nabiullah Road, Lucknow on this 30th day of June, 1945.

Signature of plaintiff / applicant

Sd/- in English

Secretary, Shia Central Board of Wakf

Shia Central Board Aukaf, U.P., Lucknow through

Sayyad Sajid Hussain Rizvi, Secretary Board, plaintiff

/ applicant

Dated: 04.07.1945

Sd/- in English

"TRUE Translated Copy"

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ANNEXURE A - 42

EXHIBIT - A62

Copy of the letter No. 5007/26/7 dated 25th November, 1948 from Secretary, Sunni Waqf Board, Uttar Pradesh, Lucknow.

Munshi Javvad Husain Sahib included in the file No.26 of Babri Masjid, Faizabad. No.5007/26/7, dated 25.11.48.

Munshi Javvad Husain Sahib Babri Masjid, Ayodhya, Faizabad.

We came to know from the letter of Noorul Hasan Sahib that the Mutavalli of Waqf No.26 Saiyed Kalbe Husain has expired. You are working as Mutavalli/Trustee in his place since 27th June. But you have not informed the office of the Wakf Board about this development. Please write to us the trustee how you acquired the trusteeship after passing away of Kalbe Husain. Also send proposal for trusteeship with the fee of Rs.1/- (one).

Signature of Secretary in English Script, dated 25/11/48

No. of proposal 95-A,

Date of proposal: 11-3-59

Name of the applicant: Mirza Ahmed Baig, Faizabad.

Fees: Nominal Free of cost

Date of preparation of record: 23.03.59

Date of delivery of the copy: 23.03.59.

Date of delivery of the copy: 23.03.59.

// TRUE AND TRANSLATED COPY //

Ext. No 1
OBS No. 3/89

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ANNEXURE-1

(1) Mahant Raghunath Das Ji Chela of Baba Dharam Das Ji, Mahant Nimohi Akhara, (2) Mahant Hari Das Ji Chela Baba Govinda Dasji, (3) Mahant Raghunath Das Ji Affset Baba Ram Bodh Das Ji, (4) Mahant Bajrang Das Ji Chela Baba Prayag Das Ji, (5) Mahant Sukhran Das Ji Chela Baba Jagdeo Das Ji, (6) Mahant Bajrang Das Ji Chela Baba Har Bhajan Das Ji, (7) Mahant Nanak Nandni Saran Ji Chela Baba Saket Behari Saran Ji, (8) Mahant Rameshwar Das Ji Chela Baba Ishwar Das, (9) Mahant Baldeo Das Ji Chela Baba Mohan Das Ji, (10) Naga Rama Piarey Das Ji Chela Baba Hari Das Ji, (11) Naga Ram Lakhan Das Ji Chela Baba Ram Padarath Das Ji, (12) Naga Girwar Das Ji Chela Baba Charan Das Ji, (13) Naga Satrihan Das Ji Chela Baba Triveni Das Ji Pardhan Nimohi Akhara by Caste Vairagi by profession Puja Path r/o Nimohi Akhara, Mohalla Ram Ghat, belongs to city Ayodhya Pargana Maveli Oudh Tehsil and District Faizabad.

That a Baithak of Nimohi Akhara is situate in Mohalla Ram Ghat since ancient time and is popularly known as Nimohi Akhara. Traditionally it has got it's own procedure for installation of Mahant, for the removal of the Mahant,

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2 :-

for the removal of the Mahant, for formulating rules regarding it's Sadhus, right and duties of Panchas with an special way, which is being recognized by decades. No proceeding can be taken against the recognised rules of this "Baithak" belonging to the Sadhus of Nimohi Akhara but these customs did not find place in writing. So far that is why some defect to the derogation of the prestige of Akhara due to malafidies act of some 'Mahanthas'. We have rectified so up it's errors and we further want that this Akhara should maintain it's own reputation. It had achieved its reputation in past. It is possible that again some dis-obedience against the recognised rules of Akhara may occur. If its rules and customs are not reduced in writing and it will also safe future dispute in Akhara and it's derogation. We have thought it necessary to codify the ancient customs of the Akhara to enable its proper administration and also we can follow its rules and the Naya affect Mahanthas, Sadhus and Panchas will be bound to follow it to improvement of Akhara and its object may not be defeated. Thus we in the State of sound health,

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body and mind and willfully declare the following rules and customs of Akhara and we admit by conceding that these customs and rules of the Akhara is coming down in continuity forever and we along with our heirs and all Panchas and Nagas and Mahant and Sadhus will follow the same and all the activity of Akhara will continue to proceed from the said rules and customs.

That one Shri Swami Balja Nand and Bal Nand Ji for propagating the Shree Chatuh Sampraday, For its up keep and improvement have installed three Brigades (Anni) known as Nimohi Digambar Nirvani comprising in its seven Akharas known as Nimohi, Santokhi, Maha Nirvani Digambar, Khaki, Nirvani Akhara, Malalumbi. Since five hundred years ago they had the following procedures, customs and conception and all these seven Akharas that is all these tallies of Sadhus are installed on Militant pattern.

Para "A" - That a Sadhu from Shree Chatuh Sampradaya who by leaving his services to his Guru sthan does render his services from whole of the Sampraday by entering and following the rules of Akhara is called Akharanal.

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That Sadhu who joints the fatemity by obeying the rules of Akhara is called Akharamal and that Sadhu can live with any of the Naga of Akhara by proceeding in different stages will get Naghapanah and he will be called his sadhik and that sadhu can roam lonely with Jamat and thus every Sadhu and every Jamat are integral part of the Akhara the stages from which the Sadhu are allivated to the post of Naga they are as follows:-

The first stage is new comers "Yatree" work is to bring brush for his Naghatheet.

Stage No.2. Chora, his work is to accumulate waters for taking baths for the elders Nagathheet.

Stage No.3 - Bandagee-Darr his work is to clean mess to wash utencils of Chechan and to clean Bhagawat place and to study about arms.

Stage No.4 - Hurdanga - his work is to cook food for God and to saint thaal diceas to diety and to left Nishan and arms and to get speligation in any of the arms.

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Stage No.5 - Morathie - his work is to worship the God and to put slogans of Jay to God and be specialized in arms.

Stage No.6 - Naga - his work is to awaken worshiper and desciple and to arrange for Kumbh and to surve for God and its worshipers their and after morning Janat downoder for the protection of Math and Mandir and followers of Fatemity and to propagate religious.

Stage No.7 - Ateet - who ever after following six stage inter into this stage is bound to worship God to impart education to the followers of the Akhara and to resolve all the problems of Akhara and should up keep it.

Para 'B' - Whenever the Sadhus after travelling all these stages become Naga then he is called as Panch of Akhara and entitled to participate in every problem of Akhara and is also entitled to discharge work of Akhara and Naga Ateet discharges all the work of Akhara.

Para 'C' - It is duty of Akhara to work for progress and improvement and for protection of the Chatur Sampradaya and they are bound to

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to protect invasion of the other religions and other groups and by protecting the sadhus and saints and other Vaishnavits.

"DA" - That these Akhara have a right to take monetary and man help from other Mahants and Mathadhiash for construction of Special and Physical structure of their Sampradaya.

"JA" - That the Sadhus of this Akhara after forming a small group travel throughout the India for propagating their religion and Sampradaya.

"Daa" - That every Sadhu and Nagateet of this Akhara do assemble at every Kumbh for examin at Prayag, Nasik, Haridwara, Ujjain and Brindavana where they assemble in very large number with his Jamat belonging to each Akhara and they do held a big writing of their own Akhara where they decide their internal matter and after discussing on important matters do administer a proper arrangement of their Akhara. their such a regulation passed there it is recognised by all and they are in larged upon all the sadhus Matha and comprising the said Akhara.

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"DHA" - That those Sadhus who had reached to the stage of Naga is given the post of 'Naga' on these assembly of Sadhus with performing a great ceremony. Naga belongs to all four (Salle) division known as Basantiya, Haradwari, Sagariya and Ujjainiya. Nagas of all these four (Patti) division become a co-shares to each other.

Para 2. That out of seven Akhara, one Akhara is Nimohi which is governed by same customs, rules and traditions as are applicable to other Akharas.

Para 3. That several "Baithak" of Nimohi Akhara have been installed at different pious places of India for the sake of convenience that the Sadhus and Nagas of Akhara can take rest there.

There is one 'Baithak' at Mohalla Ram Ghat of Ayodhya from the time of the Muslim rulers. Wherein Janat. Sadhus and Nagas of Akhara live and seldom come there and used to take rest there. The propaganda of religion and its protection is conducted from here, and its present reigning.

Mahant is executant No.1 Mahant Raghunath Das and Executant No.3 to 13 are its Panchas and Sadhus are living under their control. Several Mahants of different point of time had earned propatus

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for it and Akhara has got several temple in it. Amongst them one temple Janam Bhoomi at Mohalla Ram Kot and one temple at Mohalla Ram Ghat in Ayodhya are situate as famous temples. The scheme of management of these temples are being given in this deed of arrangement. That the custom and ceremony of this Akhara, a custom for the selection of Mahants and their removal with their right and duties regarding maintenance of the properties Akhara apart from being above one disciple the following additional specification according to which proceeding of Akhara had been conducted and shall continue to be conducted for which we shall be bound "Right and duties of Panchas".

Para 1 - It is the duties of Balithak of Akhara to render service of the Sadhus of Akhara to up-keep them and also protect propagation of religion, its improvement and the protection of Shatur Sampradaya.

Para 2 - That this is the Panchayati Balithak, That every Nagateet of Akhara has got a right of up-keep the management of the society and has got

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-: 9 :-

a right to select Mahants and remove his upto
exercise his vote if he is present in Panchayat.
And these Nagateet are called the Panch of general
body the Mahant is the only the owner of the
Akhara in the shape of a Manager on behalf of all
Nagateet and the property of Akhara is endowed
property.

Para 3 - That every Sadhu of this Akhara can
live in these Baithaks and can get food and
clothes if he used to follow the tradition of
Akhara. But a Panch of Executive Committee of
Akhara, a Mahant cannot take charge of Pujari
of temple Janam Bhoomi so long he does not dis-
charge his views of Panchayat of Akhara with the
exception that he will get all rights and
duties as narrated in para 2.

Para 4 - That a committee is formulated consti-
tuting form amongst the Naga Atast Sadhus the
Panchas, one Sarpanch, one Mahant for the proper
administration of Akhara. This committee used to
look after all the work of Akhara. It is duty
bound to see it that no omission or defect could
occur in administration and traditions of Akhara
or any properties of Akhara may not be wasted or

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in any way damaged and if it finds any defect in administration of Akhara, it may try to rectify it or if it finds any property of Akhara is put to loss it should save it and all the administration of Akhara should be got done by Mahant and if any Mahant Sadhu or Panchas are carrying some defects or they are indulging in affairs against the view of Panchas, the Committee should try to correct them and if they refuse to accept the views of Panchas are entitled to remove them by resolution and may select in their place, some other Mahant or Panch in general Committee of the Akhara.

Para 5 - There shall be thirteen members of Executive Committee and the maximum number would be twenty one amongst them one shall be a Mahant, one Sarpanch, one Up-Sarpanch, others Panch which all of them will continue till their life if they are not removed or they did not resign or lest they died.

Para 6 - That administrator of Committee shall be entitled to select a Mahant and Panch of Akhara before the general committee i.e. before the all Naga Ateet Sadhus of Akhara as defined

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in Para 2. If the post of Mahant or Panch has fallen vacant due to the death or resignation or removal as enumerated in para 4 of the deed.

Para 7 - That every Panch of Executive Committee shall be duty bounden to participate personally in the work of Akhara and should see in his guidance all the work of Akhara as far as it may be possible, Two panchas of Akhara shall be appointed by this Committee to look after the property of Akhara for ever. One Panch shall be appointed at Mandir Janam Bhoomi and appointed Panch shall be duty bound to discharge their duties for the work deputed to them and to get accomplished by authorities.

Para 8 - That no Panch will get any remuneration for the work done, it would be their personal duty to work for Akhara.

Para 9 - That all the expenditure and income shall be in the hand of Mahant and "Golika" Treasurer and the money can be spent by Panch for the deputed work of Akhara by taking from them but Mahant Golki shall be duty bound to convince the accounts.

Para 10 - That whenever any of Panch of Akhara

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-: 12 :-

died issueless, his property comes to the pool of properties of Akhara and shall ever come to the property of Akhara.

Para 11 - That the decision of Panchas who have been referred in para 2 shall be acceptable of this Baithak with regard to selection of Panch and Mahant as well as for their removal but against or in its favour the decision of Baithak of Akhara at Kumbh shall be final and above all and shall be binding.

DUTY AND RIGHT OF MAHANT

1. That Panchas of Akhara as referred in para 2 whoever or Ateet who had experience of dealing with Akhara or who does it and shall be eligible for Mahantship is selected by majority of votes if any Mahant of Akhara dies or is removed or himself resigns and shall ever in future be elected likewise but according to respect of fraternity of Vairagis and brotherhood of other Akhara of locality, do assemble in the ceremony and offers Chaddar and Kanthi and shall ever do likewise in future.

2. That all the properties of Akhara and

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all temples under Akhara is recorded in the name of Mahant and shall ever be recorded and all the court's work and practical work shall be conducted by Mahant with advice and help of Panchas.

3. That Mahant cannot perform any work against the vote of Panchas and shall be bound to perform every work withk resolution of Panchas.

4. That Mahant will arrange all that is required to carry out the affairs of Akhara and temples under it and shall have to get performed Rj Bhog Samiyis, Utsava and Puja Path of every temples according to customs properly.

5. That it shall be the duty of Mahant that he will see that all Sadhus and Naga Ateet of Akhara living there may get food and clothes according to the need.

6. That all the properties standing in the name of Mahant and all his Cash money shall be the property of Akhara and shall be its walkf property and he shall have no right of mortgage or sale or Hiba or Will or cannot give it to any body in any way and shall not incurr on it any loans and cannot create any charge over it and no property of

.../-

-: 14 :-

Akhara can be attached or can be put to auction in lieu of any debt. Mahant shall keep preserved all the properties of Akhara and if any fault is committed, the Mahant can be removed by Panchas.

7. The Mahant will have to keep all account of expenditure and income and shall convince the account to Panchas.

8. The Mahant shall keep his character bright according to custom of Akhara of Nimohi and also of customs of Bairagies and shall live with appearance of vairagian custom and according to Vaishnaves religion and if any default in it is found, the Panchas shall have right to remove him.

9. That if Mahant is working against the Panchas and does not rectify himself even after the warning of Panchas the Panchas will remove the Mahant of Akhara.

10. That the right of Mahantship cannot be given in succession to his Chela or Sodiq Chela or Guru Bhai by Mahant, nor can any Mahant nominate his successor Mahant.

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11. That Mahant of Akhara with advice of Panchas can remove any sadhu or Naga atet of Akhara who are working against the advice of Panchas or carrying some such fault in him may be found which may be against the customs of Akhara or which may be condemned by Akhara or he may be damaging some property of Akhara.

