

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION.
CIVIL APPEAL NO. 2636 OF 2011

(ARISING OUT OF FINAL ORDER AND JUDGEMENT DATED 30.09.2010
PASSED BY THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH IN OOS NO. 5 OF 1989 (REGULAR
SUIT NO. 236 OF 1989)

IN THE MATTE OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS. RESPONDENTS

With

I.A. NO. OF 2011

APPLICATION FOR STAY

With

I.A. NO. OF 2011

APPLICATION FOR SUBSTITUTION OF LEGAL HEIRS OF RESPONDENT
NO. 10 IN O.O.S. NO. 5/1989

With

I.A. NO. OF 2011

APPLICATION FOR CONDONATION OF DELAY IN FILING THE
APPLICATION FOR SUBSTITUTION WITH AFFIDAVIT

With

I.A. NO. OF 2011

APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION

With

I.A. NO. OF 2011

APPLICATION FOR SEEKING PERMISSION TO FILE DETAILED
SYNOPSIS/LIST OF DATES & EVENTS.

With

I.A. NO. OF 2011

APPLICATION FOR CONDONATION OF DELAY IN RE-FILING

PAPER-BOOK

(FOR INDEX, KINDLY SEE INSIDE)

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ADVOCATE FOR APPELLANT: R.C.GUBRELE

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Application for condonation of delay

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O.O.S. No.1/1989
(R.S. No.2 of 1950)
Paper No. 95
Ext.A-27

In the Court of the District Judge Faizabad

Civil Appeal No. 27 of 1885

Copy of judgement dated 18.5.86

passed by Coll. F.E.A. Chamier

District Judge, Faizabad in re-

Mahanth Raghubardas...Plaintiff.

Vs.

1.Secy. of State of India 2. Mohammad Asghar...Defendant.

Appeal against the judgment and decree of Sri P. Hari Kishan, Sub-Judge,
Fyzabad, dated 24 December 1885, dismissing plaintiff's Claim for permission of
construction of temple

March 18, 1886
Parties represented

I visited the land in dispute yesterday in the presence of all parties.

I found that the masjid built by the Emperor Babar Stands on the border of the town of Ayodhya, that is to say to the West and South it is clear of habitations. It is most unfortunate that a masjid should have been built on land specially held sacred by the Hindus, but as that event occurred 356 years ago, it is too late now to remedy the grievance all that can be done is to maintain the parties in status qua. In such a case as the present one any inaction (sic) would cause more harm and derangement of order than benefit.

The entrance of the enclosure is under a gateway which bears the superscription "Allah"-immediately on the left as the platform or chabutara of Masonry occupied by the Hindus. On this is a small superstructure of wood in the form of a tent.

This chabutara is said to indicate the birth place of Ram Chandra. In

front of the gateway is the entry to the masonry platform of the masjid. A wall pierced here and there with railings divides the platform of the masjid from the enclosure in which stands the "Chabutara."

The words of the Sub Judge " Bahari Ke durja ke arazi mai chabutara makbooza mudai wa Hindu logon ke hai- jo is mukam par ahil hunud paristis karte hai kadim kabza unka hai. jis se milkiyat unke mai koi kayam nahi hai ho sakta hai."

The words are redundant and are to be struck out of the judgement. The only question decided in this case is that the position of the parties will be maintained.

The true object of the suit was disclosed by B. Kuccu Mal yesterday when we were standing near the masjid - namely the British Govt. as no respectable persons was asked, through its Courts to remedy an injustice committed by a Mohammadan Emperor. The Dy. Commissioner contends that the civil Court jurisdiction in this matter. The relief asked for brief in contravention of Clause (d) of Section 56 Act I, 1877. It is not clear to me how the order of the 14 May, 1883 can be said to have been issued in connection with the public duties of any department of the Govt. of India on the local Government on the contrary the plaintiff states that the local Government has sent him no answer to his application. If it be said that the order of the 14 May, 1883 was passed by a Magistrate, then the section of the Criminal Procedure Code should have been cited under which the order was passed at page 304 V. I.L.R., it is laid down that persons of whatever sect are at liberty to erect buildings there in conduct public worship provided neither invade the rights of property enjoyed by their neighbours nor cause a public nuisance etc. and subject to such directions as the Magistrates may give to prevent obstructions of the thorough fare or breaches of the public peace.

If the particular act complained of is to be viewed as the act of Govt. and that in the part which the Depy. Commissioner took he merely acted as officer of the Government intending to discharge his duties as a public servant with perfect good faith, even on the assumption if the act of the Depy. Commissioner was itself wrong as against the plaintiff and produced

damage to him, the plaintiff must have the same remedy by the action against the door(sic) whether the act was his own or whether it was done by order of the Superior powers. The civil irresponsibility of the local Government could not be maintained with any show of justice if its agents were not responsible from tortuous acts. The reason why this suit is dismissed is that there is no "injuria" nothing which would give a right of action to the plaintiff.

The decisions, which I have been able to find as to the jurisdiction of the Civil Courts being barred refer to questions of a public right determined by a Magistrate -for instance a Civil Court could not entertained to set a side an order of a Magistrate which declares a road to be a public road.

This appeal will be dismissed as the Mohammadan defendant intervened of his own will, his costs will be paid by plaintiff only as to Court fees and costs of copies the Government pleader is allowed costs Rs.16/- in each Court.

18/26 March 1886

Sd./ F.E.A. Chamier.

District Judge.

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Ext. A-42

O.O.S. NO. 1 OF 1989
(R.S. NO. 2/50)

J u d g m e n t

Suit no. 29 of 1945.

Shia Central Board, U.P. Waqf, (Lucknow)

vs.

Sunni Central Board U.P. Waqf (Lucknow).

The dispute in this suit relates to an ancient and historic mosque in Janamasthan, Ajodhia, which was admittedly constructed during the reign of Babar Shah over four centuries ago. After the enactment of the U.P. Muslim waqfs Act (XIII of 1936), the mosque was included amongst the Sunni waqfs, a list of which was prepared by the chief Commissioner of Waqfs under S.4 of the Act and published in the Govt. Gazette, D.26.2. '44' (and has been under the depts. superintendence since then).

The plaintiff (Shia Waqfs Board) seeks a declaration that the mosque is a Shia waqf together with the Idga attached to it at Jalpa Mala, Ajodhia, and v. Bahrapur, Pargana Haveli, and 20 bighas odd land, known as Sholapuri grove Mahal Bahrapur, in Faizabad Tansil. The case as set out in the plaint was that the mosque was founded by Abdul Baqi, an Isna Ashri Shia, that it had been all along in possession of Shias who have been reciting there prayers therein and that its mutwallies too were shias belonging to Baqi's family. As regards the property, it was stated that the Nawab Vizor and subsequently the kings of Oudh, had granted a cash Nankar of Rs. 302/3/6 through parwanas & sannds for the maintenance of the mosque which was realised from the revenue of V. Shahnawa. The plaint proceeded that on the annexation of Oudh, the Nankar grant was maintained but the entire village Bahrapur and the Sholapur Grove was granted to the mutawallies for the maintenance of the mosque and a decree for proprietary rights, revenue fee was passed in favour of the mutawallies at the time of the 1st. regular settlement and that the mutawallies had been observing the trees of the grant and filing

accounts before the S.D.O.

Under the circumstances narrated above, the plaintiff claimed that he was entitled to its supervision as it was a Shia waqf as contemplated by the Act prior to the institution of this suit (on 4.7.45) the plaintiff had also sent a notice as required by S.53 and the cause of action was based on the publication in the Gazette as it was alleged that the chief commissioner of waqf had not sent the list of Sunni waqf to the plaintiff.

The deft (Sunni Board) asserted that the mosque was founded by Emperor Babar who was a Sunni, that is feshnavaz Khatebbad Muezzis have been of the same seat and that it had always been used by the Sunnis of Ajodhya for saying their Friday prayers. He further alleged that formerly the mutawallies were also sunnis, but it appears that one of them became a convert to Shiaism during the closing period of the reign of the kings of Oudh (who were Shias). The deft further denied that Baqi was Shia and that the mutawallies belonged to his family.

As regards the Idgah it was alleged that it was quite independent of the mosque but was similarly used by the Sunnis for their Id and Baqrid prayers. The deft. also agreed that v. Baharanpur and the Sholapur Grove were dedicated for the maintenance of the mosque. There were some other legal pleas also set up on defence which will appear from the issues.

the following issues arose for trial on the pleading (& the replications) in this case:-

1. (a) Was the mosque in suit built by Abdul Baqi as alleged by the plaintiff? If, so, was he a Shia as alleged?
- (b) Whether the mosque or was constructed by Babar Shah as alleged by the deft?
2. Is the suit within time?
3. Has the mosque in suit been used by the members of the Sunni

Act as alleged by the deft. for over 12 years? If so, its effect ?

4. Is the notice, Ex A-7 defective ? If so, its effect ?

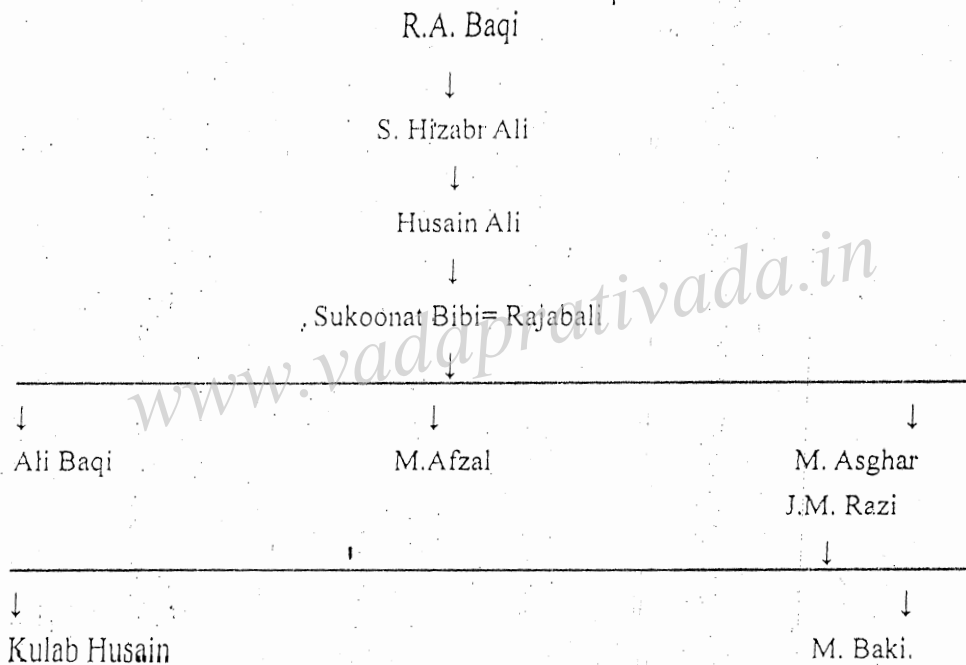
5. To what relief, if any, is the plaintiff entitled?

Findings

Issues 1(a) & (b)

As has been mentioned the plaintiff has in support of his case relied upon the fact that the mutawallis have all along remained Shias and were the descendants of Abdul Baqi. It would be convenient to dispose of the question whether the mutawallis are the descendants of Abdul Baqi before taking up the main question as to who was the founder of the mosque.

In the replication the following pedigree was given:-



This pedigree has not been seriously challenged as the deft. has not given a counter pedigree and it was admitted on the oral pleadings

that Kalab Husain is the present mutawalli and before his (his brother) M. Zaki was the mutwawalli until about a year ago, Kalab Husain pedigree and says that he had heard it from M. Zaki and their father and their Phoopi, Mat. Elahan, all of whom are dead. Then there is the testimony of Mumtaz Husain (P.W.2) a retired Tahsildar, about 83 years old, and a Zamindar of this district. His grand daughter's daughter is married to Kalab Husain and he further deposes that his elder brother, Altaf Husain, was he further deposes that his elder brother, Altaf Husain, was married to the daughter of Mohd. Ali, a broooother of Rajabali and that he,hs been Sarfarazali, another brother of Rajabali and M. Asghar (his son) from whom he heard the pedigree.

This witness was posted in this district as a Girdawar Qanoongo in 1889-90 and subsequently as a Munsarim during the 2nd settlement operation in 1892-93 and had occasion to go to V. Shahnawa, about 3 miles from Ajodhia, which is the village in which Rajabali and his descendants have been residing. Lastly there is the deposition of S. Naze Husain (P.W.3) who is about 32 years old and testifies that he is a grand son of Mohd. Ali, one of the brothers of Rajabali, and that his mother was the daughter of M. Afzal son of This witness is a resident of village.....heard the pedigree from his parents who are dead. There is one more witness on this point, namely S. Mohd. Husain (P.W.4) who is a resident of Ajodhya and deposes to being a grandson of Sayed Ali, one of the brother of Rajabali, and that he heard in the pedigree from his father who is dead. The last two witnesses also depose that Rajabali and his brothers were the sons of Fateh Ali.

This pedigree finds indirect support from the defendant's witnesses also who depose that they heard from their ancestors that the former mutawallis were Sunnis and that Rajabali too was that first a Sunni but had become a Shia later on. There is also Ext. A-13, which is an application by M. Zaki datd 20.7.1938, to the commissioner of Waqfs, Faizabad, objecting to the treating of Bahorampur and the land

in Bholapur waqf property and claiming that he had his ancestors were its proprietors. In this application too he gave his family pedigree which is further substantiated by Exs. 2/P.W. 1 and A 12 which are documents of the Summary settlement (1960).

As regards Abdul Baqi (who was admittedly a contemporary of Babar Shah) being a Shia, para 1 of Ex.A 13 contains a statement that all the persons given in the pedigree were Isra Ashri Shias. There is also the admission of the defendants' witnesses to which I have already referred, and in the opening of his case. Defts' learned counsel admitted that the descendants of Rajabali were Shian. The witnesses who have deposed about the pedigree have also stated that they heard from their ancestors that Mir Abdul Baqi (or Baqi) was a Shia and had come from Isphahan in Persia. There are verses engraved on tablet in the central arch of the mosque which will be repaired to later on, on which Mir Baqi has been described as an "Isphahani" i.e. a resident of Isphahan.

It was urged on behalf of the defts that the evidence about Mir Baqi being Shia was inadmissible as it did not fall within the provision of S.32 (5) of the Evidence Act used in the absence of any.....the contrary the general presumption was for the second proposition learned counsel relied upon the decisions reported in 30 Cal. (I.L.R.) 683 (at P. 686) 1932 Bombay (I.L.R.) 356 and 1933 Lah. (A.I.R.) 80.

There is no doubt that these authorities lay down that unless the contrary is proved, the general presumption is that the Muslims in India are (Hanafi) Sunnis but it is displaced by an equally good presumption in the present case, that Baqi being a Persian was a Shia as is borne out from the following passage in Bailie's Digest, Pt. II, P.1 (2nd Edition) Referring to the Arabian adage that "all people follow the religion of their kings". He says:-

"the saying was exemplified to the fullest extent in Persia, where the whole of the people have become Shofia (shia) since the

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accession of the Sofee (aafavi) dynasty in A.D. 1499. The process of assimilation was less rapid in India, where though several of the Nawabs, or local governors, were (Sheealis) (Shias)..... This was eminently the case in Oudh (oudh), the Nawabs of which were hereditary viziers (Wazirs) of the empire....."

Now the mosque in suit was admittedly built during the time of Babar who ruled from 1526-1530 and is clear from the passage granted above that the Persians had become Shias before that period. It follows, therefore, that the presumption in the present case is that Baqi must have been a Shia. As regards the admissibility of the statement in S.13 and the deposition of the witnesses it has been observed in 1 Luck. (I.I.R.) 97, (at p.145) that a very liberal interpretation must be given to the words in S 32 (5) that "when the statement relates to the existence of any relationship by blood-relations", otherwise valuable evidence of family history would be excluded. In 27 I.S. 238 (at p.251), their lordships held that under S.49, the opinion of persons having especial means of knowledge regarding the usages of any family, are relevant. Lastly, in 1929 Cal. (A.I.R.) 533, it was laid down that declarations made before the controversy by dead persons on a matter of general or public interest, eventhough, hearsay, are admissible. In the present case, the witnesses examined by the plff on this point are related to Baqi's descendant, Sukoonat Bibi, and they depose to statements relating to a matter of general interest to the Muslim community as regards the mosque having been built by a Shia and also about the family traditions.

I, therefore, held that the evidence in this case proves that Abdul Baqi was a Shia.

Turning now to the main question whether the mosque was built by Abdul Baqi or by Babar Shah. It may be mentioned at the very outset that it was conceded by counsel for the plff. that Babar Shah was a Sunni, although in the replications a contrary assertion was made. It was also common ground between the counsels on both sides

that the determining factor whether the mosque in suit was a "Shia" or "Sunni" waqf would be the religion of its founder as neither the waqf Act (XIII of 1936) nor the Muslim Law laid down any distinction between the two, and there was no prohibition for members of either sect to say their prayers in a mosque built by a member of the other sect.

The plff. has examined seven witnesses (P.w.s 2-8) which include the witnesses who have deposed the pedigree in support of the mosque having been built by Baqi. All of them are Shias and depose to having said their daily prayers also sometimes in the mosque in suits.

It appears from the statement of S.Murtaz Husain (P.W.2) that besides learning from the members of Baqi's family, namely M.Asghar and Sarfarazali (brother of Rabaali) and his own father that Baqi was one of the ministers of Babar and had built the mosque, he also made some inquiries in 1892-93 as Munsarin during the 2nd settlement. The witness deposes that Mr. Hoses the settlement officer, had asked him to find out the important placed in Ajudhia as he was going to visit it and the witness made inquiries from M. Abdul Karim, the Nazir Sadar and one Mir. Forzand Ali of Ajodhia, bother (sik) of whom are dead. S. Nazer Husain (P.W.3) mentions his mother who had heard from Sukoonat Bibi about the mosque, and Akbar Ali, Ashiqq Ali and Nasir Ali, sons of Syed Ali, a bother of Rajab ali. It may be mentioned again that he is a descendant of Mohd. Ali, another brother of Rajabali and his mother was a grand daughter of Rajabali. S. Mohib Husain (P.W.4) is a descendant of Syed Ali and says that he heard from his father (who was S/o Syed Ali), his uncle, Akbar Ali, who are dead that the mosque was built by Abdul Baqi. Kalab Husain (P.W.8) is the present mutawalli and says that he learnt from his father (M Razi) his brother, M.Zaki (who d'ed only recently) and his father's sister Mst. Elahan, that the mosque was built by Abdul Baqi. He further deposes that he maintains the mosque out of the income of it V.

Bahampur and some land in V. Sholopuri, though he did not admit that it was waqf property. He admits that the Peshnamaz (or the Imams) and the muozzies (who are paid by him) have been Sunnis and that the expenses of faraweek (sik) i.e. the distribution of Sweets and payments of persons who recite the Qoran during the month of Ramzan have been met by him and his father, who died about 30 years ago.

The other set of witnesses, namely S. Husain Agha, Mirja Ali Husain and Kammant Husain (Ps.5-7) are residents of this city and depose to having attended an iftar (fast breaking) party by S. Hasan Agha in 1932 and 1936 when a majliss was held and collective prayers were said. The mother of Rahan Aghar come from mohalla Qaziana of Ajudhia and he deposes that he heard from her, his father and some other persons about Baqi being the governor of Oudh during Babar's time.....

