

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

Ayodhya Title Dispute

M Siddiq v. Mahant Suresh Das

Short report, full to follow

Day 57 Arguments: 3 October 2019

Chief Justice Gogoi and Justice Bobde, Chandrachud, Bhushan and Nazeer are hearing the Ayodhya title dispute - a set of appeals to the 2010 Allahabad High Court judgment that divided Babri Masjid and the surrounding area among the Nirmohi Akhara, Sunni Waqf Board and Shri Ram Virajman (deity).

In the previous hearing (<https://www.scobserver.in/court-case/ayodhya-title-dispute/ayodhya-day-56-arguments>), the Bench heard Sr. Advs. Parasaran and Vaidyanathan for Shri Ram Virajman respond to the Sunni Waqf Board's arguments. They disputed various arguments made on behalf of the Board, like that Ram Janmabhoomi (Lord Ram's birthplace) lacks legal person-hood and the Archaeological Survey of India's findings are unreliable.

Today, the Bench finished hearing rejoinder arguments by all the Hindu parties: Shri Ram Virajman (deity), G.S. Visharad (lay-worshipper), Nirmohi Akhara (shebait) and the Akhil Bhartiya Sri Ramjanmabhoomi Punarudhar Samiti (All India Lord Ram Birthland Revitalisation Committee).

The Bench assembled at 10.41 AM.

Shri Ram Virajman

2.45 Observations on ASI Findings

Sr. Adv. C.S. Vaidyanathan concluded his arguments on the Archaeological Survey of India findings. He rebutted the Sunni Waqf Board's claim that the excavated structure could have been Islamic. In particular, he disputed Sr. Adv. Meenakshi Arora's suggestion that the structure may have been an Eidgah (outdoor enclosure used for Muslim worship). He drew the Bench's attention to excavated walls, which he submitted formed a circular enclosure, not associated with Eidgahs.

2.45.1 Structure is not Islamic

The Bench inquired whether the structure could have been Buddhist. Justice Chandrachud observed that the burden of proof to show that the structure was Hindu rested with Shri Ram Virajman. Sr. Adv. Vaidyanathan responded by reiterating his argument that the structure was not Islamic.

www.vadaprativada.in

2.45.2 Structure could be Hindu based on faith

Then he submitted that it could be reasonably inferred that the structure is Hindu, given Hindu faith in the structure. Justice Chandrachud suggested that the Bench was not seeking an argument based merely on faith and belief.

2.45.3 Primary place of Hindu worship was inner dome

Sr. Adv. Vaidyanathan concluded by referring to witness statements that testify that the primary place of Hindu worship was the inner dome, the location of Babri Masjid. He was contesting the argument that Hindus only revered the Ram Chabutra in the outer courtyard.

G.S. Visharad

Next, the court heard Sr. Adv. P.S. Narasimha on behalf of Gopal Singh Visharad. G.S. Visharad filed his suit in 1950, before any of the other parties did, claiming the right to worship at the disputed site. He is deceased and now represented by his son Rajendra Singh.

5.4 Right to worship can be derived from 'belief'

He argued that the plaintiffs have a right to worship based on their belief. He sought to establish that belief is a fact which can be proven. Referring to case law, he submitted that a belief can be established in a court of law using 'the preponderance of probabilities' principle.

www.vadaprativada.in

Further, he argued that Hindu belief in the site is corroborated by the Archaeological Survey of India's findings. Referring to the Survey's 2003 report, he submitted that Hindus have continuously believed that the site is Ram's birthplace, since prior to the construction of Babri Masjid.

Nirmohi Akhara

The Nirmohi Akhara claims exclusive shebaitship (management) rights over the disputed site.

1.28 NA has de jure possession

Today, Sr. Adv. S.K. Jain argued that the Akhara has *de jure* possession of the site. In other words, while the State may have taken custody of the site in January 1949, it legally belongs to the shebait, he argues. Therefore, he said that the burden to prove ownership over the site rests with Shri Ram Virajman and the Sunni Waqf Board.

1.29 No claim for ownership of 'part' of structure can be made

He disputed Sr. Adv. Dhavan's title claims over the inner courtyard on behalf of the Sunni Waqf Board. He submitted that the entire site is a single composite structure (and composite juridical entity). Therefore, he argued that the Sunni Waqf Board could not claim ownership over a mere portion of it. Further, he submitted that the evidence showing the Akhara's possession of the Ram Chabutra (outer courtyard), is evidence of possession of the entire composite site.

1.31 NAs suit is not barred by limitation

He refuted Sr. Advs. K. Parasaran and C.S. Vaidyanathan's argument that the Nirmohi Akhara's suit is barred by limitation under the Limitation Act, 1908 (<https://www.casemine.com/act/in/5a979dd64a93263ca60b74e0>). When a suit is barred by limitation, it means that it was dismissed because it was filed after a

prescribed limitation period. Sr. Adv. Jain argued that the limitation period never began for the Akhara's suit, as there was no final order in the Section 145 CrPC proceedings that had deprived the Akhara of the property. He concluded that even if the Akhara's suit was barred, the Akhara's rights would not be extinguished (as a defendant) in other suits.

Akhil Bhartiya Sri Ramjanam Bhoomi Punarudhar Samiti

3.22 Rejoinder points

The Bench very briefly heard Sr. Adv. P.N. Mishra for the All India Lord Ram Birth-land Revitalisation Committee. He sought to make submissions as to the interpretation of Hindu religious scripture, like the Skanda Purana. Sr. Adv. Dhavan objected, saying that Sr. Adv. Mishra was introducing new evidence. Chief Justice Gogoi instructed Sr. Adv. Mishra to restrict himself to replying to the Sunni Waqf Board's arguments and forbade him from referring to documents not already on the record.

As he had nothing else to submit, the Bench briefly returned to hearing Sr. Adv. S.K. Jain, who reiterated his previous arguments - the burden of proof to show ownership rests with the Sunni Waqf Board and Shri Ram Virajman.

Tomorrow, Sr. Adv. Rajeev Dhavan will resume arguments for the Sunni Waqf Board.

(Court reporting by Sanya Talwar)

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



**CENTRE FOR
LAW & POLICY
RESEARCH** (<http://clpr.org.in/>)



**CONSTITUENT
ASSEMBLY
DEBATES** (<http://cadindia.clpr.org.in/>)

Supported By



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.
South Asia

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

2017-20 © Center for Law and Policy Research

www.vadaprativada.in