12. All the Puja, Chaitawa by disciples and followers to Mandir and Gaddi collected by Mahant, shall be the assets of Akhara and Mahant is not entitled to take even a single penny and it will be duty of Mahant to enhance it.

13. That Mahant will have to keep common treatment towards every sadhu of Asthan. May be he the Chela of Mahant or not and he should make every Sadhu who enters in Akhara stage by stage up to Naga.

14. That these Grahastha who shall be disciple of Mahant belonging to Gaddi of Akhara and Panch or Naga or sadhu of Akhara except Mahant will have no right to make Grihstha Chela but can make only (Virakat) celebrate disciple.

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15. That if a Mahant is removed or resigns, he shall not be entitled to get any maintenance and all the properties standing in the name of Mahant belonging to Akhara shall stand transferred in the name of next coming Mahant. If he is not removed with the charges involving moral turpitude and he is living in the Akhara shall be entitled to receive foods and clothes similar to other Nagartest.

16. That the successor of Mahant shall not be entitled to get any property recorded or in possession after the removal or death or resignation of Mahant.

17. That Mahant will make appointment of, Servants or their removal with decision of Panchas.

18. That Mahant will get food, clothes and pocket money according to his caliber and also according to the budget of Akhara and which shall be decided by Panchas, Executive Committee.

19. That Mahant shall be liable for accounts of expenditure and income and he will be liable to take money whatsoever it may be by written permission.

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DUTIES AND RIGHT OF GOLKI

1. That Panchan of Executive Committee will elect one Panch as Golki who will continue in his post for three years. He shall be again selected after three years for the post of Golki. Same person can be elected again and again. For this post by the majority vote. That no elected Golki will have a right to continue after expiry of three years to stick himself to the post of Golki. Panchan can remove the Golki within three years of his tenure, if the dishonesty and immorality is proved to the wisdom of majority of Panchan.

2. That Golki shall have to keep correct account of expenditure and income of the properties of Akhara and of temples under it and shall have right to keep only upto Rs.100/- with him from the income and if income exceeds the above amount shall be deposited in treasury and this treasury will carry four locks of which one key shall be with Golki, one key shall be with Mahant and other two keys shall be kept by other Panchas.

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3. That such money which the Golki will disburse to other for expenses with the command of Mahant shall obtain a receipt and shall take account after its expenditure.

4. That Golki will not spent any money by himself or get it spent by other with written permission of Mahant.

5. That Golki will take account of income and expenditure from Mahant and all income shall first come to the hand of Mahant will next go in the hand of Golki.

6. That Golki will have to convince the Panchas of yearly expenditure and income and after the accounts are okayed, he shall get his khata signed by the Panchas of Executive Committee.

7. That Golki shall be in charge of all movable properties of Akhara and he shall keep a register systematically and whatsoever movable he give to other shall take it charge again in toto and he shall get the charge of temple's movable from one Pujari to another in his presence and he finds any shortage he will

recommend the Panchas and Mahant to realise it from whose custody shortage have been found.

DUTIES AND RIGHTS OF SADHUS

1. That those Sadhus who belong to Nirmohi Akhara and were continuing to follow the rules of Nirmohi Akhara, can live in this Baithak of Akhara and when such Sadhus are installed as Naga of Akhara at Kumbh shall become the general Panch of Baithak and if they join to the proceedings of Akhara then they can be elected as Panchas of Executive Committee of Akhara and every Sadhu of Akhara shall be bound to obey the rules Virakt Chatuh Sampradaya and in the work of temple shall follow the traditions and if they are found in any way immoral or they are found indulged themselves against the rules of Akhara shall be removed by Mahant with the advice of Panchas and at that event they shall not get any right in the Baithak of Akhara, nor their any objection shall be heard but if they obtain any decision at Kumbh, they can be included in the Baithak of Akhara with the permission of Panchas of Kumbh.

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2. That those Sadhus who will live in the Baithak of Akhara will get food and clothes for ever and nobody can make any Grahastha disciple in Akhara and if any Sadhu dies without any chela, Sadiq Chela or without Nati Chela, then his property shall be owned by Akhara and the Sadhu of Akhara will get no right to execute by will or gift Deed any of his property to other man who may not be living in Akhara but his succession shall succeed him for ever as owner.

3. That Chela or Sadiq Chela shall be from any Sadhu, Panch or Mahant and he shall have to perform all stage from Yatri, Chora, Bandgidar, Hurdarga Murai thya to become Naga according to the custom of Akhara. Non compliance of such custom will entail his removal.

4. That those Jamats coming from outside will like to opt to participate in this Baithak shall have to follow the above rules of Sadhus and they shall get rights according to this deed.

5. That if the Sadhus of Akhara do like to construct any house, they can do so on the land of Akhara after obtaining written permission

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from Panchas of Executive Committee at their own cost or can get renovated any delapidated house of Akhara and can live in it with permission according to the rules of Akhara. But can have no right to mortgage or sale it and cannot even give it to any body else. It shall always remain in ownership of Akhara. If there is found no chela or successor chela or if it found that there is no Guru Bhai to him, then it will come in possession of Akhara.

TEMPLE JANAM BHOOMI

1. That temple of Janam Bhoomi is situate in Mohalla Ram Ghat of city, Ayodhya which is under the Baithak of this Akhara and its whole management is trust upon to this Akhara. It stands in name of Mahant of Akhara as Mahant and Manager. This is the best well reputed, moorty of worship temple of Ayodhya. Being the birth place of Lord Rama, it is the main temple of Ayodhya. The deity of Shri Ram Lalaji is installed there and there are others deity also. Its management regarding Bhog Rag Puja Path Utsava Samiyia which is being done from the ancient times will continue to be performed and there shall be no negligence in it.

2. That every Panchas and Mahant shall take care of this temple and it shall be duty of every Panch and Mahant to see that Sewa, Puja, Samiya Utsava etc. of Shri Ram Lalaji is properly performed and to protect its movable and immovable property and if any fault is found in it of any Panch or Mahant of his neglect of duty or care-taking shall be removed from his post and even Panchan Akhara will have no right to pardon him and that removed person shall have no claim in Akhara and every loss to Akhara by his conduct shall be realised by him.

3. That numbers of Pujari cooks and waterman servant, who were living here since long will continue as such and one Panch and Mahant himself will live here apart from this as they were living before. The number of Sadhus can be enlarged with the increase of income in future.

4. That a Budget for the expenditure of temple shall be fixed in the Baithak of Executive Committee. But there would be no curtailment of any customary act of Bhog, Raj Sewa, Puja etc. which are being conducted since long and it will developed with the increase of income.

.../-

5. That every sadhu Mahant or Panch will put such treatment with pilgrims which may be according to status and repute of the temple and anybody conducting against this shall be taken to task by Panch Committee.

6. That executive committee can make any arrangement for its proper conduct according to above rules "Mandir Vijay Raghoo Ji Birajman in Nimohi Akhara".

7. This temple of Akhara did exist since the establishment of this Baithak of Akhara. The deity of Thakur Vijay Raghoo Ji is installed in it, whose sewa, puja, Samiya, Utsava shall continue to be performed as it was being done in past. The budge for its annual expenditure shall be prepared by Executive Committee according to which its expenses shall be met out. Its supervision shall be conducted by Mahant and Golki.

Therefore this deed of agreement is being reduced in writing for evidence and may be utilised in time.

NOTE: In seventeenth sentence of First stamp

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after the word "One" and in 21st sentence "Hota Hai" and in 28th sentence the work "U" is written stout, and the word "One" and "Hota Hai" is written upward. The letter "NA" in 21st sentence is stout. In page 3 in 14th sentence work "Shreni" is dubious and in sentence 15 the word "Vidya" is struck out. The words "Shreni" and "Murathya" is dubious in the sentence and in 33rd sentence "Ee" is struck out and the word "Culli" in para 4 is deleted and "Celli" is written upward. This is in 14th sentence. In sixteenth sentence the word "One" in word "Nagwas" is struck off and in 27th sentence word "Vishram" the letter "Shra" is written stout and in page 5 in sentence 13 the word "Yahi" is written above the sentence and in 14th sentence the word "general" is struck off and in 15th sentence the letter "the" in word "Vyabastpak" is dubious and in 22nd sentence the word "Prnali" is dubious and 25th sentence the letter "Tee" is stout in the word "Ateet". In page 6 in its 12th sentence the word "USkey" is upward written and the word "Dou" in 14th sentence is strout, and the letter "Ka" is struck out and in page 7 of its 28th sentence the word "Swa"

(175)

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is struck out and in page 6 of its 22nd sentence the letter "Dhee" in word "Uttradhikari" is stout and the word "Ki Dakh" in 40th sentence is struck off and the word "Padchutya" in sentence 11 of the page 9 is struck out and in 19th sentence the word "waa" and in 28th sentence the word "Naa" is struck off and in page 10 the word "Barshike" in page 10 of 17th sentence is struck off and in page 12 the word "Anga" in sentence 9 is struck off and 20th sentence the word "Chha" is struck off and in sentence 30th the word "Tak" is upward written and in 33rd sentence there is upward within and in 35th sentence word "Virhi" is struck off.

si/- Girwar Das

Dated 18. March 1949 A.D.

Nawal Kishore Lal Deed writer, Sub Registrar, Faizabad.

Boundary of Temple

Janam Bhumi situate in Mohalla Ram Kot, City Ayodhya

East Temple

West Part

North Road

South Part

Valuation Rs. 1,000/-

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-: 26 :-

Boundary of Akhara Nimohi situate at
Mohalla Ram Ghat, City Ayodhya.

East	Temple
West	Gali
North	Road
South	Ahiraina

Valuation Rs.4,000/- This is all

Nawal Kishore

Deed Writer

No.241 dated 17.3.49 General Stamp of valuation
Rs.60/- Mahant Raghunath Das Chela Baba Dharam Das.

Fee Registry	Fee
30/8/0	10/15 16-00

Presented by Mahant Raghunath Das Chela Dharam
Das, Valrati Profession Puja Path r/o Mohalla
Ram Ghat, City Ayodhya, before Sub- Registrar,
Faizabad today on 19.3.1949, on Saturday between
11 to 12 A.M.

sd/- 19.3.49

sd/- M. Raghunath Das Self.

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Writing and execution of the aforesaid document admitted by (1) Mahant Raghunath Das as above, (2) Hari Das Chela Govinda Das, (3) Raghunath Das Chela Ram Bosh Das, (4) Bajrang Das Chela Prayag Das, (5) Sukhran Das Chela Jagdeo Das, (6) Bajrang Das Chela Har Bhajan Das, (7) Janak Nandani Saran Chela Saket Behari Saran, (8) Rameshwar Das Chela Ishwar Das, (9) Baldeo Das Chela Mohan Das (10) Ram Pyarey Das Chela Hari Das, (11) Ram Lakhan Das Chela Ram Padarath Das, (12) Girwar Das Chela Charan Das (13) Satnathan Das Chela Tirbani Das, Vairagi Profession Puja Path r/o City Ayodhya, Mohalla Ram Ghat, who have indentified by Ram Swaroop Das Chela Ram Charan Das Vairagi and Ram Gopal Pandey s/o Ram Saran Pandey, Profession Zamindar, r/o Mohalla Basideo Ghat, City Ayodhya. Executant have also admitted the contents of note after hearing it.

sd/-

19.3.49.

Book No. 1 Vol. 676 at page 312 to 326. Serial No. 194 Registered at March 1949.

Tk

ANNEXURE A - 134

EXHIBIT - A63

Copy of the report of Mr. Muhammad Ibrahim Saheb, Waqf Inspector dated 10th December, 1949 regarding Babri Masjid included in the file/record No. 26 of Waqf Babri Masjid.

District Faizabad
Masjid Babri, Ayodhya

To,
Secretary,

The Trustees of Babri Masjid Ayodhya from one after the other were (Illegible) Asghar Sahid, Muhammad Razee Sahib, Muhammad Amjad Ali Sahib, Muhammad Zaki Saheb and Kalbe Hussain. As Kalbe Hussain Ex-Trustee has expired, the question of the appointment of other Trustee in his place has arisen. Village Shahvana is wakf for the said mosque.

The Trustee of the said mosque traditionally confirmed to be the Nambardar of the village. The person who is the Nambardar is also the Trustee of the said mosque. (Illegible) asking and inquiring from the village people it was told that the present Nambardar of village shahvana is Mr. Jawwad Hussain Sahib and he also collects the revenue and also manages the affairs of the said mosque. Saiyed Nabi Hussain Mukjherjia (Village Headman) has given the statement that Mr. Jawwad Hussain is the present Nambardar and it is he who collects the revenue and he is the trustee of the said mosque. The statement of the Mr. Jawwad Hussain was recorded. He admitted that he is a Nambardar and also Trustee. He also stated that I will discharge my duties as a trustee with due diligence and will not misappropriate

a single paisa of the masjid. I will also maintain accounts regularly as laid down and also obey every order of the Waqf Board. In these circumstances it seems appropriate to enter the name of Mr. Jawwad Husain as Trustee.

It came to my knowledge that the fear of Hindus and Sikhs, no person offers (illegible) prayers in the mosque. If any persons stays back in the mosque during night he is very much harassed by Hindus. There is a temple of the Hindus outside the courtyard where many Hindus live. They abuse any Muslim who goes to the Masjid. I visited the site and an enquiry found that whatever is stated above correct. People also said that there is danger to the mosque from Hindus in the form of weakening its walls. It appears proper to submit in writing to the Deputy Commissioner, Faizabad that Muslims offering prayers in the mosque should not be harassed. The said mosque is a royal building and proper care should be taken for its protection.

77909
01257

Signature Mr. Muhammad Ibrahim,

Inspector of Waqf in English 10-12-49

Number of Proposal 56, Date of Proposal 11.3.56,

Name of the proposer Mirza Ahmed Baig.

// TRUE AND TRANSLATED COPY //

115

ORIGINAL
RECORDS

○ Seal

PARADISE
CSI OFF

6104 information report

First information of a cognizable crime reported under section 154
Mandatory Procedure code, at police station --- Subdivisi --- District
Symptom

No. 946 Date - and hour of occurrence

28 7³⁰/₄₉ f. 1905

Date and hour when reported	Place of occurrence and address and direction from Police station	Date and hour when reported from Police station
22/12. 9.0 AM	पि. शिवाजी नगर गिरी 4-44 कलान्ति. गि.	24/12. 4.9.

N.B. - a few informants might not be able to give names, many of them not informed of informant, etc. of the country. This must also be noted.

[illegible]

Signed — M. M. M. M. M.

Originate $23 \frac{12}{49}$

C. First information to be recorded on back.

Note: The signature, name or initials of informant should be affixed at foot of the information.