The source of to be Mohd. Zaki, who was a friend of Mirza Ali Husain (P.W.6) as well as of Karamat (P.W.7) and they also used to go to Bhahnawa for attending mailisses during the chehlum. Their evidence is not of much consequences in view of the fact that the 1st set of witnesses are more qualified on account of their relationship to know about the matter in controversy and if their testimony is not accepted, no higher value can be attached to the testimony of the 2nd set of witnesses.

Turning now to the oral evidence adduced by the defendant, he has examined Ikramullah (D.W.1), a zamindar of Ajudha, Mir Abdul Ghafoor (D.W.2), a muafidar, Moulvi Abdul Ghaffar (D.W.3), the present Imam of the mosque, Abdul Wahab (D.W.4) and Karamatullah (D.W.5) All these persons are sunni residents of Ajudhia and depose to having said their Juma prayers and attended the faranech (sik) in the mosque and having heard from their ancestors that the mosque was built by Babar Shah. The evidence of Abdul Ghaffur (D.W.3) shows that the office of Imam has been hereditary in his family and before

him his father and grand father were the Imans and this fact is admitted by Kalb Husain (P.W.8). The witness is also the author of a book containing the history of Ajodhia and says that he had heard from his grand father about the mosque having been built by Babar Shah. The evidence of the other witness does not deserve any particular discussion as it is manly concerned with the offering of prayers by they Sunni residents of Ajodhia, which has been admitted by Kalab Husain as well as in the oral pleadings. As regards their knowledge about the founder of the mosque, they even deny having heard the name of Mir Baqi, which appears to be untrue as will be shown later on. Moreover, if the matter rested upon oral evidence alone, I would prefer to rely upon the testimony of the 1st set of plff's witnesses as their source of knowledge was more direct.

There remains the documentary evidence produced by the parties. The plaint as well as the documents filed by the (Ex 3-13 and Exs 1 and 2/P.W.1) show that (torn).....

was granted by Nawabs of Oudh and after the annexation the British Govt. maintained the grant but committed it by granting the superior proprietary rights free of revenue in V. Bahoram pur (Sholapuri) to Mohd. Asghar and Mohd. Afzul (sons of Rajab Ali) for which a decree (Ex.12) was passed in 1870 (1st settlement) Ex.s 2/P.W.1 and A 12 are the extracts from the register of Muafi grants in which investigations had been completed in 1860. These documents show that the original cash Nankar was granted by Babar Shah to MirBaqi, who has been described Molvi and muezzin of the Babari Mosque for his subsistence and the expenes of (maintaining) the mosque. These documents also show that Rajaba Ali, who is described son in law of Baqi's grand son Hussain Ali, and his son, M. Asghar, were the holders at that time and it may be reiterated that these documents establish the pedigree up to M. Asghar beyond any doubt.

Ex.A 16 is an application given in 1866 (A.D.) by Afzal (s/o

Rajabali) who was one of the decree holders at the Ist. settlement (Ex.12) describing himself as the mutawalli, complaining against some bairagis of Ajodhia in which he stated that the musjid situate in Janananthan (i.e. the mosque in suit) had been built by Babar Shah, A.17 is a written statement by Mohd. Asghar of the year 1885 (in this court) in which too he has described Babar as the founder of the mosque and lastly in para 2 of Ex A 13 M. Zaki (in 1938) has made the same recital.

The Gazetteer of this district also contains references to this mosque at references to this mosque at Pp 173-174. It shows that according to local affirmations, Babar came to Ajodhia in 1528 A.D. and halted here for a week, during which he destroyed the Janamasthan temple and on its site built a mosque using largely the materials of the old structure. The author then goes on to remark that the record of the visit is to be found in Musalman historians but it must have occurred about the time of Babar's expedition to Bihar. The Ist. settlement report also gives the same history of this mosque and adds that according to cyders (sik) memoirs of Babar, the Emperor encamped about 5 or 6 miles from Ajodhya and stayed for a week, selling the surrounding country, though it was remarkable that his doings at Ajodhia were wanting in his own memoirs (Baharauma) (sik).

For the plff it was argued that in their applications, M.Afzul, M.Asghar, and M.Zaki had not given their source of knowledge and their admission were not binding on the plff. as the representatives of the Shia community. The rulings in 11own. 1590 and S. (sik)own 306 were cited but they are inapplicable as here it has not been shown that the admission were made under certain circumstances with some particular motive and surely these persons were in a such better position to know about the mosque than the present witnesses who lose their knowledge upon the statement of persons who in their own term (sik), did not know anything directly. It is also obvious that the

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whole of the evidence on this point is hearsay and it cannot be gain said that the statements of Mohd. Afzul and M.Asghar are much more valuable than the statements of the plff's witnesses who have deposed after a dispute has arisen about the founder of the mosque.

The history of the mosque in the Gazetteer of the settlement report was also sought to be impugned (sic) on the ground that Babar's visit to Ajodhia was not mentioned in any historical work and the settlement officer was not required to make any such investigation. I am unable to accept these contentions also as the books (sic) are works (sic) of reference and admissible under S.57 of the Evidence Act. Moreover, in dealing with matters like the present when no direct evidence is available, such works based on investigation on the spot and local tradition assume great importance and unless disproved by superior evidence, must be accepted as containing a correct history of the subjects mentioned therein;-

Lastly, there are the two inscriptions in the mosque which have been reprinted in any inspection notes. These are also referred to in the Gazetteer and according to the date in the inscription on the pulpit, it was built in 923 Hijri, while according to the other it was in 935 H. corresponding with 1528 A.D.. These inscriptions were the sheet-anchor of the plff's case but I am of the opinion that they are inconclusive.

The 1st. inscription contains three in completes in Bersian and when translated runs as follows:-

"By the order of Shah Babar, whose Justice went up to the skies (i.e. was well-known), Amir (Noble) Mir Baqi, of lofty grandeur, built this restiny place for angels in 923 Hijri".

The second inscription is more elaborate and contains in the usual gigh-flown language (sic) on enlogy of Babar and describes Mr. Baqi of Isphahan as his adviser and the builder of the mosque. This inscription no doubt supports the plff's case, because it does not say that it was by the order of Babar Shah and it only refers to the reign of

Babar but the Ist. comflet (sic) in the Ist increption (sic) near the pulpit, clearly supports the theory that Babar had ordered the building of the mosque as stated in the Gazette Returning Officer and the settlement report.

The aforementioned inference is trengthened from the fact that Babar had also made a grant for its upkeep.

Then, there is the admitted fact that within living memory the Imams and the Nuezzims in the mosque have been Sunnis, that they have been paid by mutawallis who have been shias, and that Faranech (sic), which is recited by Sunnis only and not by Shia (amongst whom it is prohibited) has been allowed by the mutwallis and paid for by them. In this connection, I may refer to Ex. A 20 which is a deed executed by H.Zaki in 1936 a agreed to pay the arrears to M. Abdul Ghuffer the Imam, and A 11, the accounts furnished by Kalab Husain (P.w.8. These facts are strongly suggestive of the fact that the founder of the mosque was a Sunni as had he been a Shia the funds for it maintenance would not have been utilised for Waqf. Act.

The notice, A 7, is also valid as it distinctly gives the cause of action.

Issues 5.

The plff. is not entitled to any relief.

Order

The suit is dismissed but for reasons given earlier, I disallow costs to the defndants, Q-20 Returning Officer-1 C.P.C.

Sd.

S.A.Ahsan,

30.3.46

Q. 45

Ex. A 63

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Ex. A 63

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Ex. A 63

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नकल रिपोर्ट मिस्टर मुहम्मद हशमीम साहब वनकपुरी

मुबारका १० दिसम्बर सन् ४६ ई० बाबत मसजिद बावरी मसजिद

मिसिल वक्फ नम्बर २६ वक्फ मसजिद बावरी जिला जेजाबाद ।

मसजिद बावरी श्रयोध्या ।

सेक्रेटरी साहब - मसजिद बावरी श्रयोध्या के मुताबतिलयन पहले

रके बाद दीगरे मीर अमगर साहब, मुहम्मद खी साहब, मुहम्मद

अमजद खली साहब, मु० जकी साहब, खलवे हुसेन साहब थे । कलबहुसेन

साहब साक्षिक मुताबतली का हस्तकालात हो गया है लिखाजा दूसरे

मुताबतली का तकर्हरीर कासुधाल पेदा हुआ मौजा सलनधा मसजिद

मजकूर केनिये वक्फ है मसजिद मजकूर का मुताबतली हमेशा मौजा

सलनधा का नम्बरदार होता बला आया है कि जो नम्बरदार

होता है वही मसजिद मजकूर का मुताबतली भी होता है मौजे में

दरियाफत से और तहकीकात से माजूम हुआ कि मौजासलनधा के

मौजूदा नम्बरदार जनाब जौबाद हुसेन साहब हैं और यही उसल

तहसील करते हैं और मसजिद मजकूर का हस्तजाम भी करते हैं सेयद

नबी हुसेन साहब मुखिया मौजा सलनधा में बयान दिया कि मौजूदा

नम्बरदार जनाब जौबाद हुसेन साहब हैं और यही वसूल तहसील करते

हैं और मसजिद मजकूर के मुताबतली भी हैं जनाब जौबाद हुसेन साहब

का बयान कलमर्थद किया गया उन्होंने एकरार किया कि मैं नम्बरदार

हूँ और मुताबतली हूँ उन्होंने अपना यह बयान दिया कि ६८६०३३

मेहन्त से तौलियत का काम अन्जाम दूंगा और मसजिद का एक पैसा

भी गवन नहीं कहूंगा और बाकायदा हिसाब किताब रक्खना और

वक्फ बोर्ड की हर हुजूम की तामील भी कहूंगा ऐसी हालत में यही

मुताबतली

२४

(64)

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यह मालूम होता है कि जमाव जोषाद हुसैन साहब का नाम कोर
 सुतवल्ली दर्ज कर लिया जाय शहर फैजाबाद में यह मालूम हुआ कि हिन्दुओं
 और सिक्खों के लोफ से कोई सत्स वख्त के वक्त नमस्ज मसजिद
 मज्कूर में नहीं पड़ता है और रात को अगर कोई मुसाफिर मसजिद में
 रह जाता है तो इसको हिन्दु और बहुत तंग करते हैं मसजिद के सेहत
 के बाहर हिन्दुओं का एक मंदिर है जहाँ बहुत से हिन्दु रहते हैं और
 जो मसजिद में मुसलमान जाता है उसको डरा भला कहते हैं में मोके पर
 गया और तहकीकात से मालूम हुआ कि ५ मुन्दजा बातें सही हैं लोगों ने
 यहाँ तक कहा कि मसजिद को हिन्दुओं से काफी खतरा है कि इसकी
 दीवार और कमजोर करे मुनासिब यह मालूम होता है कि एक तहरीर
 डिप्टी कमिश्नर फैजाबाद के पास रवाना कर दिया जाय कि वह
 मुसलमानों को जो मसजिद में नमाज पढ़ने जाते हैं उनके तंग न करे
 और मसजिद मज्कूर एक शाही इमारत है और इसके तहजुज का काफी
 खयाल किया जावे ।

दस्तखत ४ मिस्टर मुहम्मद इब्राहीम इन्स्पेक्टर आफ पब्लिक वर्क और

१०-१२-४६ नम्बर दरखास्त ५६८ तारीख दरखास्त ११-३-५६

नाम सायल मिर्जा अब्दुल बेग फैजाबाद उजरत मज्कूर श्री आफ कास्ट

नाम ता रीख बिनाय मिस्तर तैयारी २३-३-५६ तारीख हवालत मिस्तर

२३-३-५६

Verified to be correct
 translation
 23/9/92

True translation of Exhibit A-63

Copy of the report Mr. Mohd. Ibrahim Sahab Waqf Inspector,
Dated 10.12.49 respecting Babri Masjid on the basis of file Waqf
No. 26, Waqf Masjid Babri, District Faizabad Waqf Masjid
Ayodhya

Secretary Sahab

That the Mutawalli of the mosque Babri Ayodhya prior to
the Meer Asgar Sahab where Mohd. Razi Sahab, Mohd. Amjad
Ali Sahab, Mohd. Zaki Sahab, Kalbe Hussain Sahab, the
previous mutawalli died through the need for appointment of
another Mutawalli arose for the purposes of the mosque in
question from Mouza Shahanwa that the aforesaid mosque is
waqf in the past also. The numberdar of Mouza Shahanwa is
appointed as a Mutawalli whosoever is the numberdar could
become the Mutawalli of the mosque after search and
verification it was found that the present numberdar was Janab
Zaved Hussain Sahab and he collects the revenue and also
makes arrangement for the mosque. That Syed Nabi Hussain
Sahab, Mukhiya Mouza Shahanwa has given the statement that
the present Numberdar was Janab Zaved Hussain Sahab and he
collects the revenue and also makes arrangement for the
mosque. That Syed Nabi Hussain Sahab, Mukhiya Mouza
Shahanwa has given the statement that the present Numberdar

is Janab Jamwad Hussain Sahab and he collects the revenue and he also is the Mutawalli of the above stated mosque that the statement of Zaved Hussain Sahab is recorded that I am the numberdar and the Mutawalli that I will discharge the functions of Tauliat with hard work and I will not embezzle even a single paisa of the mosque and I shall maintain the accounts and I shall obey all the orders of the Waqf Board. It seems that one Jawad Hussain may be appointed as Mutawalli. It has come to know that due to harassment by the Hindus and Sikhs the Muslims do dare to perform Namaz in the Masjid and any person stay in Masjid at night the Hindus and Singh's are to disturb him and threaten him for dire consequence. There is a temple of Hindus outside the courtyard of the Masjid many Hindus live there and if any Muslim goes to the Masjid, they use to threaten him. I went to the spot and after enquiry, I came to know that the matter is fact. Even persons there said that it is danger to the Masjid by the Hindus. It is proper that a report regarding this may be sent to the Deputy Commissioner Faizabad asking him to give security to the persons who go to the Masjid for prayer. The Masjid is the Shahi building and it should be adequate security.

Sign of Mr. Ibrahim, Inspector of Waqf, dated 10.12.89, No. of Petition 59-A dated 11.03.1959, Name of the petitioner Mirza Ahmad Beg, Faizabad.

True translation

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H. K. -

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St. J. Lye
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नकल रिपोर्ट मिस्टर मोहम्मद इब्राहीम साहब बक्क इन्स्पेक्टर मोरठा

२३ दिसम्बर सन् ४६ मशमूला मिस्टर फकर २६, बक्क मसजिद बावरी
जिला फैजाबाद ।

मोजुदा हात्त मसजिद बावरी अयोधिया

सेन्ट्रल साहब में २२ दिसम्बर सन् ४६ को अयोधिया बावरी
तहकीकात मोजुदा हात्त मसजिद बावरी में कबरस्तान आया और तमाम
दिन तहकीकात करता रहा जिस से मुन्दी अल हासात और बाकियात
मालूम हुये । अर्थात् ३ माह का हुआ है कि मम्मा रघुदास जन्म स्थान
देखने अयोधिया आये थे । और यहाँ आ कर बेरागियों पुजारियों से
जोरदार अन्तर्ज्ञानों में कहा कि जन्म जन्म स्थान पर रामायन का पाठ
होना चाहिये । इस बात की शोहरत तमाम अंतराष्ट्र में बवार में हो गई
मम्मा रघुदास के चले जाने के बाद एक माह के बाद रामायण के पाठ के
लिए हजारों हिन्दू और पुजारी और पंडित जमा हुये । हस्तों पाठ
रहा । उस अंतराष्ट्रियान में बेरागियों में मसजिद के बाहर सामने और
दायाँ वाले कबरस्तान का जगादा तर हिस्सा लोद कर बराबर कर दिया
और मन्दी लगा दिया और बन्द कबरों की जगह पर पत्थर रख दिया
है रामायण के पाठ के कबत भी पुलिस का हस्तेशाम था । मगर तब भी
कबरों को लोद दिया गया । पुलिस ने ४ आदिमियों को फँदा
जो बाद की जमानत पर रिहा करदिये गये खाना ^{रही} रसमूला का
मजूर जो हिले पर इस कबरस्तान के करीब में है इस मजार को लोद
कर बराबर करदिया गया और वहाँ एक बेरागी फन्दी लगा कर मुक़ीम
हो गया है मसजिद के दरवाजे धुन पर जो पुराना कबर है उसकी बरा
करने बेरागी पत्थर रख कर बैठे हैं । मसजिद के कुंदा के पास एक बेरागी

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जहर से कहा कि मुसलमानों से मसजिद हमको बिता दी और न
 माई माई करना दुश्मन । मैं रात को अयोध्या ठहर गया। मुझे
 मालूम हुआ कि बेरागी मसजिद पर जबरदस्ती कठवा कर रहे हैं
 आज जमा भी है मैं मोके पर गया तो क्या देखता हूँ कि दस पन्द्रह
 बेरागी डंडा और फरसा वगैरह लेकर मसजिद के वस्त्र में मौजूद हैं
 और ^{अधर} बेरागी मसजिद के दरवाजे पर डंडा वगैरह लेकर धकेल रहे हैं
 अंतराफ व अमानिब से हिन्दू जमा हो रहे हैं छिटी मजिस्ट्रेट को तबला
 शहर और पुलिस वगैरह का काफी इन्तजाम है मुसलमानान जमा
 की नमाज पढ़ने के बाद से जहर आयेगी न मालूम क्या ^{हजार} हो
 अथवा दरियाबाद कर के लम्बे मंडी गोठों के लिये जा रहा है ।
 हस्ताफर सेयद मुहम्मद इम्राहीम । ता० २३/१२/५६ उन्नी अयोध्या
 तारीख २३/१२/५६ १० २० रम.।
 द नम्बर दरखास्त ५६ तारीख दरखास्त ११/३/५६ नाम बायल
 मिरजा अहमद बेग फेजाबाद । उजरत ^{मालिकी} मसजिद ^{मालिकी} ग्रीब आफ कास्ट
 तारीख तैयारी ^{मालिकी} मिसिल २३/३/५६ तारीख हवाली ^{मालिकी} मिसिल २३/३/५६

Verified to be
 correct translation
 23/9/92

Copy of the report of Mr. Mohammad Ibrahim Sahab Waqf any special dated 23rd December 49 passed on file Waqf 26 Waqf Babri District Faizabad. The present State of Babri Masjid Ayodhya

Secretary Sahab

I on 22nd December 1949 went to Ayodhya to inspect the existing condition of the Babri Masjid and grave yard and for the entire day I kept on doing the investigation and the following conditions and situation were learnt by me at about three months back Baba Raghudas Janamsthan visited the Janamsthan to see Ayodhya. That after his visit he addressed the gathering of Bairagis and Pujaris and interested that the part of Ramayan should be done here. That the aforesaid news spread between all concerned that even one month after Baba Raghubar Das left for the purposes of conducting Ramayan part. Thousands of Hindus pujaris and pundits gathered. The part continued for weeks. That during this period decide the mosque and on the grave yard much of its portion dug and leveled and on the place of some graves, stones were kept when the part was going on there was a police arrangement inspite of that the place was dug, the police arrested four persons who were later on released on bail. That the shrine of Rehmatullah which is situated on the mount is shrine was dug and leveled and therefore one Bairagi after putting a flag started sitting that in front of the Board of mosque there is one pacca grave which was leveled and stone

was put and Bairagis were sitting on it. That near the well of the mosque shed was put which was demolished many times that mouzzam was bitten thereafter the plate of the mosque was tried to be digged then the two outside Muslims were seriously injured and outside the mosque there are two camps in which one battalion of the police was there and in another Battalion comprising of 8 and 9 and there is always a lock put on mosque lock wa and even Friday there was no offering of Nsamaz and Aazan. That the lock of the keys and the mosque was in the possession of the Muslims but the police did not allow them to open the same. That on Friday the lock was open for a few hours during which period the cleaning of the mosque is done and a namaz was offered after which a mosque is closed that at the time of offering of the Namaz lot of shouting takes place when the namazis go down the stairs the stones as well as shoes are heard on them but the Muslims due to fear do not speak. Radhe Das after Mr. Lohia also came to Ayodhya and he gave lectures etc. that in places of these graves, plants, trees and flowers. That some Minister Sahab came from Lucknow and told to the Bairagis that mosque is the Janambhumi and he stopped from doing any atrocity on these the Bairagis were annoyed and under the protection of the Police he returned back to Faizabad. During this at Ayodhya there is one Janak Bhawan a temple which is a big place and under one Raghubar Das,

Bedanti Ji, Narayan Das Acharya Ji, Asharfi Bhawan that these persons should tried to call Muslims but excepting Zahoor Ahmad nobody came. The Hindus told Zahoor that the Mosque may be given to us otherwise there would be enmity. On the State at Ayodhya in the night that everybody knew that the Bairagis are trying to take forceful possession of the mosque. Today it is Friday, I went to the side and I see that 15 Bairagis laced with Dandas and Farsas are present in the courtyard of the mosque and many more Bairagis with Dandas etc. are sitting on the doors of the mosque and many Hindu supporters were gathering. That the City Magistrate and Police had made arrangement for Friday Prayers and said that the Muslims would definitely go to Faizabad to offer prayers. That after crossing the river I am going towards the Lakdi Mandi Gonda.

