

Case Description (/court-case/ayodhya-title-dispute)

Ayodhya Title Dispute

M Siddiq v. Mahant Suresh Das

Day 39 Arguments: 3 September 2019

The Supreme Court is hearing a set of appeals to the 2010 Allahabad High Court judgment that divided the title equally among the Nirmohi Akhara, the Sunni Waqf Board and Ram Lala.

Yesterday, Sr. Adv. Rajeev Dhavan, representing the Sunni Waqf Board began his arguments by questioning the relevance of Hindu scriptures in adjudicating the dispute. He contended that negative inferences could not be drawn from historical texts to establish material facts.

Contempt Petition

Sr. Adv. Rajeev Dhavan filed a contempt petition against Prof. N. Shanmugam, as Prof. Shanmugam had allegedly threatened Sr. Adv. Dhavan for representing the Sunni Waqf Board in the current dispute. The court issued notice to Prof. Shanmugam as a respondent in the dispute.

7.3 Disputing the Hindu Mahasabha, Nirmohi Akhara and Ram Lala

7.3.1 Hindu Mahasabha

Sr. Adv. Rajeev Dhavan started with reference to the Hindu Mahasabha's written statement. He challenged the the Mahasabha's framing of India as a 'Hindu state', referring to the secular nature of the Constitution.

He disputed that PN Misra's arguments were based on Quranic law and *hadith* and pointed to his arguments on 'regime change' from yesterday.

7.3.2 Nirmohi Akhara

He referred to the Places of Worship Act (Special Provisions) Act, 1991 and disputed the Nirmohi Akhara's shebaitship claim. The Act states that denominations cannot convert after 1947. Confusion arose as to whether the Act applies at it makes a specific exception for the Ram Janmabhoomi. The bench clarified the jurisdiction of civil courts with regards to 'pending' cases as on 15 August 1947, with reference to Section 4(2).

7.3.3 Lack of integrity of Faizabad officials

Sr. Adv. Rajeev Dhavan questioned the integrity of Faizabad officials, drawing the bench's attention to their handling of the 1949 events. He referred to photographs of various officials at the disputed site between 1949 and 1999. He argued that the

desecration of the mosque was planned. Further, he submitted that Muslims were prevented from offering *namaz* at the mosque due to harassment by Hindus.

He argued that it was absurd to suggest that a mosque was never at the site. He referred to the subordinate Faizabad court report which documents '*Allah*' inscriptions at the middle and southern arches and referred to photographs in the report.

7.3.4 Hindu parties' maps are based on surmise

He disputed the maps relied upon by Ram Lala, Nirmohi Akhara and other Hindu parties, arguing that the division of land proposed is based entirely on surmise. He submitted that their land claims rest on the 'Swayambhu' (divine self-manifestation) arguments, which does not justify any claims on 'other composite' areas.

Rajeev Dhavan submitted that the Ram Janmabhoomi and Ram Janmasthan are not synonymous. He requested the court to keep this mind when considering the prayers of individual plaintiffs.

The bench rose at 12.51 PM and reconvened at 2.06 PM.

7.4 Limitation issue

Sr. Adv. Rajeev Dhavan argued that the Sunni Waqf Board's suit was within time, while the Nirmohi Akhara's suit is barred by limitation. He emphasised that with regards to limitation a key concept is that of 'continuous wrong'. He emphasised that the question remained whether the Akhara's suit was barred by limitation, under Article 120 of the Limitation Act, 1908.

7.5 Disputing the Nirmohi Akhara's claims

Sr. Adv. Dhavan phrased Nirmohi Akhara's main prayer, as 'they seek managerial rights of the place as the undisputed shebait'. He argued that the shebaitship of the Akhara limited them from claiming the right to the title. He emphasised that the this suit was filed because of an order under Sections 145 and 146 of the CrPC, where a site was placed under the receivership of the State. Referring to *Ismail Faruqui* (1993 (6) SCC 360), he argued that the Nirmohi Akhara's main claim is merely for the charge and management of the Ram Janmabhoomi - a claim against the State for the removal of the Sunni Waqf Board.

He argued that there was a discrepancy between the Nirmohi Akhara's original prayer and its oral arguments with regards to the area it is claiming rights over. He submitted that the original prayer was for the inner courtyard, as the the 1949 magistrate attachment order was limited to the inner courtyard. He questioned how the Akhara could now be praying for the outer courtyard. He submitted that the Nirmohi Akhara as shebait could not claim possession of the outer courtyard.

He disputed the Nirmohi Akhara's claim that no non-Hindus were allowed in the courtyard with reference to the Akhara's own civil appeal.

7.6 History of idols in the site

Rajeev Dhavan referred to the Allahabad High Court judgment to submit that idols were placed under the central dome in 1949. He submitted that the Ram idol was shifted from the *chabootra* to the dome. He emphasised that the Hindu prayer was offered on the basis of belief, not the physical presence of idols.

Case Documents

- 2010 Allahabad High Court Judgment
(<http://elegalix.allahabadhighcourt.in/elegalix/DisplayAyodhyaBenchLandingPage.do>)

About Us (/about-us)

Events (/events)

Contact Us (<mailto:jai.brunner@clpr.org.in>)

Also Visit

Supported By



(https://southasia.fnst.org/)

2017-20 © Center for Law and Policy Research

www.vadaprativada.in

www.vadaprativada.in