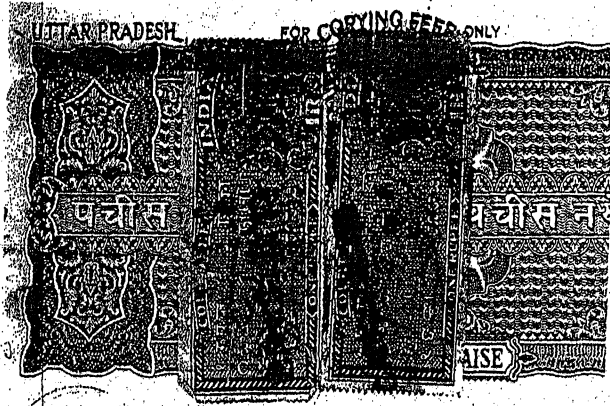
३.
अथानामि
नानामि।
२

प्रमाण

१. एनाम मल्लिका प्रताप सा. नं. ७ मल्लिका ७ वने प्रताप सा. नं. ७ - - - एनाम पुष्पा
 २. तो मल्लिका प्रताप सा. नं. ७ मल्लिका ७ वने प्रताप सा. नं. ७ - - - एनाम पुष्पा
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 १०. मल्लिका प्रताप सा. नं. ७ मल्लिका ७ वने प्रताप सा. नं. ७ - - - एनाम पुष्पा

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25.nP

केवल नकल की फीस के लिए

Date on which application is made for copy accompanying the requisite	Date of posting notice on notice board	Date of delivery of copy	Signature of official delivering copy
नोटिस बोर्ड पर नकल तैयार होने की सूचना की तारीख	नकल बाविस दिए जाने की तारीख	नकल बाविस अधिकारी क	
22-2-42 वाधवाबाई अवध	24-2-42 वाधवाबाई अवध	24-5-42 अवध	

मैंने आर.ए.सी. के माध्यम से नोटिस बोर्ड पर नकल तैयार होने की सूचना दी है। नकल बाविस दिए जाने की तारीख 24-5-42 है। नकल बाविस अधिकारी क

नोट: - मैं ई.पी.सी. के माध्यम से नोटिस बोर्ड पर नकल तैयार होने की सूचना दी है। नकल बाविस दिए जाने की तारीख 24-5-42 है। नकल बाविस अधिकारी क

नकल (नया) - राधवानाथ
नकल (पुराना) - 344



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/203

Copy of FIR No. 167 dated 23.12.49 halka Mauka PS
Ayodhya Faizabad, Case number, report 50, PS Ayodha,
U/s 145 Cr.P.C. Stte Vs. Ja Bhumi (Babri Masjid) date
30.7.53 Court before City Magistrate, Faizabad.

No. 215

Original record

Seal

First information report

First information report of a cognizable Crime Report

under Section 154 Code of Criminal Procedure

Police station: Sub-District: District: Date and time
of incident:

Date and hour when reported	Place of occurrence and distance and direction from Police Station	Date of despatch of from police station
23/12/49 19 hrs	Rakot Janm Bhumi 5-6 falang West.	24.12.49

NB: A First Information must be authenticated by the
signature, mark or thumb-impression of information and
attested by the (Signature of the officer regarding it).

Name and residence of information and complainant	Name and residence of accused	Brief description of offence with section and of property carried out, if any	Steps taken regarding investigation on of delay in recording information	Result of the case

183

1204

1	2	3	4	5
State Through p. Shri Ramdev Duey, Sub Inspector Incharge PS Ayodhya Faizabad	1. Prem Ram Das 2. Ram Shakal Das 3. Sudersh an Das c/o Ayodhya Faizabad 50-60 persons/ name and address unknown	Riots 149/ 295/ 448 IPC	Case is registered investigati on is being conducted	After investigati on

Signed - Pt Parmshwar Din
Designation: 23/12/49

ORAL

Information Mata Prasad . No. 7 at about 7.00 a.m. morning. ... reached at the spot and came to know that about 50-60 people have broken the wall made in the compound of mosque and jumped from the stairs and entered into the mosque and have established the idol of God and painted the inner and outer wall etc. with the whitish and yellow colour..... and the eye witnesses present there were called. Till then people were entered into the mosque. and 5-6 thousand people had gathered and raised the religious slogans and were chanting. And wanted to go inside. Accused were Ram

184

1205

Das- Shyam Shakal Das- Sudershan Das, and 40-50 other unknown people they have committed riots and entered into the mosque and established the idol and defile the mosque. Accused persons are seen by the certain eye witnesses.

Sd/- illegible

Note I HC certify that the hand written statement is entered word to word.

Sd/-
Parmeshwar Singh Ct.
23.12.49

Coped General diary
Word around 355

Seal
Sd/-

www.vadaprativada.in

185

1758

ANNEXURE A-198

EXHIBIT - 66

No. 301/44 Deputy Commissioner's House
Raizabad
December 25, 1949

My dear Bhagwan Sahai,

Yesterday the Commissioner on return from Lucknow said that in the course of conversation with him, you were pleased to ask :-

1. Why District authorities did not take precautions to prevent the planting of the idol in the mosque;

2. Why the idol was not being removed;

In the afternoon Deputy Inspector General on return from Lucknow said that it was asked again why the idol was not removed on 23rd in the morning when the crowd was not too big to resist effectively.

Perhaps I have merely to narrate the facts which will themselves answer these questions.

Installation of the idol was carried out in the night between 22nd and 23rd instant. It was an act of which there was no fore-warning. The last C.I.D. report which I received regarding Ayodhya affairs reached me on the 22nd. Neither in that report nor in any previous report was it ever indicated that there was a move to instal an idol in the mosque either surreptitiously or by force. Neither through official nor through non-official channels and we ever received any report of such a move with the exception that during Naumi Path there was a rumour



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- 27 -
that mosque would be entered on Poornmashi Day, but that attempt was not made.

I must also mention that none of the Muslims who met me in this connection and who must also have met higher authorities in Government ever said that there was a move for installing an idol either forcibly or clandestinely in the mosque. Their complaints always referred to dismantling of tombs in the open grounds outside the temple. In fact the act was as such a surprise to them as to any body else as a deputation of Muslims consisting of Rahmat Husain Vakil, Hidayat Ullah Kidwai Vakil, Anisul Rehman and others admitted before me only yesterday. One of the deputationists Anisur Rehman however, said that on 21st instant in the evening shortly after Govind Sahai Ji and Sita Ram Shukla had addressed a meeting in Ayodhya, which local Hindus tried to break up, some persons held a meeting at the same place at which a Master from Maharaja High School Ayodhya declared that Hindus should install an idol in the mosque and also prevent Muslims from praying Friday prayers (23rd was a Friday). The C.I.D. report of the meeting made no reference to the alleged speech and Narendra Prasad C.I.D. Group Officer who was present says that nothing of this kind was said at that meeting and Anisur Rehman is now thinking out a falsehood. When I asked Anisur Rehman why he did not promptly bring the matter to my notice, he said that he had not considered it necessary to do so since a C.I.D. Officer himself was present. To me also it appears that Anisur Rehman himself could never have believed that this mischief

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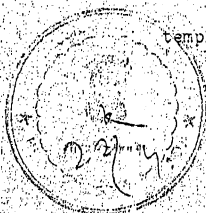
was like to happen for otherwise he would straight-
away have rushed to the local authorities and informed
them.

In this connection I would also mention that
Akshaya Kumar Brahmchari who has been a staunch prota-
gonist of the Muslim point of view in this controversy
and who accompanied Muslims to meet higher authorities
in Lucknow and elsewhere also never suspected that
such a step was ever likely. He admitted so to me on
23rd instant when he visited the spot with me; and
I believe he himself never said any where that such a
step was in contemplation.

I must also point out that Abhiram Das, the
Sadhu who headed the small crowd which was responsible
for this act, is neither a Mahant nor any sense a
leader. His name did not even come to prominent notice
in this connection. The speeches made by leaders
including Baba Raghava Das never advocated violence
and were not actionable. There was therefore no
question of our taking any steps either to arrest
the leaders or to start any proceedings against them.
And in any case the arrest of the leaders would
not in my view could not have prevented this mischief
by a small body of persons who depend on the immense
public sympathy in support of this cause. While the
arrests would not have prevented this crisis they
could conceivably have precipitated it in some form.

The mosque can be entered only through the
temple premises and is so accessible at all times.

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Further the temple premises are occupied at all hours. And the mosque is deserted all the time except for one hour during Friday prayers. To prevent determined Hindus from getting into the mosque either by force or in secret, the mosque would have to be permanently policed with a force which must cost the exchequer thousands of Rupees a month. Although this controversy led to many riots in the past-thirty six years according to local tradition and tremendous holocausts in lives I do not believe that there was any decision to police the mosque permanently. Surely, if permanent policing was a remedy, Government, who could not have been unaware of the controversy that has raged for centuries over this and other disputed shrines in the province, would not have failed to provide permanent police force for this purpose. And in the absence of any such arrangement local authorities who had no information from any source whatever that such mischief as this was contemplated could not have made out a case before Government for the policing of a deserted and almost unused mosque permanently at a tremendous cost to the tax-payer.

And I would also respectfully insure if, now that this incident has happened at Ayodhya, Govt. could think of policing this and other similar disputed shrines, such as those in Banaras, Mathura etc. on a permanent basis to prevent such mischief. And if Government do not decide to do so, would the district authorities be held responsible for any future place of mischief in these places of however unexpected or unsuspected a character.

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(S)

Why the idol is not being removed, and why it was not removed on 23rd morning, are facile questions to ask. The removing of the idol by force, is possible, though at some cost with the police force now available. Removal surreptitiously at night against weaker resistance is also possible. But that such removal without unreflex consideration of consequences would in my view have been a step of administrative bankruptcy and tyranny. The short term reactions on public tranquility can be guarded against with the force now available though it was not possible on 23rd with our limited resources. Even now I doubt if we can do much. If communal riot flares up in places remote from head quarters. But the reactions on public position which this illegal act has created but because I fully believe that its solution must be found without tremendous cost in life and property as also in country-wide reactions on peace and policy.

I would therefore emphasise that the question of removing the idol is not one which the Superintendent of Police and I can agree with or carry out on our initiative. The alternative solution which I have proposed to Government has a fair chance of success in preserving peace and policy. If this solution is not accepted and if Government decide to remove the idol and face the consequences then it is only fair that I having lost Government's confidence in this matter, and being of the view that the solution

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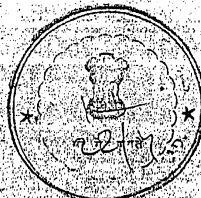
1763

dictated to me is neither correct, necessary, advisable nor legally justifiable, should not be asked to put it into effect. I would, if Government decided to remove the idol at any cost, request that I be relieved and replaced by an officer who may be able to see in that solution a merit which I cannot discern. For my part I cannot in my discretion which is the only legal sanction behind my action in this matter easy to enforce such a solution as I am fully aware of the wide spread suffering which it will entail to many innocent lives.

Yours faithfully,

(K.K.K. NAYAR) ICS

Shri. Bhawan Sahay, ICS.,
Chief Secretary to Government,
U.P., Lucknow.



038071

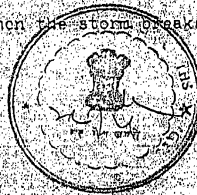
191

EXHIBIT - 67

December 27, 1949.

This is in continuation of my D.O. No. 301/C regarding Aydhya affairs.

The idea of the removal of the idol is not one which I can agree with or wish to carry out on my initiative for it is fraught with the gravest danger to public peace over the entire district and must lead to a conflagration, of horror unprecedented in the annals of this controversy. The district is aflame and it is reported that licence holders for fire arms have promised support with their arms in a fight against police and officers if it becomes necessary. It will no easy or quick matter to collect arms from all licensees in the district to prevent such a sanguinary outcome. The Hindus with no exception, that I know of, are behind the demand for keeping the idol insitu, however disliked they may be on the propriety of the act which led to the present situation, and are ready to kill and die in this cause. The depth of feeling behind the movement and the desperate nature of the resolves and vows in support of it should not be underestimated or pooh-poohed. When the storm breaks out it



- 2 -

may be possible to quell riots within municipal limits with the force at our disposal but firing will have to be resorted to in certainty and many lives will be lost not only from the firing but also in the repercussive fulminations over the entire district. Today rumour is rife that the removal of the idol is being contemplated and Hindus are reported to have decided to attack Muslim habitations and burn and pillage if this.....It will not be possible to protect the lives of the Muslims in all places if the storm breaks out.....would it be possible to protect even my officers or their property. I have so far failed to find any Hindu even among Congress men who is ready to support the move for removal of the idol.

With feelings in this state a step of this character would be like setting a lighted match to a powder magazine and I certainly cannot contemplate the results with equanimity or feeling of justification.

I shall also be unable to find in the district a Hindu, let alone a qualified priest, who will be prepared on any inducement to undertake the removal of the idol. Kripal Singh and I are at our wit's ends to find a person who could do this for us if it becomes necessary. No person in the district is likely to be ready for this errand, for his life and ~~property~~ property will thereafter be forfeit in the eyes of the entire Hindu ~~xxx~~ population. We suggested that Commissioner, I.C. and D.I.G. helped us by getting a man from outside who would be able to do this, as our resources are limited in this district in which the situation excludes all hopes of success in our quest. But they could not agree to find us the necessary instrument

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and I doubt if Government themselves could find us a suitable one, if our resources failed. Further any attempt on our part to approach a qualified priest is likely to give away the game, if the priest refused, as he most certainly would. And if the removal is carried out anyhow through any body the storm of indignation and protest which will break will spread beyond the confines of the district and involves not only the officers concerned but also Government in ignominy and.....obloquy.

Government do not seem to have been able to send an Hon'ble Minister to appreciate the situation at first hand and to decide if it could be resolved better by force than by a peaceful solution of compromise.

Government, must, I earnestly request, listen to my voice and accept that any attempt to adopt a solution involving the use of force in the present state of intense and desperate feeling is bound to lead to terrible happenings.

The Superintendent of Police agrees fully with this and we are of the considered view that on our initiative we cannot think of resorting to force in the hope of cowing down the Hindus without spread of violence and pillage.

The question now remains as to what is to be done on the present situation. The installation of the idol in the mosque has certainly been an illegal act, and it has placed not only local authorities but also Government in a false position. We have to see how the position can be retrieved as far as possible without such terrible cost.

.....4.



Handwritten signature or initials.

030019

and sacrifice. I have a solution to offer for Government's consideration.

The mosque should be attached and both Hindus and Muslims should be excluded from it with the exception of the minimum number of Purnris - I am attempting to reduce the numbers of Pujaris from three to one without creating another in-passe who would offer Pooja and Bhog before the idol which could continue inside. The Pujari or Pujaris will be appointed by order of the magistrate. The parties will be referred to the Civil Court for adjudication of rights. No attempt will be made to have over possession to the Muslims until the Civil Court, if at all, decrees the claim in their favour.

This solution is open to the criticism that it perpetuates an illegal position created by force and subterfuge and that it does not immediately restore the status quo which existed before the illegal act. But it has the following merits which are worth careful consideration.

1. If the Civil Court decided the dispute in favour of the Hindus a terrible amount of suffering, blood-shed and country wide reactions would have been avoided.