Sd/- Syed Mohd. Ibrahim

Date : 23.12.1949

P.O. Ayodhya

Date: 23.12.1949 at 10 A.M. the number of the Application 53, date of the application 11.3.59 name of the carrier Mirza Ahmad Beg Faizabad Revenue Originally free of cost. Date of : preparation 23.3.59 consigned to the file 23.3.59.

Verified to be correct translation.

Sd/- illegible 23.9.92

True translation

In the Court of the Civil Judge, Faizabad

O.O.S. No. 1 of 1989

(Reg: Suit No.2 of 1950)

Shri Gopal Singh Visharad

.....Plaintiff

Versus

Shri Zahur Ahmad and others

.....Defendants

REPORT

Sir,

I was appointed a commissioner in the above case to prepare a site plan of the locality and building in suit on scale. Accordingly, in compliance with the order of the court, I visited the locality on 16.4.50 and again on 30.4.50 after giving due notice to the counsel of the parties, and made necessary measurements on the spot, on the first day of my visit none of the parties were present, but on the second day defendant no.1 was present with Shri Azimullah Khan and Shri Habib Ahmad Khan counsel. At about noon defendant no.1 presented an application, attached herewith, when the measurement work had already finished.

Plan No.I represents the building in suit shown by the figure ABCDEF on a larger scale than Plan no.II, which represents the building with its locality.

A perusal of Plan no.I would show that the building has got two gates, one on the east and the other on the north, known as "Hanumatdwar" and "Singhdwar" respectively. The "Hanumatdwar" is the main entrance gate to the building. At this gate there is a stone slab fixed to the ground containing the inscription "1- Shri Janma Bhumi nitya yatra," and a big coloured picture of Shri Hanumanji is placed at the top of the gate. The arch of this entrance gate, 10' in height, rests on two black kasauti stone pillars, each 4' high, marked a and b, containing images of "Jai and Vijai" respectively engraved thereon. To the south of this gate on the outer wall there is engraved a stone image, 5' long, known as "Varah Bhagwan."

The northern gate, known as "singhdwar," 19'6" in height, has got at its top images of Garura in the middle and two lions one on

each side.

On entering the main gate there is pucca floor on the eastern and northern side of the inner building, marked by letters GHJKL. DGB on the north of the eastern floor there is a neem tree, and to the south of it there is the bhandara (kitchen). Further south there is a raised pucca platform, 17' x 21' and 4' high, known as "Ram Chabutra," on which stands a small temple having idols of Ram and Janki installed therein. At the south-eastern corner E there is a joint neem-pipal tree, surrounded by a semi-circular pucca platform, on which are installed marble idols of Panchmukhi mahadev, Parvati, Ganesh and nandi.

On the northern floor there is a pucca platform, 8' x 9', called "Sita Rasoi." On this platform there is a pucca chulha with chauka and belna, made of marble, affixed by its side. To the east of the chulha there are four pairs of marble foot prints of Ram, Lakshman, Bharat & Shatrughna.

The pucca courtyard in front of the inner (main) building is enclosed by walls NHJK intercepted by iron bars with two iron bar gates at O and P as shown in the Plan no.I. At the southern end of this courtyard there are 14 stairs leading to the roof of the building, and to the south of the stairs there is a raised pucca platform 2' high, having a urinal marked U at its south-west corner.

There are three arched gates, X, Y and Z leading to the main building, which is divided into three portions, having arches at Q and R. There is a chhajja (projected roof) above the arch Y. 31

The three arches, Y, Q and R are supported on 12 black kasauti stone pillars, each 6' high, marked with letters c to n in Plan no.I. The pillars e to m have carvings of kamal flowers thereon. The pillar contains the image of Shankar Bhagwan in Tandava nritya form and another disfigured image engraved thereon. The pillar J contained the carved image of Hanumanji. The pillar n has got the image of Lord Krishna engraved thereon other pillars have also got carvings of images which are effaced.

In the central portion of the building at the north-western corner, there is a pucca platform with two stairs, on which is installed

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the idol of Bal Ram (infant Ram).

At the top of the three portions of the building there are three round domes, as shown separately in Plan no.I, each on an octagonal base. There are no towers, nor is there any ghusalkhana or well in the building.

Around the building there is a pucca path known as parikrama, as shown in yellow in Plan Nos.I & II. On the west of the parikrama, the land is about 20' low, while the pucca road on the northern side is about 18' low.

Other structures found on the locality have been shown in Plan no.II at their proper places.

The land shown by letters S and T is covered by huts and dhunis of sadhus.

Adjacent to and south of the land shown by letter T, there is a raised platform, bounded by walls, 4' 6" high, with a passage towards west, known as "shankar chabutra."

The pucca well, known as "Sita koop" has got a tin shed over it, and a stone slab is fixed close to it with the inscription "3- Sita koop". To the south -west of this well there is another stone slab fixed into the ground with the inscription "4-Sumitra Bhawan". On the raised platform of Sumitra Bhawan there is a stone slab fixed to the ground, marked, carved with the image of Shesh nag.

The names of the various samadhis and other structures as noted in Plan no.II were given by sadhus and others present on the spot.

Plans nos.I and II, which form part of this report, two notices given to parties counsel and the application presented by defendant no.1 are attached herewith.

I have the honour to be,

Sir,

Your most obedient servant,

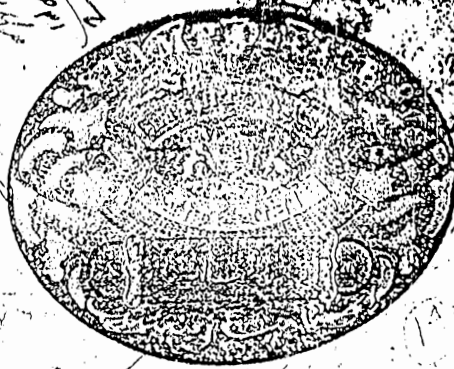
Shiva Shankar Lal,

Pleader

Commissioner

Faizabad.

25.5.50

[illegible]

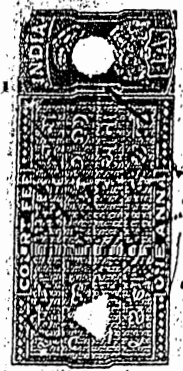
Handwritten text in Urdu script at the top of the document.

Handwritten text in Urdu script, appearing to be a continuation of the top section.

No. 2
Name of the party: Abdul Kader Khan
Place of birth: Jhelum District
Date of birth: 25-2-25
Address: PM
Defence: LA
Civil Judge

Handwritten notes and signatures to the right of the central form.

Handwritten text and a date stamp: 20-8-88.



7th 21/12/76

Handwritten signature and text: "Dated 21/12/76"



महाराष्ट्र सरकार

15

हक्का र अवेदरी कोर्टरी जिला जेगा वाद कजलास मिटर बाबा
 कारनेगी साहेब कादुर डिप्टी कमिशनर वाक्य तरीत ३१ माह अगस्त
 १८६३ त्रिती नम्बरी २४८२० मोरिगा २५ माह अगस्त सन ६३ हो
 मुराला जेव शिरोप्री कीर कमिशनर कादुर जिरिये डाक्ट नम्बरी
 १२६ मोरिगा २५ माह अगस्त सन १८६३ ई साहेब कमिशनर
 कादुर अदी मण्डल मोलत हू कि किकरवड मुवाकिस ३०२२२०००
 वास्ते मसिन्द जन्म-स्थान घोषास के ये गवर्नमेन्ट मे मन्जूर किया
 था । किती जमीन मन्जूर करीच अजोप्या किता अदाय मन्जूर सरकार
 कीर माति दीया ^{३०२२२००००} सुनवा आनदगी < सालाभा के हो दया
 जावे । साहेब डिप्टी कमिशनर साहेब कादुर तक मन्जूर जमीन को
 देने के वारते तेजवीर किये जावे ^{३०२२२००००} मन्जूर हो मे सरहद साफ-साफ
 दर्ज होना चाहिये और वह नक्शा बहिभाव विमाना तैयार होना
 चाहिये ^{व सेय} रिपोर्ट साहेब कमिशनर कादुर के भेजा जावे ।
^{मुफ्त हुना कि} सख बाजनाय यह रोकार कजलास मुन्ती ^{अचानक यल} सख बाजनाय
 अविस्टेन्ट कमिशनर कादुर हस्ब तानीर व कार्यवाही करने के
 वेला ^{होवे} । और सिखा जावे कि मन्जे मुन्ती साहेब कसकस रा
 मिटर ^{साबन्दा करेगी} साहेब कादुर के कार्यवाही उसकी करे

हो वाकिम

जलास रायदयाल साहेब कादुर

एसटरा अविस्टेन्ट कमिशनर

नं. तस्कि रोजनामवा ४०८

16

२२-

16

हुकम हुआ कि

सुर्ह में मिसिल साबिका के पेश होये । अलमरकम तारीख १८६३

१८६३ ई० दस्तखत हाकिम ।

बाद मुलाहिजा मिसिल के दरयाफ्त हुआ कि रजब अली

व मोहम्मद असगर हाजिर नहीं है । और उनसे दरयाफ्त

इस अमर का ज्ञार है कि हस्त मन्शा हुकम कोई जमीन की खपति

है इसलिये ^{हुकम हुआ कि} १४ सितम्बर सन् १८६३ ई० को पेश होये १२ माह

सि तम्बर सन् १८६३ ई० ५० हाकिम १६ सितम्बर सन् १८६३ ई०

बाद श्री जा के बमुकाबिले रजब अली व मोहम्मद असगर वास्ते

तजवीज से पेश हुआ । नाम बुराहमान ने कहा कि ^{अमीन} इस मशफूला

शिवाला पूरी और पुरेन पूर जो मुलातिका ^{अमीन} के है एवम् ३२२३५

के मिल जाये दरियाफ्त सरिस्ता से बाजे हुआ कि जमा

अदिये मोड़े अमूरन पूर १८६३ रुपया और जमा शाराही शिवाला

पूरी १६२ रुपया जुमला ^{अमीन} ३२२३५ ^{अमीन} अस्तमाम है । यानी ३२२३५

इजाद करते कि दिया जाना क्तायात मजकूरन का साहेब

असिस्टेन्ट कमिश्नर आदुर ^{अमीन} मंजूर फरमाये । तो ^{अमीन} इस

के जमीन शोला पूरी इसमे मुन्तलिब हो सके सी शार मोजाबदूर पूर

मोजा मुसलमान बदस्वर रहे है इसलिये +

हुकम हुआ कि ----- हमराह सुदूर हुकम अजलास साहेब असिस्टेन्ट

वहादुर इन्चार्ज जिला पेश होये । १६ माह सितम्बर १८६३ ई०

दस्तखत हाकिम --- इजलास डा० का साहेब असिस्टेन्ट

साहेब इन्चार्ज जिला मोजाबदूर

(17)

- 3 -

हकुम हुआ कि

मुन्शी राय दयाल साहेब रकाटे रा साहेब कमिशनर साहेब

हरव तजवीज मिलने ^{अपनी} ~~हम~~ जमीन ⁵⁻¹²⁻⁴ ~~अमा~~ मुकदमामिनतां करके बिकिया हर दो ~~कलम~~ कलमात ^{का नमूना} हरव मर

चिट्ठी साहेब सेक्रेटरी नीफ कमिशनर बहादुर मुरचब फरमा

हरव हरसाल फरमाये । तब रिपोर्ट भाडा कलम मेजा जा

----- मुकदमे मे डाकेट ताकीदे आज बराह मेहरबानी

हरसाल फरमाये । 20 सितम्बर सन ६३ ई० ।

हजलास जफादुर मुन्शी राय दयाल साहेब बहादुर २० हाकिम

आज पेश हुआ और रायल से पूछा गया कि उजरत अमीन तुम

दातिल करोगे । क्यान किया कि हम दातिला को । इसलिये

हकुम कि हुआ कि एक अमीन उजरत पर मुकरी हो कि उसके

नकशा ^{नकशा} ~~नकशा~~ पर कतीर हल्का हद वस्त और नभशा शिवालाक्रिस्तुवासाफ व तैयार कराया जाये । और जो जमीन ⁵⁻¹²⁻⁴ ~~अमा~~सरकारी हल्का शोलापुरी मे रहेगी ⁵⁻¹²⁻⁴ ~~अमा~~ ^{अमा} ~~अमा~~ सेउसमे वास्ते ^{दिनांक} ~~अमा~~ नकल सरकार पर कर देवे । अलमरकम तारीख

20 सितम्बर सन १८६३ ई० 40 हाकिम लख्मन प्रसाद नकल दी

Verified & the correct
translation
23/9/92

नकल बतौर सनद

सफहा नुजूल

स्टाम्प मालयती 8 आना

रोबकार कचेहरी कलेक्ट्री जिला फैजाबाद बड़जलास मिस्टर बाबरक कारलेगी साहब बहादुर डिप्टी कमिशनर वाके तारीख 31 माह अगस्त 1863ई0 चिट्ठी नम्बरी 2482 मोर्खा 25 अगस्त 1863ई0 मुर्सला साहब सिकरेट्री चीफ कमिशनर बहादुर ज़रिये डाक्ट नम्बरी 1106 मोर्खा 28 माह अगस्त 1863ई0 साहब कमिशनर बहादुर बर्दी मजमून मौसूल हुई कि बड़वज मुबलिंग 302/3/6 जो वास्ते मस्जिद जनम स्थान दवाम के लिये गौनमेंट ने मंजूर किया था किसी अमीन नुजूल करीब अजोध्या बिला अदाई महसूल सरकार बतौर मआफी दवाम वजमीय आमदनी मुबलिंग 302/3/6 सालाना की हो दिया जावे साहब डिप्टी कमिशनर बहादुर यक नकशा जमीन जो देने के वास्ते तजवीज़ किये जावे भेजें उस नकशे में सरहद साफ साफ दर्ज होना चाहिये और वह नकशा बहिसाब पैमाना तय्यार होना चाहिये व मय यक रिपोर्ट साहब कमिशनर बाहदुर के भेजा जावे।

हुकम हुआ कि

बजिसिही ब-रोबकार बड़जलास मुंशी राय राम दयाल साहब एक्स्ट्रा असिस्टंट कमिशनर बहादुर जिहत तामील व कार्रवाई के पेश होवे और लिखा जावे कि मुंशी साहब या इत्तफाक राय मिस्टर डा0 हेग साहब बहादुर के कार्रवाई इसकी करें फकत

दस्तखत हाकिम

इजलास राय राम दयाल साहब बहादुर एक्स्ट्रा असिस्टंट कमिशनर तहरीर व रकमहु 408

हुकम हुआ कि

मय मिसिल साबका के पेश होवे अलमरकूम तारीख 9 सितम्बर 1863ई0

दस्ताखत हाकिम

बाद मुलाहजा मिसिल के दरयापत हुआ कि रजब अली व मोहम्मद असगर हाजिर नहीं है और उनसे दरयापत इस अग्र का जरूर है कि हस्ब मंशा हुकम कौन जमीन की ख्वाहिश है इस लिये

बतारीख 14 सितम्बर सन इलैह को पेश होवे 12 माह सितम्बर 1863ई0 दस्तखत हाकिम 16 सितम्बर 1863ई0

अज आंजा कि बमुकाबले रजब अली व मोहम्मद असगर वास्ते तजवीज़ के पेश हुआ नामबर्दगान ने कहा कि जमीन मशगूला शिवाला पुरी और भूरनपुर जो गुताल्लिक नुजूल की हैं इवज 302/03 आना के मिलजावे दरयापत सार रिश्ता से बाजोह हुआ कि जमा अदाई मौजा भूरनपुर 193 रूपया और जमा आराजी शिवालापुरी 162 रूपया जुमला 355रूपया साल तमाम है यानी 52/012 ईरादी बशर्त यह कि दिया जाना कितान मजकूरीन का साहब असिस्टंट कमिशनर बहादुर मंजूर फरमावे बाद जमई 52/12. 5 की जमीन शिवालापुरी से मुतख्व हो सकती है और मौजा भूरनपुर मौजा सालिम बदरतूर रहे इस लिये

हुकम हुआ कि

बमुराद सुदूरे हुक्म बइजलास साहब असिस्टंट कमिशनर बहादुर इंचार्ज जिला पेश होवे। 16 माह
सितम्बर 1863ई0 दस्तखत हाकिम इजलास डा10 हेग साहब असिस्टंट कमिशनर बहादुर इंचार्ज जिला
फैजाबाद.

हुक्म हुआ कि

गुंशी राम दयाल साहब एवरट्टा असिस्टंट कमिशनर बहादुर हस्ब तजवीज अपने अमीन जमा

52/12/6 मुतखब व मिगहा करके बकिया हर दो कितात का नकशा हस्ब मंशा चिट्ठी साहब
सिकरेट्टी चौफ बकिशनर बहादुर मुरततब फरमाकर इरसाल फरमावे ताब रिपोर्ट बाजाब्ला भेजा जावेगा
..... दरी मुकदमा में दाखल ताकीद है आज बराह महरबानी जल्द इरसाल फरमावे 28 सितम्बर सन

63ई0 दस्तखत हाकिम

इजलास गुंशी राम दयाल साहब बहादुर

आज पेश हुआ और सायल से पूछा गया कि उजरत अमीन तुम दाखिल करोगे बयान किया कि हम
दाखिल करेंगे इस लिये

हुक्म हुआ कि

एक अमीन उजरत पर मुकरर होके उसकी माफत नकशा भूरनपुर बतौर हलका हद बस्तु और नकशा
शोलापुरी किश्तवार साफ व तय्यार कराया जावे और जो अमीन जमा 52/12/6 सरकारी नकशा
शोलापुरी में रहेंगी अमीन रंग जाविये उसमें वास्ते शिनाख्त नुजूल सरकार पुर करदेवे अलमरकूम
तारीख 30 सितम्बर 1863ई0

दस्तखत हाकिम बकलम लक्षमन प्रसाद नकल नवीस

Safha Nuzul
Stamp Value 8 Anna

Before the Katchehri Collectorate, District Faizabad, in the Court of Mr. Babrak Carnegi Deputy Commissioner on 31st August, 1863, Docket No. 2482, dated August 25, 1863 for Saheb Commissioner Bahadur, written by the Secretary to Chief Commissioner, received by post vide no. 116 dated August 28, 1863, with the undermentioned text. That for Rs. 302-3-6 the government had sanctioned for Masjid Janam Sthan a piece of land of Nuzul, for ever. Some land of Nuzul near Ayodhya be given, without paying Govt. revenue as Maafi for ever with all its income Rs. 302/3/6 per annum. The Deputy Commissioner was to send a map showing the land proposed to be given. In such a map contours and four corners should be clearly mentioned with correct measurement and be sent alongwith the report of the Commissioner. Order, Put up before the Court of Munshi Rai Ram Dayal Saheb Extra Assistant Commissioner Bahadur. Put up with previous file dated September 9, 1863 Sd/ officer. After perusal of the file, it was known that Rajab Ali and Mohd. Asghar are not present. It has to be enquired from them as to which land is desired to be given. Order : Put up on 16th September 1863.