2. During the pendency of the civil proceedings it may be possible, (I sincerely hope it will be achieved) to reach a compromise of some kind. The Muslims, of whom a small number are even now of this way of thinking, could be induced to give up the mosque voluntarily to the Hindus in return for another mosque built for them at no less

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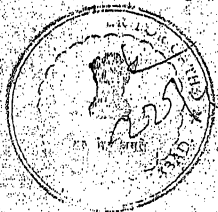
030081

cost. But if the present situation is forced into a riot even these Muslims would afterwards be unwilling to reach this solution. And the situation would continue to be pregnant with the possibility of future riots.

3. If no compromise were reached if finally the Civil Court decreed the claim in favour of the Muslims the position which would then result would be no worse than that which now exists and the heat of present reactions would have disappeared by then in some measure.

4. Although Government might be accused of not having restored the status quo immediately they have perfectly legal and valid excuse that the matter of Civil rights is before a Civil Court for decision that the property has been attached by a magistrate who has excluded the general body of Hindus and Muslims from it and that the question of immediately restoring the status quo which existed recently was a matter of judicial discretion of the attaching magistrate which Government could not lawfully influence or dictate. I must point out in this connection that any executive direction from Government to myself or to the attaching magistrate to restore the status quo would be illegal for these proceedings are under law supposed to be taken by the magistrate concerned in his judicial discretion and Government cannot even for rectifying an illegal position themselves give an illegal direction merely to pacate persons whose grievance, however legitimate, was before two courts for judicial consideration.

I would also like to add that while status quo



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is an ideal and objective it cannot be allowed to become a fiction to be assuaged with a corban of gory shambles. I have been at the spot all these days and have tackled the situation almost without support. Today the slogan outside is "Nayar Anyaya Karne Chhor Do, Nayar Bhagwan Ka Phatak Khol Do" I am facing this odium with equanimity and without complaint. But I have certainly no reason to desire to be soft with the mob which is accusing me daily and which has placed me and the entire administration in extraordinary difficulty. I offer counsel of peace notwithstanding all this, not because I feel less keenly than Government the magnitude and implications of the peace elsewhere and the reactions short-term and long-term on Government's prestige and position are matters on which I am entitled to no opinion and on which I must expect Government to make their minds before I take any action. The removal of this idol in haste by me if carried out, right instead of solving the problem would have created a bigger one for Government and for this I could not in loyalty to Government have essayed without clear orders from Government.

Even today I cannot imagine the manner in which the removal can be carried out. If it is to be done according to religious sanction I cannot find a qualified priest will go to stake life and salvation in the act. If it is to be done any how or by any body the resulting hostility from all sections of the Hindu public may be tremendously embarrassing to Government and I should be told clearly that Government are prepared to face it.

In my view I acted with the utmost discretion

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is not precipitating a greater crisis than the one which has overtaken us and in proceeding cautiously at every state.

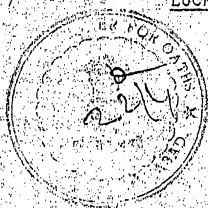
Lastly I must say that any consideration of small local precautions which might or might not have prevented the crisis in the particular form in which it has precipitated itself seems to ignore completely the immense reality of this problem which in Ayodhya has led to so many riots and to the loss of hundreds of lives. The problem is one to be faced squarely and while local precautions might alter the nature or timing of the crisis it is bound to arise for a real solution which no amount of evasion can put off for long and with the advent of freedom people are much less inclined to obey authorities..... old and defeated cause.

I trust my plain speaking will not be misunderstood for it has been dictated by the necessity of correcting wrong impressions. District authorities who without the advantage of support from public men of any class have faced a difficult situation with the limited resources at their disposal and done their best to preserve public peace, administrative prestige, and Government policy certainly deserve better recognition than this.

Yours sincerely,

(K.K.K. NAYAR) ICS

Shri Bhagwan Sahai, ICS.,
Chief Secretary to U.P. Government,
LUCKNOW.



016987

Virendra Bahadur:

1. Copy of preliminary order dated 29th December, 1949 passed by Markandeya Singh Magistrate Ist Class and Additional city Magistrate, Faizabad-cum-Ajodhya Distt. Faizabad postponed on 30-7-53

State Versus Janmbhoomi Babri Masjid

Whereas I, Markandeya Singh Magistrate First Class and Addl. City Magistrate Faizabad-cum-Ajodhya on fully satisfied fro information receive d from Police sources and from other credible sources that a dispute between Hindus and Muslims in Ayodhya ver the question of rights of proprietorship and worship in the building claimed variousy as Babri Masjid and Jaama Bhoomi Mandir in the Mohalla Ram Kot within the local limits of my jurisdiction is likely to lead to a breac h of the peace,

I hereby direct the parties described below namely:-

- 1) Muslims who are bonafide residents of Ayodhya or who claim rights of proprietorship or worship in the property in disute.

199

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2) To appear before me on 17th day of January at 11 A.M. at Ayodhya Police Station in person or by pleader and put in written statements of their respective claims with regard to the fact of actual possession of the subject of dispute. And the case being one of the emergency I hereby attach the said buildings pending decision.

The attachment shall be carried out immediately by Station Officer Ayodhya police station who shall then put the attached properties in the charge of Shri Priya Dutta Ram Chairman Municipal Board Faizabd -cum- Ayodhya who shall thereafter be the receiver thereof and shall arrange for the care of the property in dispute.

The receiver shall submit for approval a scheme for management of the property in dispute during attachment, and the cost of the management shall be defrayed by the parties to this dispute in such proportions as may be fixed from time to time.

290

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This order shall, in the absence of information regarding the actual names and addresses of the parties to dispute to be served by publication in:

1. The English Daily "The Leader" Allahabad
2. The Urdu Weekly "Akhtar" Faizabad
3. The Hindi Weekly "Virakta" Ayodhya.

Copies of this order shall also be affixed to the walls of the buildings in dispute and to the notice board at Ayodhya Police Station.

Given under my hand and the seal of the court on this the twenty ninth day of December, 1949 at Ayodhya.

Sd/-

Markandaya Singh

Magistrate Ist. Class and

Additional

City Magistrate,

Faizabad-cum-Ayodhya

Ayodhya:

The 29th December, 1949

(201)

Annexure A-5
11

Certified copy of the inventory Dated 5.1.30 in
case No. 1-3-15 of 9 U/S 145 Cr. P.C. P.S. Ayodhya
of the Court of City Magistrate, Faizabad.

State Versus Janam Bhoomi / Babri Masjid

INVENTORY

1. Duty image of (ka) Shri Ram Lalla Ji two
image one big one and one small. (kha)
image of Shri Saligram ji.
2. Singashan of Silver two feet one.
3. Image of Hanuman Ji One.
4. a. Vjilass of Jarman silver one piece.
b. Vjilass of silver small one piece.
c. Vjilass of big one piece.
5. Garoon well one
6. Dhoop Dani one
7. Aarti one
8. Tikka patra
9. Hsshab chandan one.
10. Photo of Ram Janki big one

.... / 2

12 (202)

2 :-

11. Gamla Four
12. Photo of Lal Ji big one.
13. Jewellers of bhagwan
Two cap of Ram Lalla Ji and one cap of
Hanoman Ji and cloths and other
jewelleries.
14. Photo of Ram Chandra Ji one.
15. Three doored building along with (Ram Janam Bhumi
appartencies and with boundaries wall
as bounded below:-

North: Hata Chauti Pujan and Nirmohi
Akhara
South Land Parti and Parikarma
East Chabutra temple Ram Janki in
possession of Nirmohi Akhara
with sahan of Temple.
West Parikarma

16. Brass glass one
17. Katri of chandan phool 5 pieces.
18. Pauch patra and plate of brass one
19. One like brass plate

.... /3

203

13

- 3 -

20. . . Litha wodden patra one.

Signature of person who were present at
the time of charge:-

Assumed charge this day the 5th January
1950 at 1 P.M. above inventory was found
correct after verification.

Witness

Sd/- Priyadatta Ram

Sd/- Illegible

5.1.50

1668

204

ANNEXURE A - 178

EXHIBIT - 39

Copy of the excerpt of Waqfs relating to Waqfs relation to Waqf No. 26, Babri Masjid, District- Faizabad, printed in the U.P. Government Gazette dated 26th February, 1944.

Serial No.	Name of Waqif or	Name of present Mutavalli (trustee)	Notice of the Waqf Property.
26	King Babar	Saiyed Muhammad Zaki Mutavalli of Babri Masjid, Shanava Town Post, Darshanagar.	Seal

No. of proposal 92

Date of proposal 5-10-63

Name of Applicant: Secretary, Sunni Central Waqf Board Lucknow

Fee & Charged : Without fee-free of cost

Date of preparation : 7-10-63

Date of handing over of Copy: 7-10-63

// TRUE AND TRANSLATED COPY //

205

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ANNEXURE A – 46

EXHIBIT – A67

Waqf Commissioner, Faizabad.

Saiyed Muhammad Zaki s/o Saiyed Muhammad Razi residents of Sahnava village, Paragna Haveli, Tahseel and District Faizabad

...Petitioner/ Caveator

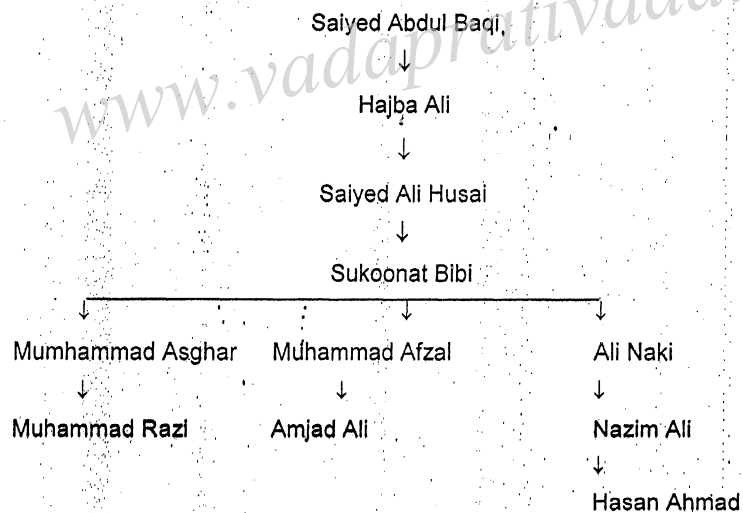
Cherisher of the poor may live long!

Your Excellency,

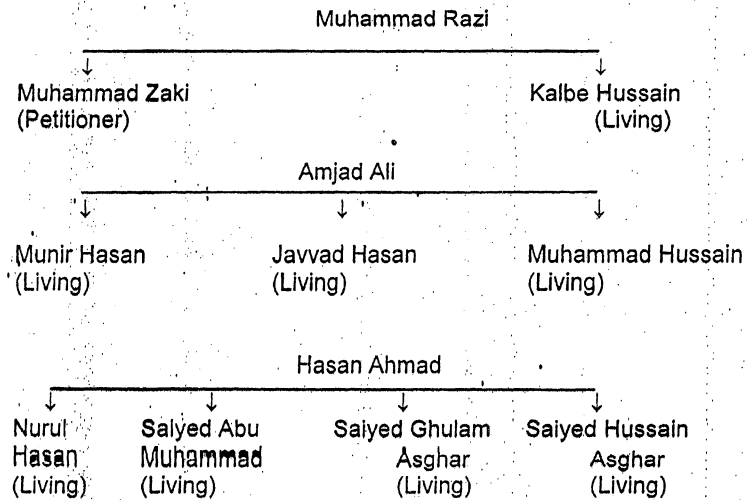
With regard to the above-mentioned case, I humbly submit that a notice was issued to me as per Sectio-4 of the Muslim Auqaf Act, 1939. It was served to me. The petitioner submits following objections in reply to the said notice:

Article 1: That the necessary genealogical tree of the family is give under to uncover the facts of the case. All the people mentioned in the tree were and are followers of Shia Isna Ashari Sect.

Genealogical Tree:



206
149



When Babar, the King of Delhi constructed a Masjid on the parcel of the land situated at Janmasthan Ayodhya and gave it the name of Babri Masjid trusteeship of the said Masjid and Khitabat (leading prayers and delivering of sermons – khutbas) was entrusted to Saiyed Abdul Baqi legator of the petitioner mentioned in the family tree above. He also granted Rs. 30/- (cash) and 13 Bighas of land to support the livelihood. This amount continued to be received by the said legator in succession as mentioned in the said family tree.

Article 3: That during Avadh Sultanat and in the period of Nawab Sadat Ali Khan Vizier of Avadh, instead of above amount, an amount of Rs. 302/- 3 Anna and Six Paise as subsistence amount for servants and assistance for livelihood was fixed and it was paid to the legatees of the legator.

Article 4: That in the beginning, after the annexation of Avadh Province by the British Empire certificate/ deed of cash subsistence to the servants

was given and till 1864 an amount of Rs. 302, 3 Annas and Six pal continued to be received in cash by the legatees of the legator.

Article 5: Thereafter, as per the proposal of the Government Officials Village Horanpur and lands of Sholapur in exchange/ substitution of the cash amount was sanctioned to be given to the legatees Muhammad Asghar and Muhammad Afzal. The said lands were exempted from the payment of land revenue. Since then, the legatees of the legator including the present caveator are in the possession and occupation of the said lands.

Article 6: That right from the permanent settlement first three Courts of Settlement had issued decrees regarding the ownership of the property/ lands of the said villages. This decree was issued to Muhammad Asghar and Muhammad Afzal on 3rd February, 1870. Since the issue of the said decree and from the pledge holders from the legatees and the pledgeholders above including the petitioner hold the possession and occupation of the said lands as superior holders of the said land.

Section 7: That the legatees of the legator including the petitioner himself have been making necessary expenses for the protection and maintenance of the said Babri Masjid.

Section 8: That as per the events mentioned above and more particularly in view of the fact that the British Empire after the annexation of Avadh Province, the amount of subsistence grant and assistance for the livelihood and thereafter the villages mentioned above were granted to the legatees of the legator of the applicant and also because of the reason that from the previous permanent settlement decree pertaining to their being superior holders had been issued to the legatees of the legator of the applicant. The

said property cannot be included in the definition of the Muslim Waqf. The said property cannot be considered to be included under Muslim Awkaf and especially for the reason that the grant of the said land is by the British Government, i.e. non-Muslims and is subject to conditions imposed.

Section 9: That the said property as per section-4 of the Muslim Awqaf Act, 1934 is exempt from observance of the restrictions imposed by the said Act. Also, the major part of income has been continued to be used as assistance for subsistence and personal expenses as per the register of mutation – khevat.

Section 10: That in view of the arguments in rebuttal and as per the order of the Court regarding matters requiring inquiry are attached with the list enclosed with the petition. If the declaration of the facts of the present submission are, in any way, deemed insufficient for acceptance and sustenance of the objections of the applicant, he may be given opportunity to present his objections through his advocate before the competent Court on the date fixed by it.

Yours obedient Servant,

Saiyed Muhammad Zaki

Submitted on 19/20, July, 1938

Written by Triloknath, Petition Written.