Whereas before Rajab Ali and Mohd. Asghar, the proposal (Tajweez) was presented. The Naambardagaan told that land included in Shola Puri and Bhooranpur related to Nuzul may be given to us for 302/3 1/2. By inquiries from Sar Rishta it was cleared that Jama Adai Mauza Bhooranpur Rs. 193 and Jama Alazi Shivalapuri Rs. 162, total Rs. 355/- is for the whole year i.e. 52/12 1/2 Iradi with the condition that giving of the above mentioned plots of land are approved

by the Assistant Commissioner Saheb Bahadur. After depositing Jamai 52/12.5, plot may be selected from Shivalapuri and total Mauza Bhooranpur may remain intact. Therefore it is ordered. Bamurad Sudoore order of the Court of Saheb Assistant Commissioner Bahadur District Incharge, be put up. Dated September 16, 1863 Sd/- Magistrate Ijlas Dr. Haque Saaheb Extra Assistant Commissioner Bahadur Incharge District Faizabzd. It is ordered that Munshi Ram Dayal Saheb Extra Assistant Commissioner Bahadur may forward a map of the two plots as per desire mentioned in the letter of the Secretary, Chief Commissioner. That as per his proposal, total land 52/12/6 may be selected and after making adjustments, for both the plots as mentioned in the letter of the Secretary to the Chief Commissioner, a map may kindly be prepared and forwarded. Then a proper report will be sent in the meantime it is instructed that the same may please be sent urgently today. Dated September 28, 1863. Ijlas Munshi Ram Dayal Saheb Bahadur. Presented today and the petitioner was asked whether he was ready to pay the prices of the land, he replied in affirmative. So it was ordered that an Amin on wages may be deputed, through whom a map of Bhooranpur as Halka Had Bast and map of Sholapuri Kishtwar and clear may be prepared and the land Jama 52/12/6 of the govt. will remain in Halka Sholapuri. The Amin will add yellow colours to it, for identifying Nuzul Sarkar. Dated September 30, 1863 Sd/- Magistrate. Written by Lakshman Prasad Naqal Naweels.

True Translation

नं० 170

5 मार्च 1866 मुताबिक चैत बदी चौथ सम्बत 1922 रोज दोशंबा हाथ मोहम्मद

असगर मार्फत खुद एक किता कीमती 8 आना मकाम मुहल्ला

इसमाईल गंज जिला फैजाबाद वास्ते सवाल के फरोख्त किया। ह० अपठनीय

6 मार्च 1866 ई० को दरखास्त मोहम्मद असगर ने गुजारी चुनान्चे 9 को नकल

तय्यार हुई 10 को मोहम्मद असगर हाजिर आये नकल दी गई फकत।

ह० अपठनीय

बमौजिब हुक्म 4 अक्टूबर 1867 को बाद दरखास्त नकल की ठप्पा कागज.....

ह० अपठनीय 30 अक्टूबर 1867 ई०

अलिफ नम्बरी 29 सन 1945 शिया सेन्ट्रल बोर्ड बनाम सुन्नी सेन्ट्रल बोर्ड

मुदखला वकील मुद्दई बतारीख 1/10/45 ई०

(From Page No 8471 to 8472)

8473

ENGLISH TRANSLATION

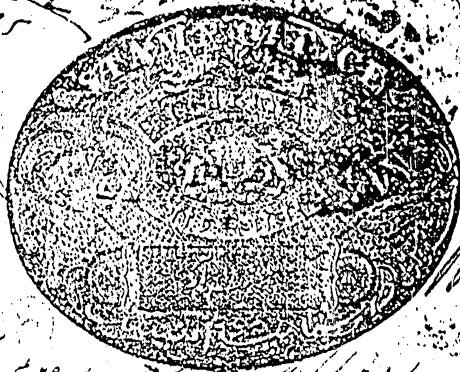
March 5, 1866 corresponding to Chait Badi Chauth Sambat 1922 sold through self to Mohammad Asghar. Mohalla a stamp valued at 8 Anna Mukam Mohalla Issmail Ganj. District Faizabad for Swal. Sd/- Illegible.

March 6, 1866 Mohd. Asghar presented the application. So on 9th copy was prepared. On 10th Mohammad Asghar appeared. Copy handed over. Sd/- Illegible.

As per orders on October 4, 1867 copy issued Sd/- Illegible, October 30, 1867.

Alif No. 29, 1945 Shia Central Board Vs. Sunni Central Board filed by the Counsel of the petitioner 01.10.45.

www.vadaprativada.in
Translation

[illegible][illegible]

مسلم بن عیسی که وقت ظهور معاد و قیامت بران کوه بکوه می آید و از آن کوهی که در
اب وقت ظهور است بر آن کوه می آید و در آن کوه که در وقت ظهور است بر آن کوه
ظهورت من اب کفاحم محمد و آید و در آن کوه که در وقت ظهور است بر آن کوه
در آن کوه که در وقت ظهور است بر آن کوه که در وقت ظهور است بر آن کوه
که در وقت ظهور است بر آن کوه که در وقت ظهور است بر آن کوه

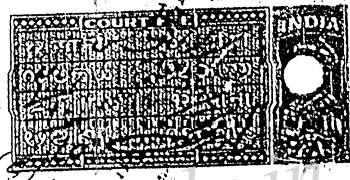
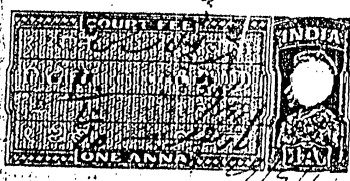
[illegible]

8475

Handwritten text in Urdu script at the top of the document.

Handwritten text in Urdu script, possibly a signature or address, located in the middle-left section.

Handwritten text in Urdu script, possibly a signature or address, located in the middle-right section.



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Handwritten text in Urdu script, possibly a signature or address, located in the bottom-middle section.

27/11/62

A. 17

(18)

नकल कोरे सनद

18

रोपकार कोहरी कोहरी फ़ावाद अजलास कमिस्टर बाबरी
 कारनेगी साहब बहादुर डिप्टी कमिस्टर बाबरी १३ सितम्बर सन
 १८६५ ई० डाक्ट नम्बरी २१०५ मोरिगा ६ सितम्बर सन १८६५
 मुसिता साहब फ़ावेनस्थित कमिस्टर बहादुर बरिये डाक्ट नं
 ८६७ मोरिगा ६ सितम्बरसन १८६५ साहब कमिस्टर बहादुर
 मदी
 वकील मज़मून सादिर हुआ कि साहब डिप्टी कमिस्टर बहादुर
 ने जो ज़मीन वास्ते मावडा नस्बिद जन्म-स्थान के सन्द किया
 हे सन्धर जो गई लिखाजा

हकूम हुआ है कि

रोपकार हाडा लिदमत में मुन्शी नन्द किशोर साहब बहादुर (कसटरा
 एसिस्टेंट कमिस्टर फ़ावेनस्थित पेश होवे बहुत जतन साथ देखी
 के ज़मीन इवाले पाकिस्तान मुन्शी नन्द किशोर साहब बहादुर
 मुन्शी नन्द किशोर साहब बहादुर ।

हकूम हुआ कि

जो ज़मीन मावडा में तहरीर की गयी हे उस पर दस्त दे दिया
 जावे । और दस्त नामा लिया जावे सन्धर १४ सितम्बर १८६५
 एवठ दस्तस्ते हाकिम ।

जनावे बाली दाम उश्मन्त हु

ज़मीन जना ३०२ रु० सादे ३ जाने हस्त डेल तपदीर छ है ।

मज़मून पर मोवा मुस्लिम भाराबी जोलापुरी सन्धर सन १२०३

(19)

फसली सुबलिंग ७ २०० मात्र जमा मोबाकुरत पर रेंडाव होकर

पट्टा दिया गया है । यानी खाय १६३ सुबलिंग २०० ६०

का पट्टा हुआ मुनाचिरिपोर्ट ६ दिवस सितम्बर सन १८६५ ६०

मुफसल अर्ज किया । लिहाजा कल दल देहानी के मुकदमे में

रहा है । कि कितालिगान ^{भेरी जमीन तजवीज} जमा रहे । तबस्मिर शुदा कालिगान पर

साबिका पर दलल दिलाया जाये । या भिन्न तरह से बरशाव हो ।

सोमना मोमेस्ती १४ सितम्बर सन १८६५ ^{कमतीन भोला नाथ} ^{मुसी नन्द लिखन शार} ^{मुसी नन्द लिखन शार}

- साहब स्कटरा अधिसटेन्ट कमिश्नर बहादुर कमतीन मोमेस्ती

मालूम होता है कि कल तजवीज मावजा जमा ^{मने के मने मोमे}

भूमरत पर सुबलिंग १६३ ६० है । कि सन १२७१ व १२७२ में

यकी जमा कायम रही अब कल बन्दोवस्त सन १२७३ के जमा मसूर

में ७ ६० इजाफा होकर २०० रुपये का पट्टा कुबलित हुआ बरस

सुरत में अब ^{हुआम} ^{हुआम} तजवीज मावजा व बन्दोवस्त हाल से सल रुपये

का इजाफा है अब कि नमशा मुभावा सुरतव होकर वास्ते मन्सुरी

मुसिल हुआ था तो जमा १६३ थे । तो अब तामील मूर मन्सुरी

जो इजफा कलील ७ रुपये के फीसदी डाह रुपये होता है ।

हो गया है बन्दा ----- लायके लिहाज है । मार हल्ला हकी

केहरी है । अब इस वास्ते ^{हुआम} ^{हुआम} कि हलिलान यह कागज बहुरे जनाव

साहब डिप्टी कमिश्नर बहादुर ----- पेश हो जावे कि भुवना विलो

लिहाज हुआ का दलल दियस-बन्ने दिलाया जावे या नगद इसकी सुनान

जमीन शोला पूरी हो कर ली जाये । १६ सितम्बर सन १८६५ दलल

हामिलतम जमा ^{हुआम} ^{हुआम} नगद

Vadap, to be
agent
translation
5/11/24

नकल बतौर सनद

सफहा नुजूल

स्टाम्प मालयती 8 आना

रोबकार कचेहरी कलेकट्री जिला फैजाबाद बइजलास मिस्टर बाबरक कारनेगी

साहब बहादुर डिप्टी कमिशनर वाके तारीख 13 सितम्बर 1865ई0

दाक्ट म्बरी 2105 मोर्खा 6 सितम्बर 1865ई0 मुर्सला साहब फनानशल कमिशनर

बहादुर बजरिय दाक्ट नम्बर 867 मोर्खा 9 सितम्बर सन इलैह साहब कमिशनर

बहादुर बदी मजमून सादिर हुआ कि साहब डिप्टी कमिशनर बहादुर ने जो जमीन

वास्ते मुआवजा मस्जिद जनम स्थान के पसन्द किया है मंजूर की गई लिहाजा

हुकम हुआ कि

रोबकार हाजा खिदमत में मुंशी नन्द किशोर साहब बहादुर एस्ट्रा अस्सिटंट

कमिशनर बई मुराद पेश होवे कि बहुत जल्द साथ मुतख़ब की जमीन

याबिन्दा मुआवजा की करें फक्त

दस्तखत हाकिम

इजलास मुंशी नन्द किशोर साहब बहादुर से

हुकम हुआ कि

जो जमीन मुआवजे में तजवीज की गई है उसपर दखल..... और दखलनामा

लिया जावे अल-मरकूम 14 सितम्बर 1865ई0 दस्तखत हाकिम

जनाब आली दामा हशमतहु

जमीन जमा 302/03 हस्ब जैल तजवीज हुई है मूरनपुर मौजा मुसल्लम 193

रूपया आराजी शोलापुरी 109/030 रूपया मगर दर सन 1273ई0 फसली मुबलिंग

7रूपया जमा मौजा भूरनपुर ईजाद होके पट्टा दिया गया है यानी तामी 193

मुबलिंग 200 रूपया का पट्टा हुआ चुनानचे रिपोर्ट 6 सितम्बर 1965ई0 में

मुफस्सल अर्ज रखा लिहाजा कब्ल दखल दहानी के मुकर्र अर्ज रसां हूं कि बिल

लिहाजा बेशी जमा जमीन तजवीज शुदा साबका पर दखल दिलाया जावे या जिस

तरह से कि इरशाद हो मारुजा 14 सितम्बर 1865ई0

अलअब्द कमतरीन मोला नाथ

इजलास मुंशी नन्द किशोर साहब एक्स्ट्रा असिस्टेंट कमिशनर बहादुर

मालूम होता है कि वक्त तजवीज मुआवजा जमा यह कि मौजा भूरनपुर के

मुबलिंग 193/- है कि 1271 व 1272 में वही जमा कायम रही अब वक्त

बन्दोबस्त 1273 की जमा मजकूर में सात रुपया इजाफा होकर दो सौ रुपया का

पट्टा कुबूलियत हुआ इस सूरत में अब हंगाम तजवीज मुआवजा बन्दोबस्त हाल से

सात रुपया का इजाफा है जबकि नकशा मुआवजा मुरत्तब होकर वास्ते मंजूरी

मुरसल हुआ था तो जमा 193/- थी तो अब तामील सुदूर मंजूरी जो इजाफा

कलील सात रुपया कि फीसदी ढाई रुपया होता है होगया है लायक

लिहाज नहीं मगर इत्तला इसकी जरूर है

इस वास्ते हुक्म है कि

इत्तलाअन हिवा कागज बहुजूर जनाब साहब डिप्टी कमिशनर बहादुर पेश

होवे कि बिला लिहाज इजाफा देखल दिलाया जावे या बकदर इसके मुजराई

जमीन शोला पूरी करी जावे 16 सितम्बर 1865ई0

दस्तखत हाकिम

लक्षमन प्रसाद नकल नवीस

Copy as Sanad

Before Kutchehary Collectorate District Faizabad, Ijlas Mr. Babrak Carnegi Saheb Bahadur, Deputy Commissioner, on September 13, 1865 letter no. 2105 through Dak No. 867, dated September 9, instant with the following text. That the piece of land which the Deputy Commissioner has selected for Masjid Janam Sthan, has been approved. Therefore it is ordered that this application, be put up before Munshi Nand Kishore Saheb Bahadur Extra Assistant Magistrate with the request that it should be presented immediately along with (map of) the land selected as compensation Yabinda Muawza. Sd/- Magistrate. Order of the Ijlas of Munshi Nand Kishore that the land selected as compensation, be given in possession and Dakhalnama be taken. Dated September 14, 1865 Sd/- Magistrate. Janab Aali Dam-e-Hashmatahu. Land Jama 302/35 as per following proposal, has been proposed I Mauza Bhooranpur Mauza Musallam Rs. 193 Aarazi Shola Puri Rs. 109/03, 1273 Fasli with an increase of Rs. 7/- has been approved. Jama Mauza Bhooranpur after being Ezad Patta has been issued i.e. patta has been issued, for Rs. 200 in place of Rs. 193. Therefore report dated September 6, 1865 contains detailed entries. However before giving the possession, without depositing additional amount for Jama land proposed earlier, may be given in possession of the applicant as ordered dated September 12, 1865. Sd/-Bhola Nath.

Ijalam Munshi Nand Kishore Saheb Extra Assistant Commissioner. It appears that compensation has been deposited. That for Bhooranpur it was Rs. 193 which continued till now. Now at the time of bandobast 1273 F, Rs. 7/- has been

increased. In this way the patta for Rs. 200/- has been accepted. While, the map of compensation was prepared for approval, the Jama was Rs. 193. Now by Tameel Sudoor acceptance the meager increase of Rs. 7/- which comes to 2.5 percent, is not a big amount to be mentioned but information regarding this is necessary. Therefore it is ordered that this paper be put up before the Deputy Commissioner and without considering the increase. Possession may be given and after that adjustment may be made from Shola Puri land. Sd/- Magistrate September 16, 1865. Sd/- Magistrate. Written by Lakshman Prasad, Naqal Naweess.

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नं० 3171

5 मार्च 1866 मुताबिक चैत बदी चौथ सम्बत 1922 रोज दाशम्बा हाथ मोहम्मद

असगर मार्फत खुद एक किता कीमती 8 आना मकाम मुहल्ला

इसमाईल गंज जिला फैजाबाद के वास्ते सवाल के फरोख्त किया।

ह० अपठनीय

बमोजिब हुक्म 30 अक्तूबर 1867 को बाद दरखास्त नकल ठप्पा कागज के

दुरुस्त तहरीर हुई।

ह० अपठनीय

30 अक्तूबर 67

अलिफ नम्बरी 29 सने 45 शिया सेन्द्रल बोर्ड बनाम सुन्नी सेन्द्रल बोर्ड मुदखला

वकील मुद्ई बतारीख 1/10/45

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8485

ENGLISH TRANSLATION


Today, the 5th of March, 1866 corresponding to Chait Badi Chauth Samba
1922, Monday. Mohammad Asghar through self, stamp -8/-
Place Mohalla Ismail Ganj Distt. Faizabad sold for Sawaal. Sd/-
illegible.

As per order dated October 30, 1867. After an application for copy of original
patta, paper for writing. Sd/-illegible. October 30, 1867.

Alif Numbari 29, 45 Shia Central Board Vs. Sunni Central Board. Filed by
the Counsel of the applicant dated 1.10.45.


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53



Handwritten text in Devanagari script, likely a manuscript or a letter. The text is written in a cursive style and covers most of the page. There are several lines of text, some of which are crossed out or corrected. The text appears to be a mix of prose and verse, with some lines starting with 'श्री' (Shri) and others with 'ॐ' (Om). The handwriting is somewhat faded and the ink is dark, possibly from a quill or a fountain pen. The paper is aged and shows some discoloration and wear.

Handwritten text in Urdu at the top of the document.





No. of parties. 2

Name of parties. *Shahid Ali*

Filed by. *Shahid Ali*

Admitted. *25.3.57*

Admitted. *21/12/56*

Civil Judge.

Handwritten notes and signatures on the right side, including "2-10/1" and "76-8-66".

Handwritten notes at the bottom, including "21/12/56" and "21/12/56".