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 2

EXHIBIT-A4

CHIEF COMMISSIONER OF WAQFS, U.P.

These papers are submitted to you in the matter of Babri or Janam Astha Mosque at Ayodhya, which was built by Emperor Babar in 935 A.H.

A short history of the state grants made for the maintenance of this mosque is given below.

It appears that in 935 A.H. Emperor Babar built this mosque and appointed one Syed Abdul Baqi as the Mutawalli and Khatib of the mosque (vide Cl.2 of "Written statement (Illegible) filed by Syed Mohd Zaki to whom a notice was issued under the Wakf Act). An annual grant of Rs.60/- was allowed by the emperor for maintenance of the mosque and of the family of the first Mutawalli Abdul Baqi. This grant was continued till of the fall of the mosque Kingdom at Delhi and the ascendancy of the Nawabs of Delhi.

According to Cl. 3 of the written statement of Mohd Zaki, Nawab Saadat Ali Khan, King of Oudg increased the annual grant to Rs.302/3/6. No original papers about this grant by the king of Oudh are available.

After the Mutiny, the British Govt. also continued the above grant in cash upto 1864, and in the latter year, in lieu of the cash grant, the British Govt ordered the grant of some revenue free land in village Bhuraipur and Sholeypur. A copy of the order of the British Govt has been filed by the objector Syed Mohammad Zaki (vide flag A). this order says that the Chief Commissioner under the authority of the Governor General in council is pleased to maintain the Grant for so long as the object for which the grant has been made is kept up on the following conditions". These conditions require Rajab Ali and Mohammad Asghar to whom the sunnad was given,

210 14

to perform duties of landholder in the matter of police, military or political service etc.

The object mentioned above is elucidated in the Urdu translation as follows:-

(Illegible) - (In Urdu language)

Thus the original object of the state grant of Emperor Babar and Nawab Saadat Ali Khan is continued in this Sunnad by the British Govt. also, i.e. maintenance of the mosque. The Nankar is to be enjoyed by the grantees for so long as the object of the grant i.e. the mosque is in existence.

Syed Mohammad Zaki, the objector who is known as the Mutawalli of the Mabar Mosque, and also calls himself as such raises an objection to the land in Sholeypur and Bhuranpur being regarded as a waqf, because he says the grant has been made for his substenance only (in Urdu) I do not agree with this view of his. The written filed by Mohd. Zaki himself is sufficient to show that the grant has been continued ever 935 A.H., only because he and his ancestors were required to look after the mosque and keep it in proper condition out of the income allowed to them and also to provide for the maintenance of himself and his ancestors out of a part of the same grant.

Clearly then the grant of land to Mohammad Zaki must be regarded as a Waqf, the purpose of which is the maintenance of the religious building known as the Babri Mosque.

The learned Counsel for Mohd Zaki has also argued.

1. That the particular grant of land in Sholeypur and Bhurypur has been made by the British Government - a Non-Muslim body and hence the grant cannot be regarded as Muslim Waqf.
2. That the grant is a conditional one, being subject to resumption on non-fulfilment by the grantee of any of the police, military or duties enjoined in the Sunnad, and that on account of these conditions the grant cannot be classed as Muslim Waqf.

I do not agree with either view.

- 1) Firstly the British Govt. only continued a grant which had been made by the Muslim Government originally and in these circumstances, I cannot but regard the grant as a waqf.
- 2) As for the second point, the conditions have been imposed upon the grantee, and not upon the way in which the grants is to be utilised, which later purpose is recognized as maintenance of the mosque. It is clear that if the conditions are broken, the enjoyment of the grant by the Mutwalli himself for his substance is to be withdrawn apparently implying that any other Mutwalli will then be appointed to administer the grant for the original purpose of maintaining the mosque. I am strengthened in this view because I find the mention of the object of the grant i.e. maintenance of the mosque at they very outset of the Sunnad, and the desirability thereof seems to be clear from the whole Sunnad.

I also find that after the Ajodhya riots of 1934, Syed Mohd Zaki presented an application (Ex. A) to D.C., in which he clearly described

himself as Mutawalli or trustee of the mosque and of the trust attached thereto.

I also find that this same Mohd Zaki submitted accounts in 1925 in Tahsildar's Court in which he stated that the income from the grant managed by him was utilized for maintenance of the mosque, pay of Imam Muezzin and the provision of Iftari etc., during Ramzan after deduction of Rs. 20/- per month for substance of Mutawalli himself. The pay of the Mutawalli in Column 7 has not been stated by Mohd Zaki. In view of the statement filed in tahsildar's Court, this may be regarded as Rs.20/- per month, although, there is reason to believe that the present Mutawalli spends a much greater portion of the income in his own personal needs.

The present Mutawalli is of course a Shia. There is no information as to the sect to which Abdul Baqi himself belonged, but the founder - Emperor Babar - was admittedly a Sunni, the Imam and Muezzim at the mosque are Sunni and only Sunnis say their prayer in it. I think therefore that this should be regarded as a Sunni Trust.

I must say in the end that from the reports that I have heard about the present Mutawalli, he is an opium addict (vide his statement flagged___) and most unsuited to the proper performance of the duties expected of Mutawalli of an ancient and historical mosque, which is not kept even in proper repairs. It is desirable that, if possible, a committee of management should be appointed to supervise the proper maintenance and repairs of the mosque and discharge of his duties by the Mutawalli.

Sd/-
Distt. Waqf Commr.
Faizabad
16.9.38

213

17

Ex. A4
No. of Suit 2 of 1950
Name of Parties: Gopal Singh Vs. Zahoor Ahmad
Filed by : Defendant No.1
Date of Filing : 25.3.50
Admitted by Pltf.
Denied by Deft.

Sd/-
Civil Judge

// TRUE COPY //

www.vadaprativada.in

www.vadaprativada.in

ANNEXURE A - 3

EXHIBIT - A5

The report was submitted to you in the matter of Babri and Janam Asthan Mosque at Ajudhya, which was built by Emperor Babar in 935 A.H. by Mr. Mohammad Owais, My predecessor which was returned with letter No. 509/V-W-39 dated January 1939 with the intimation that the post of Chief Commissioner of Waqf was terminated District Waqf Commissioner are empowered under sec. 4 of United Provinces Acts (Act XIII of 1936) to decide waqf cases finally I made further enquiries and examined the Pesh Newas who filed certain papers. I entirely agree with the findings of my predecessor and I submit my report.

A short history of the state grant made for the maintenance of this mosque is given below.

It appears that in 935 A.H. Emperor Babar built this mosque and appointed one Syed Abdul Baqi as the mutwali and Khatib of the Mosque (vide clause 2 statement filed by Syed Mohammed Zaqi to whom a notice was issued under the wakf Act.). Annual grant of R. 60/- was allotted by the Emperor for maintenance of the mosque to the family of the first mutwalli Abdul Baqi. This grant was continued till of the fall of the Moghal Kingdom at Delhi and the ascendancy of the Nawabs of Oudh.

According to Cl. 3 of the written statement of Mohammad Zaki Nawab Sa'adat Ali Khan, King of Oudh increased the annual grant to Rs. 302/3/6. No original papers about this grant by the king of Oudh are available.

After the Mutiny, the British Government, so continued the above grant in case upto 1864, and in the latter year in lieu of the cash grant, the British Government ordered the grant of some revenue free land in villages.

Bhuraipur and Sholeypur. A copy of this order of the British Government has been filed by the objector Syed Moham Zaki (vide Flag A) This order says that 'the Chief Commissioner under the authority of the Governor General in Council is pleased to maintain the Grant for so long as the object for which the grant has been made is kept up on the following conditions'. These conditions require Rajab Ali and Mohammad Asghar to whom the sunnad was given, to perform duties of land holder in the matter of Police Military or political service etc.

The object mentioned above is elucidated in the Urdu translation as follows :-

(Illegible) - (Urdu Language)

Thus the original object of the state grant of Emperor Babar and Nawab Saadat Ali Khan is continued in this Sunnad by the British Government also i.e. maintenance of the mosque. The Nankar is to be enjoyed by the grantees for so long as the object of the grant i.e. the mosque is in existence.

Syed Mohammad Zaki, the objector, who is known as the Mutwalli of the Babri mosque, and also calls himself as such raises an objection to the land in Sholeypur and Bhuranpur being regarded as a waqf, because he says the grant has been made for his substance only (text in Urdu). I do not agree with this view of his. The written statement filed by Mohammad Zaki himself is sufficient to show that the grant has been continued over since 935 A.H. only because he and his ancestors were required to look after the mosque and kept it in proper condition out of the income allowed to them.

and also to provide for the maintenance of himself and the ancestors out of a part of the same grant.

Clearly then the grant of land to Mohammad Zaki must be regarded as Waqf, the purpose of which is the maintenance of the religious building known as the Babri Mosque.

The learned counsel for Mohammad Zaki has also argued.

- (1) That the particular grant of land in Sholeypur and Bhurey pur has been made by the British Government. A Non-Muslim body and hence the grant cannot be regarded as Muslim Waqf.
- (2) That the grant is conditional one, being subject to resumption on non fulfilment by the grantee of any of the police Military or duties enjoined in the Sunnad, and that on account of these conditions the grant cannot be classed as Muslim Waqf.

I do not agree with either view. Firstly the British Government only continued a grant which had been made by the Muslim Government originally and on these circumstances I cannot but regard to the grant of a waqf.

- (2) As for the second point the conditions have been imposed upon the grantee, and not upon the way in which the grant is to be utilized, which later purpose is recognised as maintenance of the mosque. It is clear that if the conditions are broken the enjoyment of the grant by the Mutwalli himself for his substance is to be withdrawn apparently implying that any mutwalli will then be appointed to administer the grant for the original purpose of maintaining the mosque. I am strengthened in this view because I find the mention of the object of

the grant i.e. maintenance of the mosque at the very outset of the Sunnad and the desirability thereof seems to be clear from the whole Sunnad.

I also find that after the Ajodhya riot of 1934, Syed Mohammad Zaki presented an application (Flag Ex. A) to Deputy Commissioner, in which he clearly described himself as Mutwalli or trustee of the mosque and of the trust attached thereto.

I also find that his same Mohammad Zaki submitted accounts in 1925 in Tahsildar's court in which he stated that the income from the grant managed by him was utilized for maintenance of the mosque, pay of Imam Muezzin and the provisions of Iftari etc., during Ramzan after deduction of Rs. 20/- per month for subsistence of Mutwalli himself. (Illegible). The Mutwalli spends a much greater portions of the income of his own personal needs.

The present Mutwalli is of course a Shia. There is no information as to the sect to which Abdul Baqi himself belonged, but the founder Emperor Babar – was admittedly a Sunni, the Imam and Muezzain at the mosque are Sunni and only Sunnis say their prayer in it. Abdul Ghaffar the present Pesh nimaz was examined by me. He swears that the ancestors of Mohammad Zaki were Sunnis who latter on was converted to Shia. He further said that he did not receive his pay during the last 11 years. In 1936 the Mutwalli executed a pronote promising to pay the arrear of pay by instalment but upto this time nothing actually was done. I think therefore that this should be regarded as a Sunni Trust.

I must say in the end that from the reports that I have heard about the present Mutwalli, he is an opium addict (vide his statement (Illegible) and most unsuited to the proper performance of the duties expected of Mutwalli of an ancient and historical mosque, which is not kept even in proper repairs. It is desirable that, if possible, a committee of management should be appointed to supervise the proper maintenance and repairs of the mosque and discharge of his duties by the Mutwalli.

Feb. 8, 1941

Sd/-
District Waqf Commissioner
Fyzabad.

(Illegible) - (In Urdu language)

Ex. A5
No. of Suit 2 of 1950
Name of Parties: (Illegible)
Filed by: (Illegible)
Date of Filing: 25.3.50
Admitted by Plff.
Denied by Deft.

Sd/-
Civil Judge

// TRUE COPY //

ANNEXURE A - 134

EXHIBIT - A63

Copy of the report of Mr. Muhammad Ibrahim Saheb, Waqf Inspector dated 10th December, 1949 regarding Babri Masjid included in the file/record No. 26 of Waqf Babri Masjid.

District Faizabad
Masjid Babri, Ayodhya

To,
Secretary,

The Trustees of Babri Masjid Ayodhya from one after the other were (Illegible) Asghar Sahid, Muhammad Razee Sahib, Muhammad Amjad Ali Sahib, Muhammad Zaki Saheb and Kalbe Hussain. As Kalbe Hussain Ex-Trustee has expired, the question of the appointment of other Trustee in his place has arisen. Village Shahvana is wakf for the said mosque.

The Trustee of the said mosque traditionally confirmed to be the Nambardar of the village. The person who is the Nambardar is also the Trustee of the said mosque. (Illegible) asking and inquiring from the village people it was told that the present Nambardar of village shahnavia is Mr. Jawwad Hussain Sahib and he also collects the revenue and also manages the affairs of the said mosque. Saiyed Nabi Hussain Mukherjia (Village Headman) has given the statement that Mr. Jawwad Hussain is the present Nambardar and it is he who collects the revenue and He is the trustee of the said mosque. The statement of the Mr. Jawwad Hussain was recorded. He admitted that he is a Nambardar and also Trustee. He also stated that I will discharge my duties as a trustee with due diligence and will not misappropriate

a single paisa of the masjid. I will also maintain accounts regularly as laid down and also obey every order of the Waqf Board. In these circumstances it seems appropriate to enter the name of Mr. Jawwad Husain as Trustee.

It came to my knowledge that the fear of Hindus and Sikhs, no person offers (Illegible) prayers in the mosque. If any persons stays back in the mosque during night he is very much harassed by Hindus. There is a temple of the Hindus outside the courtyard where many Hindus live. They abuse any Muslim who goes to the Masjid. I visited the site and an enquiry found that whatever is stated above correct. People also said that there is danger to the mosque from Hindus in the form of weakening its walls. It appears proper to submit in writing to the Deputy Commissioner, Faizabad that Muslims offering prayers in the mosque should not be harassed. The said mosque is a royal building and proper care should be taken for its protection.

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01257

Signature Mr. Muhammad Ibrahim,
Inspector of Waqf in English 10-12-49
Number of Proposal 56, Date of Proposal 11.3.56,
Name of the proposer Mirza Ahmed Baig.

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 43

EXHIBIT - A64

Copy of the Report of Mr. Muhammad Ibrahim Sahib, Waqf Inspector dated 23rd December, 1949 included in the Record/ File of Waqf Babri Masjid, Faizabad.