नकल कोर सनद सीगा नजल

नन्द

बहादुर सुन्शी किशोर साहेब बहादुर एक्सटरा असिस्टेंट कमिशनर

जनाबे आली दामे हशमहा ।

तामिल हुकुम रकम जुदा ५ सितम्बर सन १८६५ ई० दरवाब दिया

जाने नगद व जमीन त्तीक्ष मस्जिद जन्म-स्थान को भुंर राहा एतद

हानी ^{दिले जाने} ^{मोग} जुरे नगद बीरु यह कि अब किस सात से सायत कोमिलना

बाधिये । मुस्तसल रिपोर्ट इकास्टेन्ट से दरया फत बन्दगाने आलाहि

और सूरत एक्खाना यह है कि क्तारीस १६ सितम्बर सन १८६५

बहुरत पूर मोजा मुसलम जमा १६३ ~~३३३~~ और जमीन जमा १०६ ५०

साटे ३ आना हल्का आराजी शोला पुरी वाक्या साहेब गज

हमागी ^{२३} के आराजी तजबीज हो गये । २३ सितम्बर सन १८६५

ई० रिपोर्ट बहादुर साहेब कमिशनर साहेब भेजा गया कि यह सब

का येवाही मिस्त में मौजूद है । और वह सन १८७३ को पढ़ा

मोजा ~~बहुरत~~ पूर जमा ~~२३३~~ और पढ़ा आराजियात शोलापुरी

साबिल जमा १३७२ को तकलीम हो गयी - मारुशा ६ सितम्बर

^{अमरूम} १८६५ - हजलास सुन्शी नन्द किशोर साहेब एक्सटरा असिस्टेंट^{मुमोज} कमिशनर बुकि हस्स ~~बहुरत~~ अलहदा ^{हुकुम} दस्त देहानी

न दिया गया । इसलि - हुका हुआ कि यह रिपोर्ट गाम्तिनिशिन

के रेफे । अलमरूम १४ सितम्बर सन १८६५ ई० ५० तकमि

हजलास मिस्टर वावरक कारनेगी साहेब बहादुर ।

बाद मुलाहिजा हुकुम सुन्शी नन्द किशोर साहेब बहादुर के

व लिहाजा हजारा के क्लिफ्टेड ऑरिजिनल माफिया को
दस्त दिया जावे। बगिनसहजलास मुन्शी नन्द किशोर साहब
पेश हो कि बराहमेहरवानी बिला लिहाजा रिपोर्ट दारोगा
के कि शायद अब भी कोई रिपोर्ट न देवे माफिया माफिया को
दस्त दिला जावे जो एक सवाल सायल बाकत पाने नगदी जो
सायिक से मुकरीर था सामल निस्त्र की है उसकी बाकत भी
डिप्टी साहब अदरिगगत सरिहले जमाना के ऐसी तजवीज
करमावे कि जसमे फौरन मुकदमा खत्म हो तय हो जावे।
तारीख १० अक्टूबर दस्तखत हाकिम रोजनामचा १०११

अजलास मुन्शी नन्द किशोर साहब बहादुर
फौरनदस्त दिलाया जावे और दस्त नमा लिया जावे और वास्ता
दिलाये जाने नगदी के इस कार्यवाही भेजीये। कि दूसरी दफा
आज तदरिग क्रियत मुसलत खनाम एकउन्ट-दिया गया है
अनरुगुठाने रिपोर्ट टंकुम मुनासिब दिया जायेगा १० अक्टूबर १८६५
६० हाकिम

जमावे वाली बन्ने अक्की दाम शमलह
कार्यवाही दी जाने जमीन के खत्म हो और अ माफिया को
दस्त दिलाया गया और दस्त नमा भी रुकुर हजर के ह तस्दीक
हो गया। अब निस्त्र उन कागजात के हुकम मुनासिब होना
बाहिये - मारुजा १६ अक्टूबर १८६५ ही कमतरिन भोला नाथ
अजलास मुन्शी नन्द किशोर साहब बहादुर

8490

-२-

(2)

बाद मुलाहिजा कैफियत तामीली के --- हुकुम हुआ कि ---

मौजानपुर वर ^{बाद} शोला पुरी जो मावडा में की गयी,

और रजिस्टर से तारिख हो और बाद तकमील - - -

कागजात तामी ^{राखन} रूदतार और कुरुत जवाब के हो तो अजीजी में

लिखाया जाये। अतमरूम ३० अक्टूबर सन् १८६५ ई० दरतस्त

हाकिम तहमन प्रसाद नक्का नवीस

Verified to be correct
transliteration
23/9/72

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[illegible]

چند سب مرد و بکارتا و کچھ کلم غل اہل دایا اس لئے کلم ہو کہ یہ پت شامل میں ہے کہ اگر تم تہذیب و

[illegible][illegible]

بعد ملا علی کا کیفیت قبیل کے حکم ہو گا۔
 راجہ نے فرات ہو اور بعد حیدر علی
 ۱۸۱۵ء۔ دہلی کا حکم
 پھر میں نے اپنا نقل کر لیا
 کائنات اس وقت ہندوستان کے
 ہندوستان کے پھر میں نے اپنا نقل کر لیا

बहुजूर मुंशी नन्द किशोर साहब बहादुर एक्स्ट्रा असिस्टेंट कमिशनर बहादुर

जनाब आली मुतआली दामा हशमतहु

बतामील हुक्म रकमजुदा 5 सितम्बर 1865ई0 दर याब दी जानी नकदी व जमीन खत मस्जिद जमन स्थान को अर्ज रसां हू कि हाल दी जाने जर नकदी और परगना अब किस साल से सायल को मिलना चाहिये मुफरसल रिपोर्ट एकोट से दरयाफत बंदगाने आलो होगा और सूरत इजाजाना यह है कि बतारीख 16 सितम्बर 1863ई0 भूरनपुर मौजा मुसल्लम जमई 193/- और जमीन जमा 109/03 हलका आराजी शोलापुरी वाके साहबगंज से हमागी 302/03 आना की अराजी तजवीज़ होगी 23 दिसम्बर 1864ई0 रपोट बहुजूर साहब कमिशनर बहादुर भेजा गया कि यह सब कार्रवाई मिसिल में मौजूद है और दर 1273 फसली पट्टा मौजा भूरनपुर कजमा 200/- और पट्टा अराजियात शोलापुर से मुताबिक जमा 1272 फसली तकसीम होगी मय मारुजा 16 सितम्बर 1865ई0

अलअब्द

कमतरीन भोलानाथ

इजलास मुंशी नन्द किशोर साहब बहादुर एक्स्ट्रा असिस्टेंट कमिशनर
चूकि हसंय वुरुद रोयफ़ार अलाहदा के हुक्म दखलदहानी का दिया गया इस लिये
हुक्म हुआ कि

यह रपोट शामिल मिसिल के रहे अल-मरकूम 12 सितम्बर 1865ई0 दस्तखत हाकिम

इजलास मिरदर बाबरक कार नेगी साहब बहादुर डिप्टी कमिशनर बहादुर

बाद मुलाहजा हुक्म मुंशी नन्द किशोर साहब बहादुर के —हुक्म हुआ कि— बिला
लिहाज इजाफा के फिलफौर याबिन्दा मुआवजा को दखल दिलाजावे तहत बइजलास मुंशी
नन्द किशोर साहब बहादुर पेश हो कि बराये महरबानी बिला लिहाज रिपोर्ट दरोगा के कि
शायद अब भी कोई रिपोर्ट न देवें याबिन्दा मुआवजा को दखल दिलाया जावे व जो एक
सवाल सायल बाबत पाने नकदी जो साबिक से मुकरर था शामिल मिसिल के है उसकी

बाबत भी डिप्टी साहब बदरयाफत सर रिश्ता खाजाना के एसी..... फरमावे कि जिसमें फौरन यह मुकदमा खत्म व तय होजावे बतारीख 10 अक्टूबर 1865ई0 दस्तखत हाकिम नम्बर रोजनामचा 1011

इजलास मुंशी नन्द किशोर साहब बहादुर

फौरन दखल दिलाया जावे और दखलनामा लिया जावे और वास्ते दिलाये जाने नकदी के यह कार्रवाई हुई है कि दूसरी दफा आज तहरीर कैफियत मुफस्सल बनाम इकोट दिया गया बाद गुजरने रिपोर्ट के हुक्म मुनासिब दिया जायेगा। 10 अक्टूबर 1865ई0 दस्तखत हाकिम

जनाब आली मुतआली दामा हशमतहु

कार्रवाई दिये जाने जमीन की खत्म हुई और याहिन्दा को दखल दिलाया गया और दखलनामा भी रूबरूये हुजूर के तस्दीक होगया अब निरबत इन कागजात के हुक्म मुनासिब होना चाहिये मारुजा 19 अक्टूबर 1865ई0

अलअब्द कमतरीन गोलानाथ

इजलास मुंशी नन्द किशोर साहब बहादुर

बाद मुलाहजा कैफियत तामीली के — हुक्म हुआ कि — मौजा भूरनपुर व अराजी शोलापुरी जो मुआब्जा में दी गई रजिस्टर से खारजि हो और बाद तकमील कागजात दाखिल दफतर और अगर जरूरत जवाब की हो तो अंग्रेजी में लिखाया जावे अलमरकूम 30 अक्टूबर 1865ई0 दस्तखत हाकिम

लक्षमन प्रसाद नकल नवीस

Before Munshi Nand Kishore Saheb Bahadur Extra Asstt. Commissioner Janab-e-Ali Mutaali Dam-e-Hashmatahu. In compliance of the order dated September 5, 1865. In the matter of giving cash payment and land to the Khatib Masjid Janam Sthan, I beg to know that from which year, the cash payment and Pargana would be given to the petitioner. Detailed report from Accounts may be take and position of compensation is that on dated 16th September 1863. Whereas from Bhooranpur Mauza Musallam Jamai 193/- and Zameen Jama 109/3.5 Halka Araasi Sholapuri situated at Sahebganj, Hamangi 302/3.5 Anna Araazi will be proposed. Dated December 23, 1864. Report forwarded to the Commissioner Bahadur. That all this action is recorded in the file and patta 1273 Fazli Mauza Bhooranpur Bajama 200/- and patta for plots of Sholapur, Bajama 1272 Fasli will be distributed. September 6, 1865. Alabd. Yours sincerely Bhola Nath.

Ijlas Munshi Nand Kishore Saheb Bahadur Extra Asstt. Commissioner. According to the Rubakar Alahda, orders for Dakhal Dehani were passed. So it was ordered : This report should be attached in the file. Written on September 12, 1865. Ijlas Mr. Babrak Carnegi Saheb Bahadur Deputy Commissioner. Sd/- Officer.

After perusal of the order of Munshi Nand Kishore Saheb Bahadur ---- it is ordered that without consideration of the increase, Yabinda Muawza be given possession immediately. Put up before Ijlas Munshi Nand Kishore that please, without consideration of the report of Daroga which may not be coming even now, Yabinda Muawza may be given possession. Regarding the question of th :

petitioner for getting cash payment, which was being paid to him for the past years and which is attached to the file. Deputy Saheb would inquire from the incharge Treasury, and would issue such orders so that this case is finally disposed off. Dated October 10, 1865. Signature of the Officer No. Roznamacha 1011. Ijlas Munshi Nand Kishore Saheb Bahaddur. Possession be given immediately and Dakhalnama be taken and for giving him cash, action has been taken under which for the second time detailed position has been written and given to account. After presentation of the report suitable orders will be issued. Dated October 10, 1865 Sd/-officer.

Janab-e-Aali Mutaali Dam-e-Hashmatahu. The process of giving land is completed and possession has been given to the Yabinda and Dakhalnama has also been executed before this honorable Court. Now suitable orders may kindly be issued in respect of the papers. Dated October 19, 1865.

Alabd. Yours sincerely Bhola Nath.

Ijlas Munshi Nand Kishore Saheb Bahadur. After perusal of the position of the compliance it is ordered that Araazi of Mauza Bhooranpur and Araazi Sholapur as given in compensation be taken out from the Register and after executing all the necessary documents be consigned to the office and if there arises any need of reply, it should be written in English. Dated October 30, 1865 Sd/- Officer. Lakshman Prasad Naqal Naweas.

नं० 172

5 मार्च 1866 मुताबिक चैत बदी चौथ सम्बत 1922 रोज दोशम्बा हाथ मोहम्मद असगर

.....ताल्लुकदार..... मार्फत खुद एक किता कीमती 8 आना मकम मुहल्ला इसमाईल

गंज जिला फैजाबाद के वास्ते सवाल के फरोख्त किया।

ह० अपठनीय

यमजिब हुक्म 3 अक्टूबर 1867 को बाद दरख्वास्त नकल असल ठप्पा कागज वास्ते

तहरीर हुई

ह० अपठनीय

30 अक्टूबर 67

अलिफ नम्बरी 29 सन 45 शिया सेन्ट्रल बोर्ड बनाम सुन्नी सेन्ट्रल बोर्ड मुदखला वकील

मुद्दै यतारीख 1/10/45

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Dated March 5, 1866 corresponding to Chait Badi Chauth Sambat 1922, Monday. Mohammad Asghar through self. Ek qita qcemati /8/- Anna Muqam Mohalla Ganj District Faizabad, sold for Sawaal. Sd/- illegible.

As per order dated October 3, 1867 after the application for the copy of original patta, sold paper for tehrir Sd/- Illegible, October 30, 67.

Alif no. 29, year 45 Shia Central Board Vs. Sunni Central Board filed by the Counsel of the petitioner 01/10/45.

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नकल तजवीज मशमूला मिसिल हक्कियत बन्दो बस्त साबिक बिला तहत सीर रजिस्टर

आम 840/ मुनफसिला 22 अगस्त 1871ई0

इजलासा हाकिम बन्दोबस्त साहब बहादुर साबिक फैजाबाद

बमुकदमा मोहम्मद असगर वगैरा मुद्दियान बनाम सरकार बहादुर मुद्दआ अलैह

.....आराजी राम कोट परगना हवेली अवध

इजहार गवाहान मुद्दई तहरीर होकर रोयदाद मुलाहजा में दरआई मुद्दई दावेदार

हक्कियत आला आराजी कबरिस्तान व दरख्तान इमली वाके उसके जो मुकाबिल

दरवाजा मस्जिद बाबर शाह व जनम स्थान के हैं बहर तहकीकात से कब्जा मालिकाना

दरख्तान इमली मुतदाविया मुद्दई का साबित होता है मगर जमीन मिलकियत मुद्दई की

नहीं है यह कबरिस्तान आम व सहेन दरवाजा मस्जिद व जनम स्थान की है ऐसी

आराजी मिलकियत किसी की नहीं हो सकती लिहाजा

हुक्म हुआ कि

डिग्री हक मिलकियत 21 दरख्तान इमली वाके कबरिस्तान आम नम्बरी खसरा मशमूला

मिस्ल और मौजा राम कोट परगना हवेली अवध बहक मुद्दई के हो व दावा मुद्दई बाबत

मिलकियत आराजी कबरिस्तान के डिसमिस हो व नकशा डिग्री फरीकैन को दिया जावे

व परवाना बनाम सदर मुंसरिम वास्ते अमलदरामद बीच कागजात बन्दोबस्त के तहरीर

होकर मिसल मुकदमा दाखिल दफतर होयेगा। 22 अगस्त 1871ई0

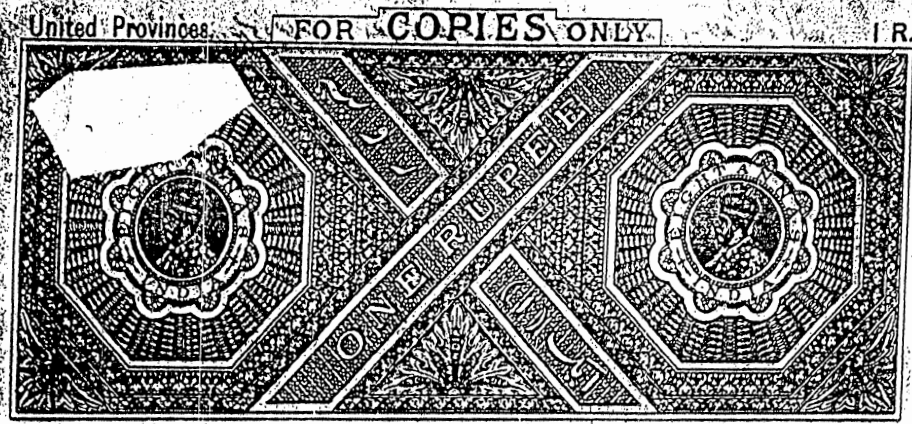
दस्तखत बखत अंग्रेजी शिकस्त

नकल किया ह0 अपठनीय

मुकाबला किया किया ह0 अपठनीय

Copy of the proposal (Tajweez) included in the file of Haqqiat Bandobast Sabid Bila Tahet Seer Register Aam 15047 decided on August 22, 1871. Ijlasi Janab Hakim Baandobast Saheb Bahadur Sabiq Faizabad. In the case of Mohammad Asghar etc. petitioners Vs. Govt. respondent Arazi Ram Kot Pargana Haveli Oudh. The evidence of the petitioners after being recorded, and after the perusal of the same, the claim of Haqqiat-Aala Araazi is related to the Qabristan and trees of Imli situated in front of the door of the Masjid Babar Shah and Janam Sthan. After the inquiry it was found that the petitioner's have possession over the Imli trees, but the land is not that of the petitioners. This is a general Qabristan and the Courtyard and the door is that of Masjid and Janam Sthan. Such an Araazi could not be an individual property. It is therefore ordered: Degree for the right of possession of 21 trees of Imli, stood at Qabristan Aam no. Khasra as per file and Mauza Ram Kot, Pargana Haveli may be given to the petitioner and claim of the petitioner, regarding ownership rights over the Araazi of Qabristan be dismissed. A map of the degree be given to the parties and parwana in the name of Sadar Munsarim for compliance be issued, papers of bandobast be prepared and the file of the case be consigned to the office. Dated August 22, 1871. Sd/-in English. Copied by Sd/-illegible, Compared by : Sd/-illegible.

9504



صرف نقل کے واسطے
کام میں لایا جائے

रख रखा

सिर्फ नकल के वाले काम
में लाया जाय

Date on which application is made for copy accompanied by the requisite stamps.	Date of posting notice on notice board.	Date of delivery of copy.	Signature of official delivering copy.
تاریخ جس پر نقل کی درخواست مع اسٹامپ ضروری دی گئی	تاریخ ایوان میں جانے کے بعد اطلاع برائے	تاریخ حوالگی نقل	دستخط عہدیدار کے جس نے نقل سونپا کی

No. 2
 Name of the person to be posted
 To the post of
 at
 Date
 Civil Judge.

(23)

नकल नम्बरवारी मससुला मिरत हकीमत बन्दोस्त साबिक जिल्हा पुस्तक

नं० रजिस्टार क्रम १५०४७ मुनासिला २२ अगस्त सन १८७१ ई.

मीन हजलास जनाब होक्मि बन्दोस्त साबिक साहब बख्श

फैजाबाद व मुकदमा मुहम्मद अगार कौरह मुदयान बनाम

सरकार बहादुर मुदालय दावा शाराजी रामकोट परगना हवेली

श्रीराम नं० १

नकल ससरा मौजार राम कोट परगना हवेली बख्श जिला फैजाबाद

बांका १२७७ मुताबिक सन ७२

नं०	बीघा	
५७	११७१	दारलत हमली अकब्बा मुहम्मद अगार
१६४	१५३	बाग कब्जा
१६५	१५२	जंगल
१५६	१५३	
१६३	५४	शाराजी जुमा मस्जिद

दस्तकत : श्री प्रसाद पटवारी

Verified & correct
translation
Shelar
23/9/92

850

تکلیف نیت در حق خود و حقوق دیگران و در حق خود و حقوق دیگران و در حق خود و حقوق دیگران
مستحق است و در حق خود و حقوق دیگران و در حق خود و حقوق دیگران و در حق خود و حقوق دیگران
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नकल गैर जरूरी मशमूला मिसल हक्कियत बन्दोबस्त साबिक जिल्द तहत नंबर
रजिस्टर आम 15047 मुंफसिला 22 अगस्त 1871ई० इजलासी जनाब हाकिम बन्दोबस्त
साटी साहब बहादुर साकिन फैजाबाद बंमुकदमा मोहम्मद असगर वगैरा मुद्दइयान बनाम
सरकार बहादुर मुद्दआ अलैह जर जमरा राम कोट परगना हवेली अवध

.....(हिन्दी).....

नकल किया ह० अपठनीय
मुकाबला किया ह० अपठनीय

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Copy of the relevant numbers included in the file of Haqqiyat Bandobast Sabiq entered in the Register Aam No. 15047, decided on August 22, 1871, Ijlasi Janab Hakim Bandobast Sabiq Sahab Bahadur, resident of Faizabad, in Ran. Kot Pargana Haveli Oudh. (Hindi)

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8509

- नमूना -

एक रुपया

सिर्फ नकल के वास्ते वाम

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Date on which application is
made for copy accompanied
by the requisite stamps

Date of posting notice on
notice board

Date of delivery of copy

मे लाया जाय
Signature of official
delivering copy

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तारीख जिसपर नकल की दरखास्त मय स्टाम्प जरूरी दी गई।	तारीख आवेजा किये जाने इत्तला नामा के तख्ता इत्तला पर	तारीख हवालगी नकल	दस्तखत उहदेदार की जिसने नकल हवाले की
2 नवम्बर 31ई0	4 नवम्बर 31ई0	21 नवम्बर 31	ह0 अपठनीय

8510

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8511

Stamp Re 1/-

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Date on which Date of pasting Date of delivery of Signature of official
application is notice on the copy delivering copy made for copy notice board.

accompanied by the requisite stamp.

November, 2, 31 November 4, 31 21, November 31 Sd/-illegible

Official Seal. Sd/-illegible. Civil Judge.

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انوار مرزا صاحب
نور الدین صاحب

(64)

نقل از کتب اربعین مرقد کربلا
4 راجع 1265 هجری قمری
مستخرج من مکتبہ

مکتبہ مطبوعہ دارالعلوم دیوبند
1265 هجری قمری



تعمیل حکم عداوت موجب متنازعہ و ارجاع میں کار موجودگی از تہذیب

مکتبہ مطبوعہ دارالعلوم دیوبند

کتابشنی عفا ہوئی مدد دہی مورخہ 1265 هجری قمری اور 1310 شمسی

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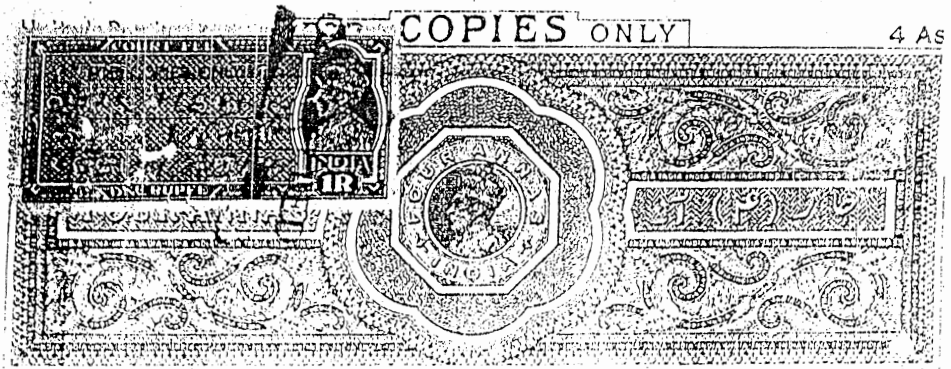
درستی کتاب

Handwritten signature and notes.

28-2-50
www.vadaprativada.in

Handwritten notes and date 28.2.50.

१९७३



मिफ नकल के बाबे काम
के लिये माया माय

Date on which application is made for copy accompanied by the requisite stamps.	Date of posting notice on notice board	Date of delivery of copy	Signature of official delivering copy
تاریخ میں درخواست کی گئی	تاریخ پوسٹنگ نوٹس	تاریخ کاپی کی	مقرر کی طرف سے

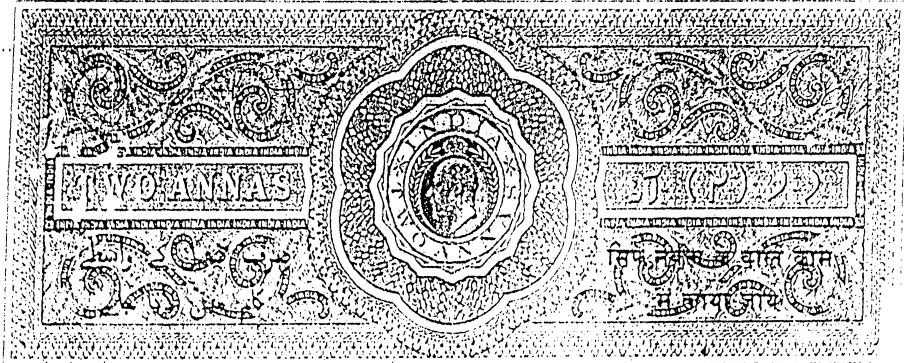


27/10/73
105
31310

United Provinces.

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2 As.

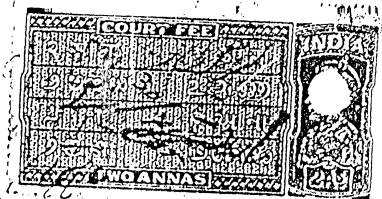
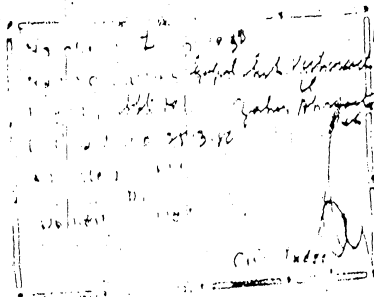


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Left Column address
is true copy for
one final

Right Column
is true copy for
one final



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8515

A25 A24

(31)

व अदास्त जनाव मसम वज साहेब बहादुर ज्ञानावाह

नकल रिपोर्ट अमीन मुनफसिला गोपाल सहाय कमीशन मुबलि

६ दिसम्बर सन १८८५ मसमूला मिसल मुकदमा ६१ अटा २० सन

८५ ई०

मुकदमा मसल रघुवर दास बनाम साहेब सेन्ट्री आफ स्टेट

मुनफसिला २४ दिसम्बर १८८५

आलीजाहा

तामील हुम अदास्त मौका मुतानाजिया वर बाक्य अवध मे जाकर

बमोजुदगी फरीकन नबशा मौका मुततव किया गया कि हम

मसल रिपोर्ट राजा पेश करता है और मुबलि १ रुपया

रो रीस कमीशन कला छ मुनफसिला मुदर मुबलि ६ दिसम्बर

सन १८८५ ई० और बमाइस करके इस बीचतरे मुतानाजिया

के हे गोपाल सहाय

दस्तल गोपाल सहाय कमीशन

नबशन

Vaigal L. L.
Consent translation
23/1/14

Ex A24

In the court of Learned Sessions Judge Sahab Bahadur,
Faizabad

Copy of the Report by Amin Gopal Sahai Commission dated 6th

December 1885 a case No.69/290 of 85 was filed

Case of Mahant Raghubar Das Versus Saheb Secretary of State
Council 24 December 1885

Hon'ble Sir,

In compliance of the order, I went to the disputed site in Awadh
and in presence of parties prepared the site plan and produce
the same. About 1 Rupee commission fees paid on 6th
December 1885 on measurement - - - This disputed chabutra
was also stated.

Sd/- Gopal Sahai Commission

True translation

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Intkhab Mutaalka Mouza Bahranpur
Awadh, Tehsil & District Faizabad, respecting 1332 Fasil

Intkhab Khewat Patwari

8520

Khewat	No.	Occupied area	Admeasuring Area	Malguzari and occupied area	Name of owners with father's name and caste, resident and total area	Name of dead person	Name of Muntakil Aleh	Cause of death	Details of entries, name, father's name, caste of shareers	Remarks
Meer Mohammad Baqi Numberdar	1	0-5-4			Mohammad Baqi & Qalbe Hussain Bahhissa Masawi Fisman					
					In case all are the owners					

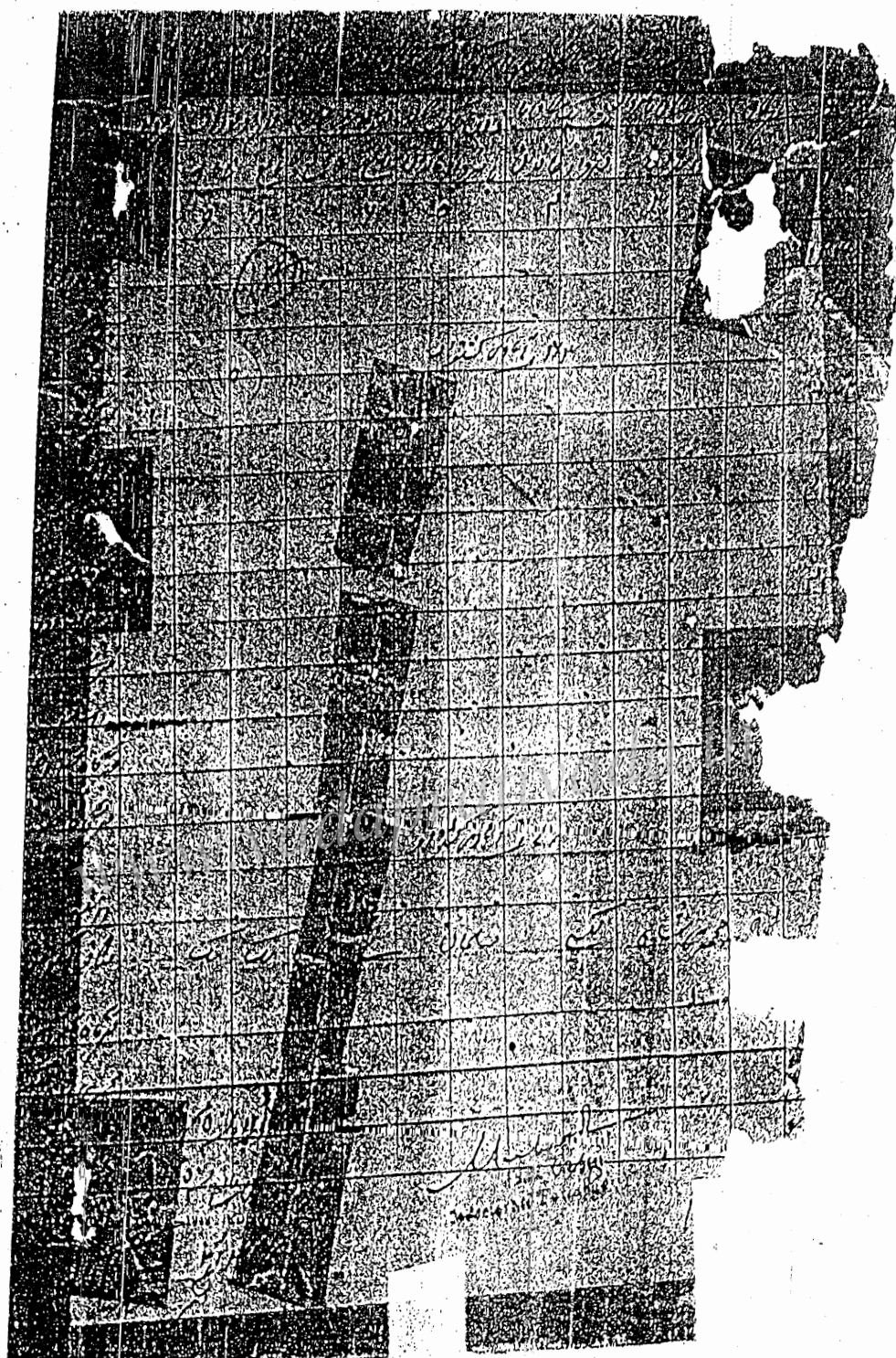
8521

				Tha	Mohammad Rafiq Caste Saïyad R/o Sahanwa					
	2	0-5-4	Tha	Tha	Amjad Ali S/o Mir Afzal Ali Caste Syed R/o Sahanwa					
	3	0-5-4	-	-	Mir Nazim Ali S/o Ali Naqui Caste Syed R/o Sahanwa					
Total Area		0-16-2		192-1-0	Total Collection					
				Present	175					
				Others	17-8-0					

True translation

Sd/
Illegible

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روز	ماه	سال	تاریخ	شرح
۱	فروردین	۱۳۰۴	۱۳۰۴/۱/۱	روز یکشنبه
۲	فروردین	۱۳۰۴	۱۳۰۴/۱/۲	روز دوشنبه
۳	فروردین	۱۳۰۴	۱۳۰۴/۱/۳	روز سه شنبه
۴	فروردین	۱۳۰۴	۱۳۰۴/۱/۴	روز چهارشنبه
۵	فروردین	۱۳۰۴	۱۳۰۴/۱/۵	روز پنجشنبه
۶	فروردین	۱۳۰۴	۱۳۰۴/۱/۶	روز شنبه
۷	فروردین	۱۳۰۴	۱۳۰۴/۱/۷	روز یکشنبه
۸	فروردین	۱۳۰۴	۱۳۰۴/۱/۸	روز دوشنبه
۹	فروردین	۱۳۰۴	۱۳۰۴/۱/۹	روز سه شنبه
۱۰	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۰	روز چهارشنبه
۱۱	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۱	روز پنجشنبه
۱۲	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۲	روز شنبه
۱۳	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۳	روز یکشنبه
۱۴	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۴	روز دوشنبه
۱۵	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۵	روز سه شنبه
۱۶	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۶	روز چهارشنبه
۱۷	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۷	روز پنجشنبه
۱۸	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۸	روز شنبه
۱۹	فروردین	۱۳۰۴	۱۳۰۴/۱/۱۹	روز یکشنبه
۲۰	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۰	روز دوشنبه
۲۱	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۱	روز سه شنبه
۲۲	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۲	روز چهارشنبه
۲۳	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۳	روز پنجشنبه
۲۴	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۴	روز شنبه
۲۵	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۵	روز یکشنبه
۲۶	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۶	روز دوشنبه
۲۷	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۷	روز سه شنبه
۲۸	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۸	روز چهارشنبه
۲۹	فروردین	۱۳۰۴	۱۳۰۴/۱/۲۹	روز پنجشنبه
۳۰	فروردین	۱۳۰۴	۱۳۰۴/۱/۳۰	روز شنبه
۳۱	فروردین	۱۳۰۴	۱۳۰۴/۱/۳۱	روز یکشنبه

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नकल खसरा किश्तवार मशमूला मिसिल बन्दोबस्त साबिक बाबत मौजा राम कोट परगना
हवेली अवध

नं० खेत का	नाम खेत का	नाम थोक या पट्टी का	नाम वल्लियत व मालिक	नाम वल्लियत व जात कायिज दरमियानी	नाम व वल्लियत व जात काश्तकार		
1	2	3	4	5	6	7	8
164	वाग सरन दास का	तरफ नुजूल	सरकार बहादुर मुंदर्जा नं०1			31 10 13	.....
संगीत आलिफ	"	ऐजन	ऐजन			3 2 3	.....
165	ऐजन	ऐजन	ऐजन			15 15 15	.....
166	.....	तरफ हथियत नुजूल	मोहम्मद शाह वगैरा		मोहम्मद शाह	11 11 11	
167	.....	तरफ नुजूल व माफी	सरकार बहादुर व अतहर हुसैन			63 60 66	
गोशा अलिफ	ऐजन	ऐजन	ऐजन			19 19 19	
गोशा ये	आबादी	तरफ नुजूल	सरकार बहादुर मुंदर्जा नं०1			9 9 9	
गोशा जीम	"	ऐजन	ऐजन			33 15 33	
गोशा दाल	"	ऐजन	ऐजन			17 34 25	
गोशा रे	"	ऐजन	ऐजन			16 30	
गोशा सोन	"	ऐजन	ऐजन			.....
गोशा रक	"	ऐजन	ऐजन			.....
गोशा तो	"	ऐजन	ऐजन			.....
गोशा ऐन	"	ऐजन	ऐजन			.....

Copy of Khasra Kishtwar Masmulla Misil Bandobast respecting
Mouza Ram Kot Pargana Haveli Awadh

No. of farm.	Name of farm	Name whole sale or Patti	Father's name or owner	Name of father and caste of occupier	Name, father's name and caste of Kastkar		
1	2	3	4	5	6	7	8
164	Garden of Sarandas	Nazool way	Sarkar Bahadur Mundarja No.1			31 10 13	.....
Gosa Alif	"	Aejan	Aejan			3 2 3	.....
165	Aejan	Aejan	Aejan			15 15 15	.....
166	.....	Side of Haklyat Nazool	Mohammad Shah etc.		Mohammad Shah	11 11 11	
167	.....	Side of Nazool & Maafi	Sarkar Bahadur and Athar Hussain			63 60 66	
Gosa 1	Aejan	Aejan	Aejan			19 19 19	
Gosa 2	Abadi	Nazool way	Sarkar Bahadur Mundarja No.1			9 9 9	
Gosa Jeem	"	Aejan	Aejan			33 15 33	
Gosa Daal	"	Aejan	Aejan			17 34 25	
Gosa Ray	"	Aejan	Aejan			16 30	
Gosa Sheen	"	Aejan	Aejan			.....
Gosa Swad	"	Aejan	Aejan			.....
Gosa To	"	Aejan	Aejan			.....
Gosa Aln	"	Aejan	Aejan			.....