Present condition of Babri Masjid, Ayodhya:

Secretary Sahib,

I had gone to inquire into the present condition of Babri Masjid Ayodhya and Qabrasta (graveyard) on 22nd December, 49 I spent the whole day making inquiry. My inquiry made me aware about the following conditions and events. A period of three months has elapsed to the arrival of Baba Raghunath ostensibly to visit the janmasthan. He exhorted the Beragis and Pujaris - worshippers forcefully that Ramayanpath - recitation of Ramayan - should be done at janmasthan. This message spread to all nearby and surrounding areas. After a month of the departure of Baba Raghubardas, thousands of Hindus and Pujaris and Pandits gathered there for Ramayan path. The path (recitation) went on for weeks. In the meantime the Beragis dug outside the front part of the Masjid and part of Qabrastan and leveled it to the ground. They also erected a makeshift marker and put stones on the site of some graves. There was police bandobast at the time of recitation of Ramayan. Despite this, the graves were dug out. Police arrested four people who were later released on bond. Khawaja Rahmatullah's mausoleum which is nearby the graveyard on a rising mound has also been dug out and leveled to the ground. A Bairagi has started residing there. The Bairagis are squatting near the pucca grave which is near the door of the courtyard adjacent to the wells of the Masjid. The Bairagis have erected a

hut. Before the commencement of this recitation, the Bairagis had looted and broken the fence. The Muezzin was thrashed and thereafter they tried to dug out the inscription on the Masjid. Two Muslims who were strangers were beaten and they suffered serious injuries. Now there are two camps outside the Masjid. In one of them are stationed police constables and in another sepoy of the battalions. The total numbers of (constables and sepoys) is about 7 to 8. Now the Masjid remains locked. No Azaan is allowed nor Namaaz performed except on the day and time of Jumaah. The lock and the keys remain with Muslims. But the police does not allow them to open the lock. The lock is opened on the day of Jumaah, i.e. Friday for two or three hours. During this period, the Masjid is cleaned and Jumaah prayers are offered. Thereafter it is locked as usual. At the time of Jummaah much noise is created. When the Namazis go downstairs, shoes and clods of earth are thrown at them. But Muslims do not react to it out of fear. After Raghavdas, Mr. Lohia had also come to Ayodhya and he had addressed people saying that flower plants should be planted on the place of graves. A minister also came from Lucknow. The Bairagis told him that Masjid is the Janmbhoomi. Help us get it. He refused to do this by force. Hearing this Bairagis got angry with him, and he had to return to Faizabad under Police protection. In the meantime, in the Kanak Bhavan Mandir of Ayodhya, Mahant Babasthan, Mahant Raghubardas, Vedantiji, Narayan Das, Acharyaji wanted to call Muslims but none came out there with the exception of Zahoor Ahmad. Hindus asked Zahoor Ahmad to help them get the Masjid. He was told that if it is done then we are brothers, otherwise, we are enemies. I stayed at Ayodhya during night. In the morning I came to know that Bairagis are trying to occupy the Masjid forcibly. It is Jumaah – Friday – today. When I reached the site, 10 to 15 Bairagis with clubs and axes

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were found present in the courtyard of the Masjid and many Bairagis are sitting on the door of the Masjid with clubs. Hindus of the surrounding area are also gathering there. City Magistrate, Police Officer of the City and other police force is deployed in sufficient numbers. Muslims from Faizabad would certainly come to offer of Jumaah (Friday) prayers. What would be their fate I do not know. Now I am crossing the river and going to Lakkadmandi Gonda.

Signature: Saiyed Muhammad Ibrahim

Dated 23.12.49 10. a.m.

Number of the proposal 59

Date of proposal 11.3.59.

Name of the petitioner written Ahmedbeg, Faizabad

Fees – nominal, free of cost.

Date of preparing the copy 23.3.59

Date of the delivery of the Copy : 23.3.59.

// TRUE AND TRANSLATED COPY //

1334

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ANNEXURE A - 136

EXHIBIT - A72

Copy of the accounts submitted by Saiyed Muhammad Zaki with reference to case No. 64, decide on 9th July, 1925 in the court of Tahseeldar, Faizabad.

Report of the Tahseel dated 3. November, regarding audit and verification of life and the conditions (Illegible) etc. paragraph Haveli Avadh-

Balance sheet of the accounts of Income and Expenditure of the rent free villages, Village Bahrapur and Solapuri Bagh (Orchid) situated at Bahadurganj, Mahal Pargna Haveli, Tahseel-Avadh and District Faizabad - submitted by Saiyed Muhammad Zaki. Trustee and Nambardar and rent-free land holder of Babri Masjid situated at Ramkot Avadh city, Pargna Havveli, (Illegible) Avadh and District Faizabad. Resident of village Sahnava starting from 18th April, 1923 to 6th April, 1924.

Income	Expenditure
Land Revenue	Iftari = Rs.
Accounts of the month of the Holy month of Ramzan year ending of the village Bahoran (Breaking of Fast) (Illegible) as per book of Accounts of Patwari. 386 Rs. 1 Anna 6 Pai	Candles = Rs. 2/-
Sholapuri Bagh (Orchid)	Payment of Hafiz for
189 Rs. 8 Anna	Tarawech = Rs. 12/-
	Sweets on = Rs. 7/-
	Completion of
	Tarawech
	Total = RS. 26/-
	Expenses of Eidul

Arrears of Bahrapur pertaining to the year 1331-	Fitr and Eidul Azha
Recovered Rs. 45/-	Per Fume = Rs. 4/-
Total Receipt 615.Rs. 9 Anna, 6 Pai	Betel = Rs. 4/-
Excess expenses by Trustee Rs. 180,15 Anna, 6 Pai	Coach Fare = Rs. 2/-
Arrears of the year ended as per books of accounts of Patwari 439 Rs. 10 Anna	Cateehu = Rs. 4/-
	Gift to Muezzin = Rs. 1/-
	Earthen Utensils = Rs. 7/-
	Water charges = 2 RS.
	Labour charges
	Gift/prize to Pesh = 4 Rs.
	Imam (Prayer leader)
	For Eidul Fitr and Eidul Azha
	Rent of the Tent Canopy
	(On Entry and Exit) = 3 Rs 4 Anna
	Total 31 Rs. 4 Anna
	Monthly expenses for lighting oil
	Rs. 1 monthly yearly/12Rs.
	Other expenses, washing of prayer ring and floor cloth etc. 3 Rs./
	White Was to Idgah 4 Rs. 8 Anna
	Repairing of bamboo work
	Frame/shutler 6 Rs./-
	Labour charges of 2 Rs/-
	Erecting bamboo work
	Frame Bamboo and Rope 3 Rs./-
	Total Rs. 11/-
	Floormat (3 Nos)
	Pen Piece 1 Rs. 8 Anna
	3 Pieces 4 Rs. 8 Anna

Wall clock for Babri Masjid	8 Rs. 9 Anna
White Wash to the Babri Masjid	3 Rs.
Repairing to the Tablet depicting Date	1 Rs.
Broom, Sewing and Basket etc.	Rs. 1/-
Paper Vessel	
For cold water	8 Anna
Rope for drawing Water	1 Rs.
Making charges Of trunk with labour	
Charges	1 Rs.
Total	20 Rs. 9 Anna
<u>Salary of Servant</u>	
Salary of Pesh Imam	
Monthly Rs. 5 yearly	Rs. 60/-
Amount other than instalment Of Kharif and Ravi	25 Rs. 12 Anna
Rural expenses	Rs. 10/-
Livelihood	
Assistance to Mutavalli	
Trustee – Salyed Muhammad	
Zaki	240 Rs. (6)
Total	491 Rs. 12 Anna

	Total expenditure of year ended Starting from 18 th April, 1923 to 6 th April, 1926
	Rs. 600 – 1 Anna
	Excess 160 Rs.
	Extra/Expenses incurred by Saiyed Mohd. Zaki 7 Anna Mutavalli, Masjid Resident
	Sahnava submitted/(Illegible) On 17 January, 1925
	Signature Saiyed Muhammad Zaki in his own handwriting.

// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 24

EXHIBIT - A31

Copy of the accounts submitted by Muhammad Zaki included in the Case No. 38 decided on 31st March, 1826 before Tahseeldar, Faizabad.

Report of Tahseel Office dated 8th November, 1825 regarding audit verification of the rent-free land holders and their life Village Horanpur, Paragna Haveli and the lands of Solapuri situated at Bahadurganj Mahal, Bahoranpur, Paragna Haveli Avadh Tahseel and District Faizabad submitted by Saiyed Muhammad Zaki, Trustee and Nambardan and rent-free land holder of Babri Masjid situated at Ramkot Avadh City Paragna Haveli, Avadh Tahseel and District Faizabad, resident of village Sahnava for the period starting from 7th April, 1824 to 28th March, 1825.

Income		Expenditure	
Jamabandi (Accounts of land revenue) of the year ending of the village Bahoranpur as per the accounts book (Ledger) of Patwari	386 Rs., 1 Anna, 6 Pai	Expenses for the Holy month of Ramzan: Iftari Candles Hafiz for Taraveeh Sweets on the occasion of completion of Taraveeh Perfume Paan (Betel Leaves) Carriage/ Fair	Rs.26/- Rs.5/- Rs.2/- Rs.12/- Rs. 7/- Rs. 4/- Rs. 4/- Rs. 2/-
Lands of Solapuri	189 Rs. 7 Anna		
Total Income	575 Rs. 9 Anna		
Deduction of extra/ miscellaneous expenditure by Trustee 413 Rs. 6 Anna 6 Pai		Expenses as Liquidity	16 Rs. 3 Anna

Expenses of the Lighting for the year @ Rs. 1/- per month	Rs. 12/-	Cateches	Rs. 4/-
Whitewash of Eidgah	Rs. 4 - 8	Earthen Utensils	Rs. 7/-
Lime	Rs. 2/-	Labour charges for drawing the water	Rs. 2/-
Miscellaneous material	8 Anna	Gift to Muezzin and Pesh Imam	Rs. 4/-
Labour charges	Rs. 2/-	Total	28/- Rs.
Total Expenditure by Trustee	Rs. 210 1 Ana 6 Pai	White-wash to the Masjid situated at Ramkot Labour charges to contractor for white-washing	Rs. 40/-
		Limestone	Rs. 16 - 8 Anna
		Bamboo for fencing	Rs. 3 - 8 Anna
		Rope	Rs. 7
		Sacks (2 nos.)	12 Anna
		Total expenditure of Masjid and White-washing	75 Rs. 8 Anna
		Rent for carrying of Lime from Faizabad to Ayodhya for spreading of Lime for repairing of the floor 25 feet Cockonut Rope Labour for repairing of the floor	1 Rs. 8 Anna 4 Rs. 8 Anna
		Total	Rs. 75 - 8 Anna
		Total expenses of the repairing of the Masjid	Rs. 11.00

	Repairing of the bamboo work frame	Rs. 6.00
	Bamboo	Rs. 2.00
	Banda (embarkment)	Rs. 11/-
	Monthly salary of Muezzin (for a year)	Rs. 96/-
	Monthly salary of Pesh Imam (for a year)	Rs. 60/-
	Monthly salary of the collector (for a year)	Rs. 36/-
	Washing of floor and prayer rug (janamaz)	Rs. 4/-
	Amount other than instalment of Bahoranpur for Ravi and Kharif	Rs. 25/-
	Expenses of the case of Ramswaroop Das	5 Rs.
	Assistance for livelihood of Trustee and Khateeb - Pesh Imam of Babri Masjid	240/- Rs.
	Total	623 Rs. 8 Ana
	Expenses of rural	Rs. 10/-
	Sweeping and match stick basket, etc.	1 Rs. 8 Anna
	Total expenditure	Rs. 635/-

Signature
 Saiyed Meer Ahmed Zaki
 Nambardar
 (in his own hand-writing)

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 25

EXHIBIT - A32

Copy of the accounts submitted by Muhammad Zaki in case no. 8, decided on 23rd August, 1827 in the Court of the official of Tahseel, Faizabad.

Report of the Tehseel Office dated 15th November, 1926 regarding Audit and verification of rent-free land-holders and their life village Bahoranpur, etc. Paragna Haveli, Avadh.

Balance sheet of income and expenditure of the rent-free villages of Bahoranpur and Sola puribagh (orchid), situated at Bahadurganj Mahal Bahoranpur Paragna Haveli Avadh Tahseel and District Faizabad submitted by Saiyed Muhammad Zaki Mutavalli (Trustee) and Nambardar, of Babri Masjid situated at Ramkot, City Avadh, resident of village Sahnava Paragna Haveli, Avadh Tahseel and District, Faizabad starting from 29th March, 1825 to 14th April, 1926.

Income		Expenditure	
Revenue Accounts of the year, ending Village - Bahoranpur as per Books of Accounts (Ledger) of Patwari	Rs. 386 - 1 Anna - 6 Pai	Expenses of the Holy Month of Ramzan Iftari (Breaking of Fast) Candles Payment to Hafiz for Taraveeh	26 Rs. Rs. 5 Rs. 2/- Rs. 12/-
Lands of Sholapuri	180 Rs. 8 Anna	Sweets for distribution on completion of Taraweeh	<u>7/- Rs.</u>
Total income	575Rs. 9 Anna - 6 Pai	Total	26 Rs.

Extra expenses income by Mutavalli to be deducted	Rs. 16-0-0	Perfume Beetel leaves Fare of the coach/catecha Earthen Utensils Labour charges to water drawer	4 Rs. 4 Rs. 2 Rs. Rs. 4/- 7/- Rs. 2/- Rs.
Total	413 Rs. 6 Anna 6 Pai	Cateches Earthen Utensils	Rs. 4/- Rs. 7/-
Expenses on lighting	22 Rs.	Labour charges to water drawer	Rs. 2/-
Monthly expenses of lighting Expenses for a year	Rs. 1 12 Rs.	Gift to muezzin Gift to Pesh Imam (Prayer Leader)	Rs. 1/- Rs. 4/-
Whitewashing of Idgah	4 Rs. 8 Anna	Total	28 Rs.
Lime	2 Rs.	Whitewashing of the Masjid situated at Ramkot, Ayodhya city	
Miscellaneous items	8 Anna	Labour charges to contractor for white washing	40 Rs.
Labour charges	2 Rs.	Lime Stone	16 Rs. 8 Anna
Total	8 Rs. 8 Anna	Bamboo for erecting buttress of the Masjid	3 Rs. 8 Anna

Excess..... expenses by Trustee (Mutavalli)	210 Rs. 1 Anna 6 Pal	Rope Sack (2 nos.)	1 Rs. 12 Anna
		Total expenses, for Masjid and whitewash	75 Rs. 7 Anna
		Fare for transportation of lime from Faizabad to Ayodhya (for spreading of lime for repairing of floor)	1 Rs. 8 Anna
		Rope coconut	1 Rs. 4 Anna
		Labour charges for repairing of the floor	4 Rs. 8 Anna
		Total 75 Rs. 8 Anna	
		Total expenditure on repairing of Masjid	11 Rs.
		Repairing of the bamboo work frame of the Masjid	6 Rs.
		Bamboo	Rs. 2/-
		Namda	Rs. 3/-
		Total	Rs. 11/-
		Monthly salary of muezzin for a year	96 Rs.
		Monthly salary of Pesh Imam for a year	60 Rs.