True translation

		12	13	14	15	16	17
5 विसवा							
17 विसवा							
4 विसवा							
5 विसवा							
1 विसवा							
3 विसवा							
6 विसवा							
11 विसवा							
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6 विसवा							
6 विसवा							
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16 विसवा							
6 विसवा							

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	12	13	14	15	16	17
5 biswa						
17 biswa						
4 biswa						
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1 biswa						
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11 biswa						
2 biswa						
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6 biswa						
7 biswa						
13 biswa						
16 biswa						
6 biswa						

True translation

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651

(113)

نشانہ کس کو پیش کرتا ہے وہاں کے لوگ اس پر عمل کرتے ہیں



11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100



12/11/80
1/4/80

نشانہ کس کو پیش کرتا ہے وہاں کے لوگ اس پر عمل کرتے ہیں

نشانہ کس کو پیش کرتا ہے وہاں کے لوگ اس پر عمل کرتے ہیں

9/3/50

Post Office
Intercepted

9/3/50
12/11/80
1/4/80
28-8-60

8532

105/01

Ca. A-39
S. 2450
Gopalchandra
Lakshman
Cl. T. J. P.
2/1/10

No. of	105/01
Amount	Rs. 2450
Filed by	L. K. V. Gopalchandra
Date of filing	2/1/10
Admitted	
Decided	
Civil Judge	

85
नकल नक्शा किश्तवार मिसिल बन्दोबस्त साधिक मौजा रामकोट परगना हवेली तहसील जिला
फैजाबाद

कारनामा

आबादी	
कबरिस्तान.....	
चाह खाम	
बाग	
परती	
शिवाला पुख्ता...	
चाह पुख्ता तुर्श	
मस्जिद पुख्ता	
तालाब	

पैमाना फी इंच बराबर दो जरीब

नकल किया ह0 अपठनीय
मुकाबला किया ह0 अपठनीय
नम्बरान 170

9 मार्च 50 ई0

24 मार्च 50 ई0

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8535

Copy of the map Kishtwar file settlement of Mouza Ram Kot
Pargana Haweli Tehsil & District Faizabad

Activities

Abadi	
Kabrastan	
Chah Kham	
Garden	
Parti	
Shiwala Pukhta	
Chah Pukhta Tursh	
Masjid Pukhta	
Pond	

Scale per inch = two Jareeb

Copied Sd/- illegible

Compared Sd/- illegible

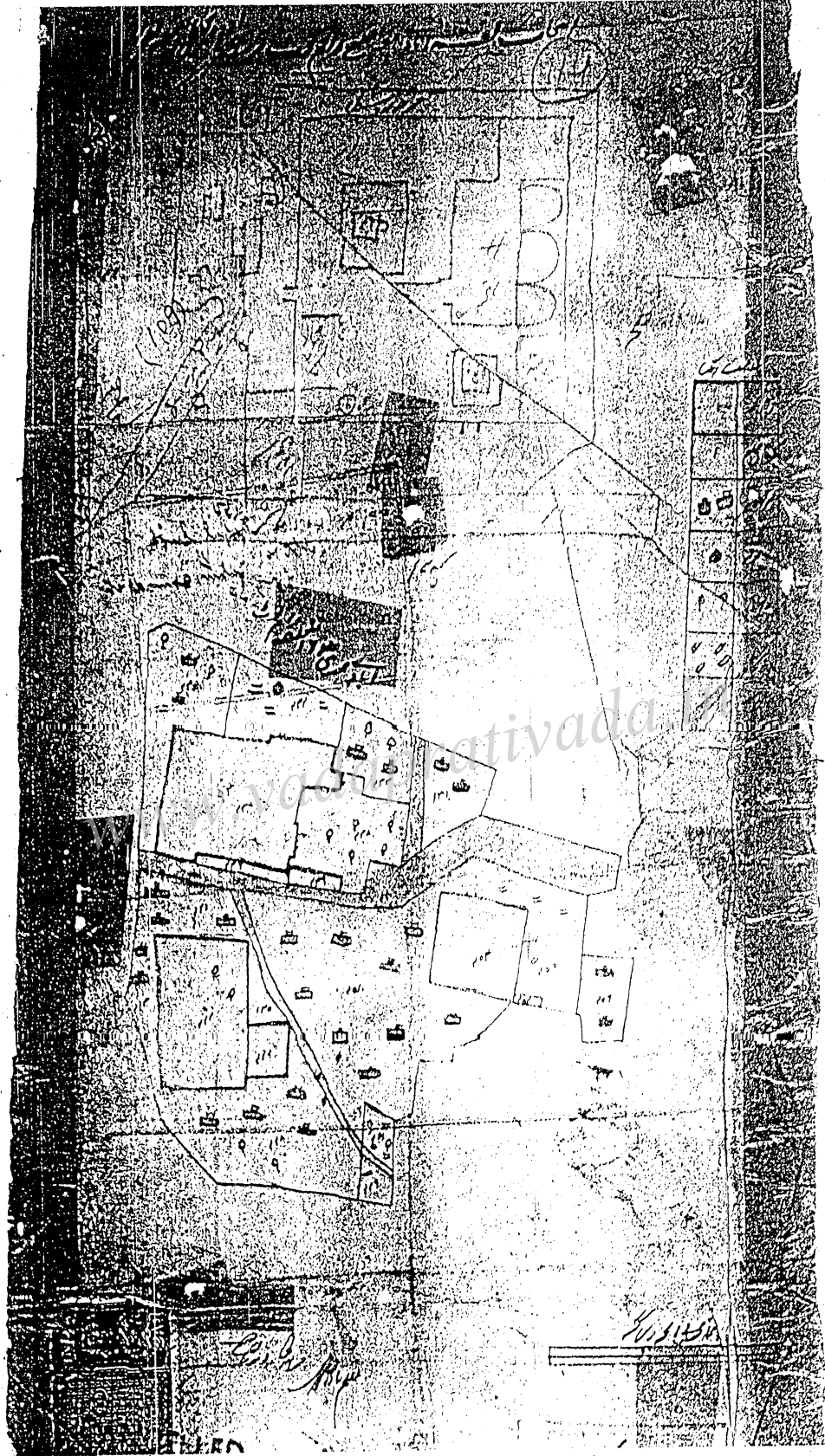
No. 170

9 March year 50

24 March year 50

True translation

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8537

आर०एन०श्रीवास्तव,
प्रिया मैजिस्ट्रेट।



अति गोपनीय
आ०आ०पत्र सं० 322 / ए०डी०/राजभू/92
जिलाधिकारी आवासीय कार्यालय,
देवाघाट: दिनांक 24 नवम्बर, 1992

प्रिय महोदय,

आप के परम गोपनीय अद्वितीय पत्र संख्या-378/पी एन /अ
ए०डी०/92 दिनांक 23 अक्टूबर, 1992, जिसके द्वारा अधोप्या में मौजा कोट
राम चन्द्र के प्रथम बन्दोबस्त की प्रविष्टियों में अनधिकृत कटिंग एवं
परिवर्तन के तत्त्वच में जाँच कर आठवा प्रेषित करने का निर्देश प्राप्त
हुआ था, के अनुपालन में मैंने उक्त जाँच पूरी कर ली है। जाँच आठवा मय
तंलगनों के आप की सेवा में आवश्यक कार्यवाही हेतु प्रेषित है।

भवदीय,

आर०एन०श्रीवास्तव।

श्री शम्भू नाथ,
तयिव,
राजस्थ विभाग,
उत्तर प्रदेश शासन,
तयिवालय, लखनऊ।
तंलगन- उपरोक्तानुसार।

प्रिय महोदय,

मैं उपरोक्त की एक प्रति, मय तंलगनों के, आप की सेवा में
प्रेषित कर रहा हूँ।

भवदीय,

आर०एन०श्रीवास्तव।

श्री पी०के० तरीन,
न्याय तयिव,
उत्तर प्रदेश शासन,
तयिवालय, लखनऊ।
तंलगन- उपरोक्तानुसार।

प्रिय महोदय,

मैं उपरोक्त की एक प्रति, मय तंलगनों के, आप के सूचना हेतु प्रेषित
कर रहा हूँ।

भवदीय,

आर०एन०श्रीवास्तव।

श्री सुरेन्द्र पाल गौड़,
आयुक्त,
पेजोशट मण्डल,
पेजोशट
तंलगन- उपरोक्तानुसार।

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अध्यापक संख्या- 324/VAD010/राजम/92 दिनांक 24-11-92

प्रिय महोदय,

मैं उपरोक्त की एक प्रति, मय संलग्नकों के, आपकी सेवा में प्रेषित कर रहा हूँ।

भवदीय,

आर०एन०भीवास्तव।

श्री आलोक सिन्हा,
तथिव,
पर्यटन विभाग,
उत्तर प्रदेश शासन,
अनेकरी तथिवालय,
लखनऊ।

संलग्नक-उपरोक्तानुसार।

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8539

Extremely confidential

Letter No.324/S.T./Revenue-Land/92/

Office of District Magistrate/Faizabad/

Dated 24-11-92

R.N. Srivastava

District Magistrate

Dear Sir,

In compliance of your extremely Govt. confidential letter No. 378/P.S./R.S./92 dated 23.10.92 direction has been received to give enquiry report in respect of unauthorized cutting alteration in the entries of first settlement of village Kot Ram Chandra Ayodhya. I.O. has completed the enquiry. Enquiry report alongwith Annexures is produced for necessary action.

Yours Sincerely,
R.N. Srivastava

Shri Shambhu Nath

Secretary,
Revenue Department,
Uttar Pradesh Government,
Secretariat, Lucknow

Enclosure: as above

True translation

Dear Sir,

I am sending you copy alongwith enclosures of aforesaid.

Yours Sincerely,
Sd/-
R.N. Srivastava

www.vadaprativada.in

8540
Sh. P.K. Sareen,
Judicial Secretary,
Uttar Pradesh Government,
Secretariat, Lucknow

Enclosure – As above

Dear Sir,

I am sending you a copy alongwith enclosures of
aforesaid.

Yours Sincerely,

Sd/- R.N. Srivastava

Sh. Surendra Pal Gaur

Commissioner,

Faizabad Commissionerate

Faizabad

Enclosure: As above

A. Sh. Letter No. 324/S.T./Revenue Land/92/Dated 24-11-92

Dear Sir,

I am sending you a copy alongwith enclosures of aforesaid

Your Sincerely

Sd/- R.N. Srivastava

Sh. Alok Sinha

Secretary,

Tourism Department,
Uttar Pradesh Government,
Annexe Secretariat, Lucknow
Enclosure: As above

True translation

www.vadaprativada.in

अयोध्या [जनपद]- फैजाबाद। के मौजा कोट राम चन्द्र के राजस्व अभिलेखों की प्रविष्टियों के तम्बन्ध में शासन द्वारा आदेशित जाँच पर आहवा।

तद्विषय, राजस्व विभाग, उत्तर प्रदेश शासन के परम गोपनीय अर्द्ध शासकीय पत्र संख्या-378/पी एन/आर०२१०/१२ दिनांक 23 अक्टूबर, 1992 द्वारा अयोध्या में मौजा कोट राम चन्द्र के राजस्व अभिलेखों की प्रविष्टियों के तम्बन्ध में जिलाधिकारी, फैजाबाद द्वारा जाँच किये जाने के आदेश दिये गये। उक्त पत्र में जाँच के मुख्य विषय निम्नप्रकार अंकित हैं :-

- 11। अयोध्या में मौजा कोट राम चन्द्र के प्रथम बन्दोबस्त 1861 के खतरे में भूखण्ड संख्या-163 के स्तम्भ नम्बर-2 एवं 16 में कुछ अनधिकृत कटिंग व परिवर्तन हुये हैं। स्तम्भ नं०-2 में "जमा मस्जिद" बढ़ाया गया है और स्तम्भ नं०-16 के शब्द समूह "यक चाह पोखता वारै है" को काटा गया है तथा उसके स्थान पर "मय कश्तिस्तान पोखता ताटाट दरहतान हस्त मुन्दजा खतरा आबादी" बढ़ाया गया बताया जाता है।
- 12। फैजाबाद के राजस्व अभिलेखागार में 1861 का मूल आबादी नक्शा न होते हुए भी उत्तरी नकलें जारी की गई हैं, जो उच्च न्यायालय के तमाम दाखिल हुई हैं। इस बात की जाँच की जाय कि उक्त नकलें कब और कितने और कितने और कितने नकल के आधार पर जारी किया है तथा 1861 का मूल आबादी नक्शा अभिलेखागार में उपलब्ध है अथवा नहीं।
- 13। 1861 के प्रथम बन्दोबस्त के आबादी खतरे में अनेक स्थानों पर स्तम्भ 4 एवं 5 में अनधिकृत प्रविष्टियाँ कर दी गई हैं, जिनकी जाँच अपेक्षित है।
- 14। द्वितीय बन्दोबस्त 1344 फतली के खतरे व खतौनी में भूखण्ड संख्या 171 और 172 में कश्तिस्तान की प्रविष्टि की गई है। तथा उती वर्ष के मानचित्र में कश्तिस्तान के कथित चिन्ह दिखा दिये गये हैं, जबकि प्रथम बन्दोबस्त में उक्त भूखण्डों के तमरूपी पुराने खतरा नम्बरान 158 एवं 161 में कश्तिस्तान का इन्द्राज नहीं है और न मानचित्र में इन भूखण्डों में कश्तिस्तान दिखाया गया है। जाँच का विषय यह है कि द्वितीय बन्दोबस्त में उक्त भूखण्डों में कितने प्रकार के तथा कितने आधार पर कश्तिस्तान की प्रविष्टि की गई है।

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उक्त शासनादेश में यह भी उल्लिखित है कि तम्बन्धित अभिलेखों की जाँच के तम्बन्ध में आवश्यकतानुसार हस्तलिपि विशेषज्ञ की राय भी प्राप्त की जाय।

2- : विन्दु संख्या-2 पर जाँच करने हेतु माननीय उच्च न्यायालय, इलाहाबाद लखनऊ पीठ, मण्डलायुक्त कार्यालय, फैजाबाद, मण्डलायुक्त कार्यालय, लखनऊ, मुख्य स्थाई अधिवक्ता, उच्च न्यायालय, लखनऊ पीठ आदि कार्यालयों से जाँच हेतु तम्बर्न करने और छानबीन करने की आवश्यकता पाई गई। चूंकि जिला मैजिस्ट्रेट फैजाबाद के पट पर कार्यरत रहते हुए प्रशासनिक व्यस्तताओं के कारण मेरा मुख्यालय से बार-बार बाहर जाना संभव नहीं था, अतः इस विन्दु पर जाँच हेतु मेरे द्वारा अपर जिला मैजिस्ट्रेट नगर। श्री उमेश चन्द्र तिवारी को अधिकृत किया गया। श्री तिवारी ने अपनी जाँचरिपोर्ट दिनांक 9.11.92 को प्रस्तुत कर दी है, जो इस रिपोर्ट के संलग्नक 4 टो। के रूप में अवलोकनीय है।

3- उपरोक्त वर्णित अभिलेखों की प्रविष्टियों में अनधिकृत कटिंग एवं परिवर्तन आदि की कथित शिकायत की जाँच हेतु हस्त लिपि विशेषज्ञ से जाँच कराये जाने की आवश्यकता पाई गई। तदनुसार अद्विशासकीय पत्र संख्या 254/रत0टी0/राजभू/दिनांक 27.10.92 द्वारा विशेष तथ्य, गृह विभाग से इस जाँच हेतु शासकीय विशेषज्ञ की सेवाएँ उपलब्ध कराने का अनुरोध किया गया। विशेष तथ्य, गृह विभाग के अद्विशासकीय पत्र संख्या-5019/पी रत-वी रत।अ।/92 दिनांक 29.10.92 द्वारा पुलित उप महा निरीक्षक, तरुनी की सेवाएँ, उत्तर प्रदेश, लखनऊ को यह निर्देश दिया गया, कि वे हस्तलिपि, विशेषज्ञ की तैनाती करते हुए उन्हें जिला मैजिस्ट्रेट, फैजाबाद से तम्बर्न करने हेतु निर्देशित करें। इस आदेश के अनुपालन में श्री रत0टी0 कम्बोज, सहायक निदेशक, विधि विज्ञान प्रयोगशाला, उत्तर प्रदेश, लखनऊ दिनांक 30.10.92 को फैजाबाद आये और उन्होंने तम्बन्धित मूल अभिलेखों की प्रविष्टियों की प्रारम्भिक जाँच मेरे कार्यालय में की। उन्होंने यह व्यक्त किया कि गहन जाँच हेतु उक्त अभिलेखों की प्रविष्टियों की जाँच विधि विज्ञान प्रयोगशाला, लखनऊ में की जानी आवश्यक है। फलस्वरूप मूल अभिलेखों को एक मैजिस्ट्रेट और अभिलेखागार, फैजाबाद के कर्मचारी की

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एवं उत्तरा आबादी संख्या 13 व 47 में शब्द "जमा" एवं शब्द "मस्जिद" लिखा है, उक्त व्यक्ति/व्यक्तियों ने गाटा संख्या 163 के स्तम्भ- 2 में उर्दू शब्द "जमा" एवं "मस्जिद" को नहीं लिखा है। इस प्रकार प्रिन्ट बन्टोबस्त 1861 में एक ही शब्द भिन्न- भिन्न स्थानों पर भिन्न- भिन्न व्यक्तियों द्वारा लिखा गया है।

उपरोक्त गाटा संख्या 163 के स्तम्भ- 4 की प्रविष्टि को देखने से यह लगा कि शब्द "तरकार बहादुर" व रेज़न के बीच शब्द "व अज़हर हुतेन" बाद में बढ़ाया गया है। हस्त लिपि विशेषज्ञ ने इस बात की पुष्टि की है कि स्तम्भ- 4 में उर्दू प्रविष्टि "तरकार बहादुर" व रेज़न के बीच शब्द "व अज़हर हुतेन" बाद में इन्टरपोलेट किया गया है।

विशेषज्ञ ने यह भी मत व्यक्त किया है कि गाटा संख्या 163 के स्तम्भ-16 में कटा हुआ उर्दू लेख "एक चाह पोखता वाक़े है" के बाद का लेख "मय क़िस्तान पोखता तादाद दरखतान" एक तीखेन्त में नहीं लिखे गये हैं, तथा उक्त दोनों लेखों के नीचे लिखा उर्दू लेख "हस्त मुन्तज़े उत्तरा आबादी" उक्त भिन्न तीखेन्त में लिखा गया है। उपरोक्त तीनों लेखों की लिखावट एक दूसरे से भिन्न है।

विशेषज्ञ ने यह भी स्पष्ट स्मृति अंकित किया है कि उक्त के स्तम्भ-16 में विद्यमान उर्दू लेख "आबादी" तथा उक्ती के स्तम्भ-2 के उर्दू लेख "आबादी" भिन्न व्यक्तियों द्वारा लिखे गये हैं।

तमग़ स्मृति उत्तरा 1861 के गाटा संख्या-163 के तमग़ तमग़ प्रविष्टियों के विशेषज्ञ द्वारा परीक्षण से यह स्पष्ट होता है कि गाटा संख्या 163 के स्तम्भ- 16 और स्तम्भ-2 में अंकित शब्द "आबादी" के लेख में भिन्नता, इसी गाटा के स्तम्भ-4 में शब्द "अज़हर हुतेन" का इन्टरपोलेशन, तथा इसी गाटा संख्या के खाना कैफ़ियत अर्थात् स्तम्भ- 16 में उपरोक्त तीनों लेखों की लिखावट में भिन्नता यह स्पष्ट करती है कि गाटा संख्या-163 के स्तम्भ-2, 4 तथा 16 में उपरोक्त प्रविष्टि बाद में बढ़ाई गई है।

विन्दु संख्या-2

जैसा आख्या के पृष्ठ-2 के प्रस्तर-2 में अंकित किया गया है, इत विन्दु पर अपर जिला मैजिस्ट्रेट नगर। ने जाँच कराई गई, जिनकी जाँच आख्या दिनांक 9.11.92 तलमनक 1टो। के रूप में अवलोकनीय है। अपर जिला मैजिस्ट्रेट नगर। की उक्त जाँच आख्या इत जाँच आख्या का अंग समझी जाय। उक्त जाँच आख्या के अनुसार 1861 की तन्दभित आबादी नकशे की प्रतियिपि तंदिग्य प्रतीत होती है। प्रथम बन्दोबस्त के उक्त आबादी का नकशा राजस्व अभिलेखागार, फैजाबाद में न तो उपलब्ध है और न ही उसकी नकल राजस्व अभिलेखागार, फैजाबाद से जारी की गई है। उक्त जाँच में यह भी अंकित किया गया है कि उक्त नकल लिखे द्वारा बनाई गई है, इत पर मत व्यक्त करना संभव नहीं है। अपर जिला मैजिस्ट्रेट नगर। की जाँच आख्या दिनांक 9.11.92 के में सहमत हूँ।