		Salary of recovery clerk (for a year)	36 Rs.
		Washing/ cleaning of the floor and prayer rug	4 Rs.
		Amount other than instalment of Ravi & Kharif of Bahoranpur	25 Rs.
		Expense of Ram Swaroop Das Case	5 Rs.
		Assistance for livelihood of Trustee, and Khateeb, Babri Masjid	240 Rs.
		Total	623 Rs. 8 Anna
		Rural expenses of (brooms and watch sticks and basket, etc.	1 Rs. 7 Anna
		Total expenditure	635 Rs./-

Signature of Saiyed Muhammad Zaki,
Nambardar in his own hand-writing.

// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 26

EXHIBIT - A33

Copy of the accounts decided in the court of the official of
Tahseel, Faizabad.

Copy of the accounts of income and expenditure of rent free lands of
Bahoranpur Mahal relating to Babri Masjid, Ayodhya 25 September, 1941
1st of Ramazan to 2nd December, 1945, 31 Shaban submitted by Kalbe
Husain, Nambardar, File No.1349

INCOME		EXPENDITURE	
Village Bahoranpur	351 Rs. 6 Anna	Whitewash to Masjid	Rs. 40/-
Lands of Sholapuri	170 Rs. 8 Anna	Labour charges to Contractor	Rs. 20/-
Total Land Revenue	528 Rs.- 14 Anna	Limestone	Rs. 8/-
Previous pending Recovery	52 Rs.	Rope, stairs and Other materials.	Rs. 6/-
Pending Recovery at present	39 Rs. 2 Anna	Repairing	Rs. 3/-
Income from Recovery	541 Rs. 12 Anna	Cement	Rs. 2/-
		Cart hire charges	Rs. 1/-
		Holy Ramazan Expenses	Rs. 19/-
		Candles etc.	Rs. 2/-
		Hafiz for Taraveeh	Rs. 10/-
		Sweets	Rs. 10/-
		Repairing & white Wash Eid gah	Rs. 3/-
		Labour charges and lime	Rs. 3/-

	Eid-ul-Fitr.	Rs.9/-
	Earthen ware	Rs.3/-
	Carting charges	Rs.1/-
	Perfume	Rs.1/-
	Labour charges to Water drawn	Rs.1/-
	Gifts to Pesh Imam	Rs.2/-
	Muezzin	8 Anna
	Miscellaneous	8 Anna
	Salary of Pesh Imam	Rs.63/-
	Outstanding	Rs.48/-
	Fasli	Rs.23/-
	Relating to 1349 Fasli, Year ending.	Rs.40/-
	Salary of Muezzin	Rs.78/-
	Outstanding 148 Fasli	Rs.6/-
	Present year 49 Ending Fasli	Rs. 72/-
	Miscellaneous Expenses	Rs. 32/-
	Lighting monthly Rs.1/-	Rs.12/-
	Brooms, basket, matchsticks, Water jar, washing of floor cloth etc.	Rs.4/-
	Contribution relating to Arrival of Captain Sb.	Rs.6/-
	Rural expenses	Rs.20
	Nambardari dues	Rs.25
	Payment of land revenue	Rs. 22

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	Installments of Kharif & Ravi	240 Rs.
	Subsistence assistance to the sharers Muhammad Zaki and Kavbe Husain	80 Rs.
	Javvad Husain	80 Rs.
	Nurul Hasan etc.	80 Rs.
	Total expenses	541 Rs. 12 Anna

Your obedient servant
Kalbe Husain
Nambardar
27/29 March, 1943

Signature –
Kalbe Hussain in his own handwriting.

// TRUE AND TRANSLATED COPY //

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Office of the Sunni Central Waqf Board of Uttar Pradesh, Lucknow

Copy of the Form of registration of Waqf under section 38 of Uttar Pradesh,
Muslim Waqf Act No. 3, 1936.

1. Serial No. 26

2. Name of the District, Tahseel and name of the village where waqf
property is located. - Village Behrampur, and the lands of Sholapur, Mahal
- Bahrampur, (Illegible) Avadh, Tahseel and District, Faizabad.

3. Name of the Waqif with the name of his father and residence
_____. It is an assignment from King Babar and Nawab Sadat Ali Khan.

4. Name of the Mutavalli and other persons who are connected with the
administration of waqf with full address :

Muhammad Zaki & Kalbe Husain, Jawwad Husain, Ahmad Husain,
Hamid Husain, Narul Hasan, Abu Muhammad and Ghulam Asghar.

Nambardar and Mutavalli (Administrator)

Kalbe Husain

Manner of succession of the Mutavallis as per waqf documents or
custom/tradition : The Nambardar of the Mahal of rentfree lands makes
administrative arrangements. There is no special rule.

5. Details of the administration of the Waqf scheme :

The white wash, repairing, floor, cloth, lighting etc. and the salary of muzzia and (Illegible) (Prayer leader) and the expense of the Holy month of Ramzan and the Masjid and the administration of the present is also made which is also mentioned in the statement of accounts.

7. All Detail of documents of lights and details pertaining to the entitlements concerned waqf.

Village Bahrampur	351/6/-
	Mahal Bahrampur
Lands of Sholapuri	177/8
	Illegible

8. Details of the Waqf Property which are sufficient for identification :

There is no Waqf deed. There is a deed of subsistence grant (Illegible) - naukari- from the government.

9. Annual income of the Waqf property from the rural lands from buildings shops etc. from other sources .

Total

Government Land Revenue, Cess-tax which are payable to Government annually pertaining to the Waqfs land

Yearly amount

Details of Annual Expenses as per Waqf deed or custom/tradition,
Expenses from revenue collection :

- (a) Salary of the Mutavalli (Trustee)
 - (b) For charitable purposes
(for specific religious work)
 - (c) Fore religious purposes
(for other charitable purpose)
- Rs. At sight of Nambardari of Kalbe Husain
Nambardar Muhammad Zaki &
Kalbe Husain, Jawwad Husain etc. all 240/-
Nurul Hasan etc.
Rights (remuneration)
For Namnbardari
- Total 265/-
- 5. Subsistence allowance to the Family of
The Waqif
 - 6. Subsistence to other people
 - 7. Other expenses

(X) Family means 1 Parents of waqif, 2 Waqif's wife or husband 3.
Waqif's children, 4. Other Persons who are related to the Waqif through his
(Illegible) male/female 5. Those who are having with waqif are under his
patronage.

13. The amount which is being with Mutawalli

XX amount is there

14. Other details – There are many (having assigned (illegible) of revenue) knew, at dars in the said property. They get their annual share which remains after the annual expenses of the masjid nambardar get his portion of the nambardar.

15. Date as which application for registration was presented –

26 September, 1943

16. Remarks : Presently all the shareholders do not recognize it as waqf. They call it naukar mafi-renni free lands for subsistence. We intend to file a suit regarding declaration of our right in the competent court for (illegible) for which should be given as per rule/law.

I certify on oath that above information is totally true and correct and I have not hidden anything from Sunni Central Board of Waqf.

Applicant - Saiyed Malik Husain in his order hand writing.
And Saiyed Kalbe Husain, Nambardar in his
own handwriting, Resident of Shahinwavan,
Post Darshannagar,
District : Faizabad

Note :

If there is not enough space for the details then, it should be written separately after giving the reference of the column.

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 130

EXHIBIT - A55

Sunni Central Waqf Board,
Uttar Pradesh,
Lucknow.

Copy of the accounts of income and expenditure pertaining to 1st
October, 1947 to 31st March, 1948 as per Section 57 of the Uttar Pradesh
Muslim Waqf Act, 1936 included in the file of Babri masjid, District Faizabad.

Name of the District : Faizabad
No. of Waqf : 26
Name of the Waqf or Waqif - Kind Babar
Name of the Mutavalli (Trustee): Jawwad Husain

1. (a) Amount not recovered of the previous year pertaining to Waqf
agricultural or residential property.

(b) (Illegible) " amount of decrees

2. (a) Land Revenue recoverable pertaining to the agricultural property for the
current year. 82 / - / -

(b) Income of (Illegible) and self cultivation. 16 / - / -

(c) Income of (Illegible) (gardens, ponds, forests
Etc. with details)

(d) Rents of buildings, shops and residential
Lands.

(e) Other income

3. Lands Revenue,
Govt. Tax

4. Net income after deduction 27 / 4 / -

of Land Revenue, Tax 70 / 12

- 5(a) Amount which is payable to his Descendants or his family or for Private or private work as per terms of the deed of Waqf.
- (b) Amount which is payable as per deed of Waqf for charitable works.
6. Any debt or payment or burden on the Waqf property in the beginning of the Year e.g. rent, land revenue, cesses, Taxes or subsistence or decree which is payable at the end of the year.
8. Amount given as loan on deposited in the Bank in the beginning of the year. Amount given as loan on deposited in the Bank in the end of the year.

		Actual Income during the year					Actual expenditure during the year		
		Rs.	Anna	Pai			Rs.	Anna	Pai
1(a)	Recovery from the last year pertaining to agricultural and residential properties.				1.	Government Land revenue & tax & Cess	27	4	-
(b)	Decrees				2.	Demand of the Waqf Bond with reference no., date and receipt.	12	8	-
2(a)	Land Revenue	82	-	-	3.	Expenses incurred on revenue collection and administration of the property			
(b)	Siyar and self-cultivation	16	-	-	4.	Expenses on repairing and building of property.	-		
	TOTAL	98	-	-	5.	Expenses on litigation	-		

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	Balance in the beginning of the year (should be shown as per note-2)				6.	Masjid			
					7.	Madrasa			
					8.	Offering and oblations and (illegible)			
					9.	Charity and assistance to the poor and indigent			
					10.	Other charitable works as per Waqf deed			
					11.	Salary of the Mutavalli, (if any)			
					12.	Amount paid to Waqif or his descendants as per waqfnama.			
					13.	Miscellaneous expenses			
					14.	Money deposited in the Bank			
					15.	Money given as loan			

I Certify on oath that the above mentioned entries and receipts pertaining to them have been verified by me regarding correctness and genuineness and correct and true to the best of my knowledge and belief and I have not hidden anything.

Signature of Mutavalli (Trustee)

With complete address:

Jawwad Husain
Nurulhasan in Urdu script
Resident of village – Shahnava
Post Office – Darshannagar
Distt. Faizabad

Note: 1. I have remitted year's demand through money order No. _____ dated _____ to the office of the Board.

2. Only the amount which is with the treasurer should be shown which can be verified and the money which is in the Bank or has been loaned should be shown against column (Illegible) and 2.

1. Any change which happened after registration of the Waqf with Sunni Central Waqf Board or after the submission of the last accounts.
2. Any transaction or transfer of property relating to waqf which was made during the year.
3. Details of the Waqf property.

I certify that above entries are true and correct and I have not hidden anything.

Signature of Mutavalli (Trustee)

Date:

// TRUE AND TRANSLATED COPY //

ANNEXURE A - 129

EXHIBIT - A54

COPY OF REPORT OF AUDITOR

FOR 1947-48 included in waqf
File No. 26 of Babri Masjid
Distt. Faizabad

1. No of Waqf26
(b) Name of Waqf or Waqif ... King Babar
2. Name of Mutawalli and his
Address : Jawad Husain Sahib
Village - Shahnwa
Post Office - Darshan Nagar. Faizabad
3. Gross Annual Income which should have been
Realized during the year October 1947-48 Rs. 500/-
4. Land Revenue & taxes which should have been
Paid during the year Rs. 27-4-
5. Net Income for the year Rs. 472-10
6. Amount applied for the benefit of the waqf or
His descendants or family or any other private
Purpose under terms of the deed of waqf Rs.....
7. Contribution to the board u/s 54 Rs. 23-10-2
8. Arrears on the opening date of the year Rs....
9. Amounts actually realized by the Mutavalli
During the year Oct 1947-48 Rs. 98... See
10. Unrealized amount on the closing date
(col. No. 3 + 9 - 9) Rs....6.

11. A. Balance in the hands of the Mutawalli at the Rs. 2-4.
Close of the year.
B. Balance with the Bank at the close of the
Year Rs. X
Name of the Bankx

12. The amount of liabilities on waqf at the close
Of the year Rs.....

13.A Certificate that the entries as above have been reported by me on the
basis of the original or certified copies of documents and records
produced by the mutawalli or are as the result of enquiry made by me.

B. Certified that the expenditure of Rs..... as detailed overleaf incurred
by the Mutawalli is illegal and improper or due to failure to recover
money or other property or loss or waste of money or other property
caused by the neglect or misconduct of the Mutawalli (Section 41 of
Muslim Waqf Act, 1936)

C. Certified that the list of Waqf Property appended to the statement of
accounts submitted by the Mutawalli is verified by me from records
produced by the mutawalli.

(Sd.) A.G. Alvi
27.7.48
Signature of Auditor

14. Main defects of administration of the waqf with suggestions if any

(Please fill in the form with care and add a page if necessary).

*Accounts of Waqf No. 26 Faizabad were audited. He (the trustee) informed me that he has neither received waqf papers from the former trustee nor he could know what amount is pending for recovery. The income of Waqf is more than Rs. 500/- Javvad Hussain has started collecting from October, 47 because of the only Rs. 82/- could be recovered. Whether previous demand of the Board has been recovered or not is not known. He has requested that previous demand/arrears should be recovered from the former trustees. Necessary steps should be taken from the office in this regard. I have instructed him to keep the accounts regularly.

Sd/- A.G. Alvi
27.7.48

*The concerned clerk of the office at the time of issuing the Demand Notice should fix the demand of the Board at Rs. 500/-. This is written for information only. (Illegible) wrong entry is made in the demand Register.

Ex. A54
No. of Suit 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)
Date of Filing : (Illegible)

Sd/-
Civil Judge

// TRUE AND TRANSLATED COPY //

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ANNEXURE A - 171

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EXHIBIT - A32

COPY OF REPORT OF AUDITOR FOR 1947-48

1. No of Waqf 26 (b) Name of Waqf or Waqf :
2. Name of Mutawalli and his address: Jamal Hussain, Village Shahenwan, P.O. Darshan Nagar, District Faizabad
3. Gross Annual income which should have been realized during the year 1947-48
Rs. 500-0-0 *See
- 3A Annuity Rs.
4. Land Revenue and taxes which should have been paid during the year
Rs. 27-4-0-
5. Net income for the year
Rs. 472-12-0
6. Amount applied for the benefit of the Waqif or his descendants or family or any other private purpose under the terms of the deed of waqf.
Rs...X....
- 6(B) Assessable Income (5-6)
Rs...X....
7. Contribution to the board u/s 54
Rs. (Illegible)
8. Arrears on the opening date of the year
Rs...X....
9. Amount actually realized by the Mutawali during the year 1947-48
Rs. 98-0-0-
10. Unrealized Amount on the closing date
Rs.
(col. No. 3+8-9)
11. A. Balance in the hands of the Mutawalli at the close of year
Rs. 2-4-0
Total Rs. 2-4-0-
- B. Balance with the Bank at the close of the year Rs.x....
Name of bankx....

12. The amount of liabilities on waqf at the close of the year Rs.....
13. A. Certified that the entries as above have been reported by me on the basis of the original or certified copies of documents and records produced by the mutawalli or are as the result of enquiry made by me.
- B. Certified that the expenditure of Rs...X... as detailed overleaf incurred by the mutawalli is illegal and improper or due to failure to recover money or other property or loss or waste of money or other property caused by the neglect or misconduct of the Mutawalli (Section 41 of Muslim Waqf Act, 1936).
- C. Certified that the list of waqf property appended to the statement of accounts submitted by the mutawalli is verified by me from records produced by the mutawalli.

Sd/-
A.G. Alvi
Signature of Auditor

14. Main defects of the administration of the waqf with suggestion if any:-

(Please fill in the form with care and add a page if necessary)

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Your Excellency,

The accounts of Waqf No.26, Faizabad were audited. He (the trustee) informed me that he has neither received the waqf papers from the former trustees nor the amount of arrears could be known. The Balance too could not be known. The income of waqf is more than Rupees 500. Recovery has been started by Jawwad Hussain from October, 4. Because of this only Rs.82/- could be recovered. Whether recovery of the previous demand of the Board was made or not is also not known. The Demand notice should be issued from the office of the Board so that trustee Jawwad Hussain may know the amount pending for recovery. He has requested me that the previous demand of the Board should be recovered from previous trustees. The office of the Board should take necessary steps in this regard. I have instructed him to maintain the accounts regularly and properly.

Signature in English Script
A.G.Alvi
27/07/48

No. of Application : 92

Date of Application : 5/10/63

Name of the Applicant: By the order of Secretary, Sunni Waqf Board.

Ordinary Fees/Charges for Copy: Nominal without charge

Date of preparation of copy: 7/10/63

Date of handing over of copy: 7/10/63

//TRUE AND TRANSLATED COPY //

ANNEXURE A - 131

EXHIBIT - A57

SUNNI CENTRAL WAQF BOARD,
U.P. LUCKNOW

- (1) Copy of the accounts of Income and expenditure pertaining to 1st April, 1948 till 31 March, 1949 in accordance with section - 57 of U.P. Muslim Waqf Act, 1936 included in the file Noo. 26, Babri Masjid, District Faizabad.

Name of the District - Faizabad

Number of the Waqf26

Name of the Waqf or Waqif King Babar

Name of the Mutavalli (Trustee).....(Illegible)

1. (a) Amount under covered of the past year
Pertaining to the agricultural and
Residential Waqf Property.

- (b) "" of the decrees

2. (a) Land revenue pertaining to agricultural
property which is to be recovered in
the current year

531/2/-

- (b) Income of the Siyar and self cultivation

- (c) Income of the say or
(gardens, ponds, forests etc. with details

- (d) Income from rent or houses, shops and
Residential lands.

- (e) Other Income

3. Land Revenue Government payable 39-9-6
Cesses and Tax 39-9-6
4. Net Income after Land Revenue & deduction
Of Tax
5. (a) Amount which is payable to his children,
Family or for private work as per the terms
Of the Waqf deed
(b) Amount payable for charity works as per
Waqf deed
6. Any type of debt, or liability which was due
For payment on the waqf property
(e.g. liability of rent land revenue cesses
And taxes, salary or subsistence or decree)
(b) (Eligibility of rent")
8. Rupees given as loan or deposited
In the beginning of the year
9. " " in the end of the year

Actual Income during the year	Actual expenses during the year
R.A.P.	R.A.P
1.a) Recovery from the last years due pertaining to the agricultural and residential waqf lands.	1. Government Land 39-9-6 Revenue and cesses (Illegible)
b) " " decrees	2. Demand of the Waqf Board with reference No and the date of Receipt

2. Land Revenue 400.-	3. Expenses on recovery of land revenue and Administration of the property.
(a)	
(b) Siyar and Self cultivation	4. Repairing and construction property.
(c) Sair (gardens, forests, ponds Etc. with details)	5. Expenses on Litigation.
(d) rent of shops, houses and residential lands	6. Masjid 202- -
(e) Other Income with details	7. Madrasa
3. Money withdrawals from	8. Offering and (Illegible) -
(a)	
(b) Money recovered from loan actual Income during the year	9. Charity (Alms) to the poor and needy.
	10. Other charitable works as per waqf deed.
	11. Salary of the Mutawalli Trustee (If any)
	12. Amount paid to waqif or his Family as per terms of waqf deed.
	13. Miscellaneous expenses.
	14. Money deposited in the Bank.
	15. Money given as loan actual Expenditure during the year
Total 400.-	Total of expenses 253-9-6
Balance in the beginning -	Remaining amount 156-6-6
Of the year	With details where

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(should be shown as per Note. 2)		Deposited (should be shown As per note . 2)	
Total	400.-	Total	400.-
		Total amount of the demand remaining unrealized from Recoverable 131/2/-	

I, certify on oath that the above entries and the receipts pertaining there to have been verified by me regarding correctness and genuiness. These are true and correct as per my knowledge and belief. I have not hidden anything.

I have been authorized by Mutawalli Javved Hussain to get the accounts audited.

Signature of Nurul Hasan
Village Shahnava
Darshannagar, Faizabad

Signature of the Mutavalli with full address

Date:

Note: 1- I have remitted the demand of current years Rupees----- by Money Order No. _____ dated to the office of the Board.

Note: 2- Only by the amount in the custody of treasurer should be shown and which can be audited/verified the amount which is in the Bank or given as loan should be shown in column 8 and 12.

Signature of the Mutawalli.

1. Any change which was made after registration of the Waqf with the Sunni Central Waqf Board or after submission of the last accounts.
2. Any transaction or transfer of property pertaining to waqf which was made during the year.
3. Details of the waqf property.

I certify that above entries are true and correct and I have not hidden anything.

Signature of the Mutavalli,

Trustee.....

Date

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ANNEXURE A - 39

EXHIBIT - A56

COPY OF REPORT OF AUDITOR FOR 1948-49

1. No of Waqf 26 (b) Name pf Waqf or Waqif : Badshah Babar
2. Name of mutawalli and his address: Jamal Hussain V. Shahnawoo P.
6 Darshan Nagar District Faizabad
3. Gross Annual income which should have been realized during the
year 1948-49
Rs. 531/2/-
4. Land Revenue and taxes which should have been paid during the
year
Rs. 39/9/6-
5. Net income for the year
Rs. 491/8/6-
6. Amount applied for the benefit of the Waqif or his descendants or
family or any other private purpose under the terms of the deed of
waqf.
Rs...X...
7. Contribution to the board u/s 54
Rs. 24/9/-
8. Arrears on the opening date of the year
Rs...X....
9. Amount actually realized by the Mutawali during the year 1948-49
Rs. 400/-
10. Unrealized Amount on the closing date
(col. No. 3+8-9)
Rs. 136/2/-
11. A. Balance in the hands of the Mutawalli at the close of year
Rs. 156/6/6-
Total Rs. 156/6/6-
B. Balance with the Bank at the close of the year Rs.x.....
Name of bank ...x.....

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12. The amount of liabilities on waqf at the close of the year Rs.....
13. A. Certified that the entries as above have been reported by me on the basis of the original or certified copies of documents and records produced by the mutawalli or are as the result of enquiry made by me.
- B. Certified that the expenditure of Rs...X... as detailed overleaf incurred by the mutawalli is illegal and improper or due to failure to recover money or other property or loss or waste of money or other property caused by the neglect or misconduct of the Mutawalli (Section 41 of Muslim Waqf Act, 1936).
- C. Certified that the list of waqf property appended to the statement of accounts submitted by the mutawalli is verified by me from records produced by the mutawalli.

Sd/-
Signature of Auditor

14. Main defects of the administration of the waqf with suggestion if any:-

(Please fill in the form with care and add a page if necessary)

Ex. A56
O.S. No. 2 of 1950
Name of Parties:
Filed by :

(Illegible)
(Illegible)

Sd/-
Civil Judge

// TRUE COPY //

ANNEXURE A - 40.

EXHIBIT - A58

COPY OF REPORT OF AUDITOR FOR 1949-50

1. No of Waqf 26 (b) Name of Waqf or Waqif :
2. Name of Mutawalli and his address Jawad Hussain Sahab V. Shahnawoo P.6 Darshan Naagar, District Faizabad.
3. Gross Annual income which should have been realized during the year 1949-50
Rs. 531/10/1
4. Land Revenue and taxes which should have been paid during the year
Rs. 41/3/4
5. Net income for the year
Rs. 490/6/9-
6. Amount applied for the benefit of the Waqif or his descendants or family or any other private purpose under the terms of the deed of waqf.
Rs...X....
7. Contribution to the board u/s 54
Rs. 24/8/3
8. Arrears on the opening date of the year
Rs. 100/-/-
9. Amount actually realized by the Mutawalli during the year 1949-50
Rs. 631/10/1
10. Unrealized Amount on the closing date
(col. No. 3+8-9)
Rs.X....
11. A. Balance in the hands of the Mutawalli at the close of year
Rs. 53/-/8
Total Rs. 53/-/8
- B. Balance with the Bank at the close of the year Rs.x....
Name of bankx....

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12. The amount of liabilities on waqf at the close of the year Rs.....
13. A. Certified that the entries as above have been reported by me on the basis of the original or certified copies of documents and records produced by the mutawalli or are as the result of enquiry made by me.
- B. Certified that the expenditure of Rs...X... as detailed overleaf incurred by the mutawalli is illegal and improper or due to failure to recover money or other property or loss or waste of money or other property caused by the neglect or misconduct of the Mutawalli (Section 41 of Muslim Waqf Act, 1936).
- C. Certified that the list of waqf property appended to the statement of accounts submitted by the mutawalli is verified by me from records produced by the mutawalli.

Sd/- 23.12.50
Signature of Auditor

14. Main defects of the administration of the waqf with suggestion if any:-

(Please fill in the form with care and add a page if necessary)

Waqf No. 26 (Text in Urdu) Faizabad

Mutawalli's nephew Hamid Husain presented the Accounts, as Mutawalli was not feeling well.

- (i) As regards the property of this waqf it consists of (Text in Urdu) according to a Royal grant by Shahenshah Babar.
- (ii) The Income of this Waqf Rs. 531/10/1, in proof of his income the Mutawalli sent his (Text in Urdu) which is not certified copy, He should be asked to keep a certified copy of (Text in Urdu).
- (iii) As regards the expenditure receipts were genuine except this receipt of land revenue and the waqfs contribution. They have shown an amount of Rs. 240/- for (Text in Urdu) proof of this amount they should no paper to me therefore, I assess this amount (Text in Urdu) also therefore they should be asked that how they take this amount.
- (iv) In Dec, 1949 the mosque has been taken by the Govt. Due to disturbances therefore they should be asked to keep this amount in Bank, because there is no expenditure on the mosque at present.
- (v) The (Text in Urdu) should be given instructions that he should keep his accounts properly and at present there is no need of expenditure therefore from Dec. 1949 all the income should be deposited in Bank.

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At present a case is going on and the expenditure is not by contribution. In my opinion the income of the property should be deposited in Bank through office.

Sd/ Mazhar Husain.
(Illegible)
Urdu language

Ex. A58.
O.S. No. 2 of 1950
Name of Parties: (Illegible)
Filed by : (Illegible)

Sd/-
Civil Judge

// TRUE COPY //

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ANNEXURE A - 132

EXHIBIT - A59

Sunni Central Waqf Board, U.P., Lucknow

Copy of the accounts of income and expenditure pertaining to 1st April, 1949 to 31st March, 1950 in accordance with section 59 of U.P. Muslim Waqf Act, 1936 included in the file of Waqf No. 26, Babri Masjid, District, Faizabad.

Name of the District	Faizabad
Number of Waqf	26
Name of the Waqf or Waqif	Masjid, Babri
Name of the Mutavalli	Jawwad Husain
1.a) Amount unrecovered of the past year pertaining to the agricultural and residential waqf land.	
b) " " decrees	Rs 100.00
2. (a) Land revenue of the agricultural property which is to be received in the current year.	531-10-1
(b) Income from siar and self cultivation.	
(c) Income of Sayar (gardens, forests, ponds etc) with details.	

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(d) Rent of buildings, shops and residential lands	
(e) Other Income	
3. Govt. Land Revenue and Govt. taxes payable	41-3-4
4. Net income after deduction of land revenue and tax	
5. Amount which is payable to his children or his family or for a private work as per terms of waqf deed	
b) Amount which is payable for charitable works as per terms of waqf deed.	
6) Any type of debt or liability which was due on the waqf property in the beginning of the year (e.g. rent, Land Revenue, Cess and imports, salary or subsistence or decree etc.)	
7) "" "" in the end of the year	
8) Amount given as loan or deposited in Bank in the beginning of the year	
9) In the end of the year	

1(a) Received very from 100.-- Last years outstanding pertaining to agricultural residential Property.	1. Govt. Land Revenue and cess and taxes 41.3.4
(b) "" "" Decrees	2. Demand of waqf Board 29.6. with reference no. and date of receipt.
2. (a) Land Revenue 531.10	3. Expenses on recovery 13.-- of land revenue and administration of Property.
(b) Cultivated by the Siyar and self cultivated --	4. Expenses on repairing and building of property 6.--
(c) Sair Gardens, Forests Ponds etc. with details	5. Litigation cheque --
(d) Rent of buildings, and shops and residential buildings	6. Masjid 180.-
(e) Other Income with details	7. Madrasa
3. (a) Amount withdrawn from bank	8. Offerings (Illegible) And Fatiha etc.
(b) Recovery Loan amount	9. Alms and as subsistence of poor and needy
	10. Other charitable waks as per waqf deed
	11. Salary of Mutavalli (Trustee), if any
	12. Amount which given to waqf to his family as per the terms of waqf deed.
	13. Miscellaneous expenses
	14. Money deposited in the Bank

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		15. Amount given as loan	
Total	631-10-1	Total	578-9-4
Balance in the beginning of the year (To be shown as per note. 2)		Balance amount with details (To be shown as per note. 2)	63-8
Total	631-10-1	Total	631-10-1

Total amount of demand which remained unrealized from the amount recoverable.

I certify as oath that the above entries and the receipts relating thereto have been verified by me correctness and genuiness and the same are true and correct as per my knowledge and belief and I have not hidden anything.

Signature of the Mutavalli (Trustee) with full address : Jawwad Husain

In the writing of Hamid Husain in underscript, Village : Shahnawar, Post : Darshannagar, Dist. Faizabad.

Date (Illegible)

Note 1 – I have remitted the demand of current year Rs. _____ by Money Order No. _____ dated _____ to the office of the Board.

Note 2 – Only the amount to be shown which is in the custody of treasurer and which can be audited and the amount which is in bank or (given as coloumn in 8 and 2.) loan to be enclosed.

Signature of the Mutavalli (Trustee)

1. Any change in the waqf that happened after registration in Sunni Central Waqf Board or after submission of the last accounts.
2. Any transaction or transfer of property relating to waqf made during the year.
3. Details of the waqf property rights of zamindari of Behrampur and Sholapuri located in District Faizabad, Babri Masjid, Ayodhya city.

I certify that above entries are true and correct and I have not hidden anything.

Signature of the Mutavalli

(Trustee)

Date

// TRUE AND TRANSLATED COPY //

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