विन्दु संख्या-3

1861 के प्रथम बन्दोबस्त आबादी खतरे में की गई कथित अनधिकृत प्रविष्टियों पर विशेषज्ञ की राय ली गई। विशेषज्ञ की राय इत विन्दु पर इत प्रकार है:-

"खतरा आबादी संख्या-1 के स्तम्भ 6, 7, 8 का उद् लेख "30 नम्बर आबादी कितवार", संख्या 26 व 27 के बीच स्तम्भ 5, 6, 7 का उद् लेख "167 नम्बर आबादी कितवार", संख्या 224, 225 के बीच स्तम्भ 6, 7 का उद् लेख "53 नम्बर आबादी कितवार", संख्या 226 या 227 के बीच स्तम्भ 6, 7 का उद् लेख "109 नम्बर आबादी कितवार", संख्या 328 व 329 के बीच स्तम्भ 6, 7 का उद् लेख "114 नम्बर आबादी कितवार", संख्या 347 व 348 के बीच स्तम्भ 5, 6, 7 का उद् लेख "128 नम्बर आबादी कितवार", संख्या 350 व 351 के बीच स्तम्भ 5, 6, 7 का उद् लेख "130 नम्बर आबादी कितवार", संख्या 422 व 423 के बीच स्तम्भ 5, 6, 7 का उद् लेख "102 नम्बर आबादी कितवार", संख्या-429 व 430 के बीच स्तम्भ 5, 6 का उद् लेख "104 नम्बर आबादी कितवार", संख्या 430 व 431 के बीच स्तम्भ 5, 6 का उद् लेख "163 नम्बर आबादी कितवार" अपने-अपने पृष्ठ के स्तम्भ 1 के 9 के शेष मूल प्रविष्टियों के क्रम में नहीं लिखे गये हैं।

खतरा आबादी संख्या 431 से 456 के कैफियत के खाने के तमस्त लेख एक क्रम में नहीं लिखे गये हैं।

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उक्त खतरा आबादी संख्या-431 से 456 के कैफियत के स्तम्भ 431 के सामने, 434 के सामने, 449 के सामने तथा खतरा आबादी के अन्तिम पृष्ठ के मध्य "इकरार मालकान" के उपर मिटाये जाने के चिन्ह विद्यमान है।

मैंने उक्त प्रविष्टियों तथा विशेषज्ञ की राय का विश्लेषण किया। मेरे मत में बन्दोबस्त के खतरा आबादी के उक्त आबादी संख्याओं के बीच में स्तम्भ 5 से 7 तक में जो प्रविष्टियाँ की गई हैं वह बाद में अन्य व्यक्ति/व्यक्तियों द्वारा बढ़ाई गई प्रतीत होती हैं जो सम्बन्धित पृष्ठों के स्तम्भ 1 से 9 तक के शेष मूल प्रविष्टियों के क्रम में नहीं लिखी गई हैं। खतरा संख्या 431 से 456 के कैफियत के खाने के भी तमस्त लेख एक क्रम में नहीं लिखे गये हैं। खतरा आबादी संख्या 431 से 456 के कैफियत के स्तम्भ में 431, 434 व 449 के सामने तथा खतरा आबादी के अन्तिम पृष्ठ के मध्य "इकरार मालकान" के उपर मिटाये जाने के चिन्ह विद्यमान हैं। इस प्रकार स्पष्ट है कि उपरोक्त प्रविष्टियाँ अनधिकृत रूप से आबादी खतरा 1861 में की गई प्रतीत होती हैं।

बिन्दु संख्या 4-

द्वितीय बन्दोबस्त 1344 फतली में अंकित भूखण्ड संख्या 171, 172 कश्तिस्तान दर्ज हैं और उक्त वर्ष के मानचित्र में सम्बन्धित गाटों को कश्तिस्तान के चिन्ह से दिखाया गया है। प्रथम बन्दोबस्त में इन गाटों के तमरूपी नम्बरान क्रमांक: 158 और 161 कश्तिस्तान दर्ज नहीं हैं और न ही नक्शा रजिस्तर में इन भूखण्डों को कश्तिस्तान दिखाया गया है।

उक्त विषय पर सम्बन्धित राजस्व अभिलेखों का निरीक्षण तथा अध्ययन किया गया। प्रथम बन्दोबस्त 1861 की खतौनी में गाटा संख्या 158 व 161 आबादी दर्ज हैं, तथा खतरा में गाटा संख्या 158 से संबंधित स्तम्भ 16 में "मिन जुमला नौ दरहत इमली के डिगरी निरूप हिस्ता सहक मुतम्मात बटामू खटकिन उपर मुतम्मात गंगादेई मुददालेह बाक्य 17 जनवरी, 1870 ई0 इजलासी मुन्शी शिव प्रताप साहब बहादुर से तादिर हुई फकत" अंकित है तथा इसके स्तम्भ-2, "जितकी पेगानी" नाम खेत का " है मैं "भीटा" अंकित है। उक्त खतरा में गाटा संख्या 161 से सम्बन्धित स्तम्भ

----7

16 में "मिनजुमला पाँव दरहत, रीठा।, इमली 4 डिगरी नित्य बहक मुतम्मात बटामू खटकिन उपर गंगादेई मुददालेह वाक्य 17 जनवरी, 1870ई इजलासी मुन्शी शिव प्रसाद साहब बहादुर ने सादिर हुई फरत" अंकित है तथा इसके स्तम्भ-2 में "भीटा" अंकित है। उक्त दोनों नम्बरान प्रथम बन्दोबस्त में कश्मिस्तान अंकित नहीं हैं, जब कि कुछ अन्य नम्बरान का कश्मिस्तान होना अंकित है। अतः इसके यह विदित होता है कि उक्त नम्बरान 158 व 161 प्रथम बन्दोबस्त में "कश्मिस्तान" नहीं थे अन्यथा उक्त प्रकार दर्ज किये जाते।

प्रथम बन्दोबस्त के उपरोक्त भूखण्ड संख्या 158 व 161 के मौजूदा नम्बरान क्रमशः 171 व 172 हैं। द्वितीय बन्दोबस्त इस ग्राम में वर्ष 1937 अर्थात् 1344 फतली में हुआ, जिसके अभिलेखों में उक्त नम्बरान 171 व 172 बतौर कश्मिस्तान दर्ज किये गये हैं तथा मानचित्र में भी बतौर कश्मिस्तान चिन्हित किये गये हैं, जब कि प्रथम बन्दोबस्त में यह आबादी अंकित है तथा उसपर स्थित दरहतान के विषय में पारित डिगरी सहक मुतम्मात बटामू दिनांक 17 जनवरी, 1870ई इजलासी मुन्शी शिव प्रसाद साहब बहादुर का अमलदरामत अंकित है।

प्रथम बन्दोबस्त की प्रविष्टि से भिन्न प्रविष्टि द्वितीय बन्दोबस्त में किए जाने के आधार एवं प्रक्रिया के तन्मन्थ में प्रभारी अधिकारी, राजस्व अभिलेखागार ने आख्या मांगी गई। इस तन्मन्थ में उनकी आख्या दिनांक 23.11.92 प्राप्त हुई है, जो इस रिपोर्ट के संलग्नक 1तीन। के रूप में अवलोकनीय है। इस आख्या में वस्तु स्थिति इस प्रकार अंकित है:-

"दोनों जिल्द बन्दोबस्त को देखने से यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर कश्मिस्तान की प्रविष्टि कितने आदेश से हुई है। यदि गत बन्दोबस्त में कश्मिस्तान की प्रविष्टि नहीं थी तो दूसरे बन्दोबस्त में कश्मिस्तान की प्रविष्टि करने के लिए प्रक्रिया यह है कि कितनी तथ्य अधिकारी का आदेश होना चाहिए। किन्तु उक्त कश्मिस्तान से संबंधित प्रविष्टि के तन्मन्थ में कोई आदेश पत्रावली अभिलेखागार में उपलब्ध नहीं है।"

उपानुगतधर्षों से स्पष्ट है कि द्वितीय बन्दोबस्त में उपरोक्त गाटा संख्या 171 व 172 को कितने प्रकार से कितने आधार पर बतौर कश्मिस्तान दर्ज किया गया है इसके लिये कोई अभिलेखीय आधार उपलब्ध नहीं है।

24.11.1992

आर०एन० श्री वास्तव,
जिलाधिकारी,
जवाहर

ENQUIRY AS PER THE ORDERS OF THE ADMINISTRATION
RESPECTING THE REVENUE ENTRIES OF MOUSA KOT
RAM CHANDRA, AYODHYA, DISTRICT FAIZABAD

By letter from Secretary, Revenue, U.P. Administration (Secret)
Administration Letter No.378/PS/RS/92 dated 23.10.1992
respecting Mouza Kotram respecting revenue entries of Mouza
Kot Ram Chandra at Ayodhya was directed to conduct an
enquiry by the District Officer, Faizabad. That in the said letter
the scope of the enquiry to be conducted as follows:

1. That first entry respecting Mouza Kotram at Ayodhya finds
place in the revenue records of 1867 land No.163, pillar no.2 and
16 there is some cutting and change in pillar no.2, Jama Masjid
has been increased and in pillar no.16 entire.

2. This is concrete has been cut and in its place alongwith
pacca kabrastan for the population has been added. That in the
revenue records of Faizabad of the year 1861 the map for the
entire preparation. The copy of which has been issued has been
filed before the court. It is to be enquired when the copy and who
on the basis of map had issued and the entire population of the
year 1861 was available or not.

3. That the first administration of the year 1861 depicting the population at various places pillar 4 and 5 have been entered which needs to be enquired.

4. The second bandobast for 1344 Fasli in Khasra and Khatoni land no. 171 and 172 have been entered as kabrastan and in the map it is marked as a Kabrastan whereas in the first bandobast i.e. in the old khasra no. 158 – 161 there is no entry of kabrastan nor the same has been shown in the map. The subject of enquiry is that how in the second bandobast the Kabrastan has been depicted.

In the said administration order it is also stipulated that owner of the handwriting expert should also be obtained.

2. Why making enquiry on issue no.2 the Hon'ble High Court Allahabad, Lucknow Bench, Divisional Office, Ghaziabad, Divisional Office, Lucknow and Chief Standing Counsel, Allahabad High Court, Lucknow Bench and other offices with respect to the enquiry may be contacted if necessary. Whereas while functioning as District Magistrate Faizabad it is not possible for me to go outside the office again and again therefore for the purposes of enquiry I appointed Upper District Magistrate City

Umesh Chandra Tiwari. That Shri Umesh Chandra Tiwari has submitted his report dated 9.11.92 which is liable to be perused as enclosure II.

3. That the above stated subject of the entries i.e. unauthorized cuttings, changes, etc. and should be investigated by the legal expert if need arises. Therefore the administrative letter dated 254 ST administration dated 27.10.92 written by Special Secretary, Home Department for the purposes of enquiry the head from the experts may be requisitioned by Special Secretary, Home Department internal letter no.5019/PSV/S(A) 92 dated 29.10.92, the technical assistance to be provided by Deputy Superintendent of Police (Lucknow) was directed that he may appoint the handwriting expert and may contact the District Magistrate Faizabad in compliance with the above order Shri S.C. Kambhoj, Additional Director, Law Science, Laboratory, U.P. Lucknow came to Faizabad on 30.10.1992 and he conducted the preliminary investigation respecting the entries in my office. He expressed that the same is liable to be examined in the laboratory at Lucknow as a result the entire record alongwith the Magistrate and record keeper Faizabad and other employees under the custody may take it to the Forensic Science Laboratory, Lucknow. Shri Kambhoj examined this document in the Forensic Laboratory. That by the letter written

by Forensic Science Laboratory by Additional Director No.512 - 4-92 dated 16.11.92. The report was received. The copy of which report is enclosed as Enclosure I for perusal.

That after receiving their opinion, I myself examined the same in depth of my report on each of the queries raised by the administration are as follows:

Issue No.1:- That Musa Kot Ramchandra situated at Ayodhya in the first bandobast in 1861 in Khasra land no.163, the entries were investigated. Above pillar no.2 is in Urdu "Jama Masjid" Abadi Janamsthan has been written. "Jama Masjid" word pillar no.2 on the top the word abadi has been written on the top of the pillar. If it is written with the intention that Abadi Jama Masjid Janamsthan then the word Abadi should have come prior to Masjid. From the said it is suspected whether word Jama Masjid and word Abadi Janamsthan both have been in one sequence or they are in different sequence in the enquiry the volume of Bandobast 1861 was perused in which gatas were ever the word Jama and Masjid have come. Apart from the above entries the volume of the bandobast entries should have been entered only by one man but in the said volume bandobast of khata khatoni sl. No.1, 26 in Col. Kafiat word Jama and Khasra Abadi Sl. 13 and 47 word Masjid was perused by the expert and he has opined

that the above khata khatoni serial no. 6 word indicated Jama and Khasra abadi sl. No.13 and 47 the word incorporated mosque in Bhumi gata sl. No. 163 pillar 2 indicated word Jama Masjid there is a similarity but is distinguishable. On this issue from the opinion of the experts it is clear the person/persons who have written khata khatoni Sl. No.1, 2 and 6 and khasra abadi Sl. No.13 to 47 the word Jama and Masjid written those person / persons in Gate Sl. No. 163 pillar no.2 have not written the word Jama and Masjid in Urdu. Therefore in volume bandobast of 1861 one word has been written at different places by different persons.

The above gata no. 163 pillar 4 from the perusals of the entries it is seen that the word "Sarkar Bahadur" and in between Azon the word "Azhar Hussain has been added letter on the handwriting expert has confirmed that in pillar no. 4, the entry in Urdu "Sarkar Bahadur and in between Azon the word "Azhar Hussain has been interpolated after words".

The expert has also given his opinion that in gata Sl. No. 163 pillar 16 has been cut and in Urdu it has been written "one pakka is situated." And thereafter it has been written "alongwith the kabrastan pakka and the number of trees" has not been written in sequence therefore in the above two witness it has been

written in Urdu underneath "according to the khasra population has been written in different sequence. The writings in of all three writings are different from each other.

The expert has also clarified that in pillar no.16 in Urdu "Abadi" then in another pillar 2 in Urdu "Abadi" have been written by different persons. Therefore the entire khasra no.1861, gata no.163 of entries after having been examined by the experts it is clarified that gata no.163 pillar no.16 and pillar no.2 the word Abadi indicated writing is different. In this gatta pillar no.4 the word "Azhar Hussain has been interpolated". In the aforesaid gatta in the column for serial number description in pillar 16, the writing is different. It is clear that gatta serial no. 163, pillar 2, 4, 16. The entries have been added later on.

Issue No.2

Likewise on page 2 issue no. 2 has stated on this issue Upper District Magistrate, City also conducted the enquiry who has submitted his report dated 9.11.92 which is enclosed as Enclosure II which is liable to be perused. Upper District Magistrate City. The report may be treated as a part and parcel of the same. In the said report the entry of 1861 respecting the population in the map appears to be doubtful. That the map of the population revenue is not available in the office of revenue records Faizabad nor any copy has been issued by the revenue.

department Faizabad. In this report it is also stated that who has prepared the copy. It is not possible to dwell on the issue. I, conquer with the report of District Magistrate City dated 9.11.92.

Issue No.3 That the entries respecting the first Bandbbast of population 1861 and respecting various entries expert opinions were taken. The opinion on the issue of the expert is as follows:-

"Khasra Abadi Sl. 1 pillar 6, 7, 8 the writing in Urdu is no.30 population kishtwar."

Sl. No.26 and 27 in between pillar 5, 6 and 7 the Urdu writing 167 number Abadi Kishtwar serial 224 in between serial no.224 and 225 pillar no.6, 7, the urdu handwriting 53 number population kishtwar. Sl. No.226, 227 in the middle pillar 6, 7, 109 number of population kishtwar. Sl. No. 328 and 329 should pillar 5, 6, 7 Urdu writing 130 number kishtwar. Sl. No. 422-423 pillar 5, 6, 7 Urdu writing 102, no. of population, sl. No. 429, 430 pillar 5, 6, the Urdu writing 104 number Abadi kishtwar, serial number 429, 430, 5, 6, Urdu writing 104 kishtwar. Sl. No. 430, 431 in between 5, 6 the Urdu writing 163 population kishtwar are the pillar number 1 – 9 have not been written in serial order. Khasra population 431 to 456 has not been written in serial order. The above khasra population serial no. 431 – 456 in front of pillar no.

431 in front of 434 and in front of 449 and in the end at the last page middle of the last page "Ekrar-e-Maliqan" on the top there is a sign of erasing. With respect to the above entries I have perused the expert opinion, in my opinion the entries which has been done in population no. between pillar 5 and 7 appears to have been increased by some other person and also the relevant papers pillar number 1 – 9. Other entries are not in order, khasra number 431 – 456 have also not been written in serial in that khasra Abadi no. 431 – 456 pillar 431 – 449 in the last page. In the middle "Ekrar-e-Maliqan" the sign for erasing the same is quite evident and the above entries appears to have been done in the abadi bandobast for 1861.

Issue no.4 The second bandobast for Fasli 1344 the land indicated in serial number 171 and 172 has been recorded as Kabrastan and the maps related to those gatas depict the sign of Kabrastan. In the first bandobast in gata number Serial number 158 and 161 Kabrastan and not has been recorded nor in the map kishtwar these lands have been shown as Kabrastan.

On this subject the related revenue records were inspected and studied. The first bandobast 1867 khatoni gata 158 and 161 population has been recorded and khasra in gata no. 158 pillar "Minzumla" 9 trees Imli half portion Musamat Badamu Khatakin.

The above Musamat Ganga Devi defendant dated 17th February 1870 Ijlasi Munshi, Shiv Prasad Sahab Bahadur Order has been indicated and in pillar no.2 Peshani name of the field and Bhita has been stated. In the said khasra gata no. 151 SI. No.16 Minjumla 5 trees Ritha Imli 4 decree half in favour of Musamat Badamu, Khatkeen, Upper Ganga Devi, Defendant on 17th February 1870, Ijlasi Munshi, Sheo Prasad Sahab Bahadur have been stated in pillar no.2 bheta have been stated on the places at first places at first bandobast the kabrastan has been indicated whereas in other numbers the existence of Kabrastan has been indicated. Therefore from the above it is found that in the first Bandobast there is no kabrastan nor the same has been recorded.

The land no. 160-161 of the first bandobast the present serial number 171-172 in the second bandobast in the year 1937 corresponding to 1344 Fasli in the said against serial number 171-172 the Kabrastan has been recorded in the map also it has been shown as Kabrastan whereas in the first bandobast it has been recorded as population. That the decree passed on the application by Musamat Badamu dated 17th January, 1870. The names of Ijlasi Munsu, Shiv Lal Prasad Bahadur has been indicated.

In the entries of the first bandobast there are different entries. In the second bandobast on the basis of which the administrative officer revenue department was called upon to explain. In this direction his opinion dated 23.11.92 was received which is enclosed with this report as Annexure III and liable to be perused and his report on the issue is as follows:

After perusal of volumes of both the bandobast it is not clear that the entry of kabrastan at serial no. 171 - 172 was made on whose orders. In the subsequent bandobast there is no entry of kabrastan. In the other bandobast, the modalities to record the entry of the Kabrastan is that there should be an order of competent officer but in connection with the aforesaid entry there is no order of any competent officer.

From the above it is clear that in the second bandobast at serial number 171 - 172 how it has been recorded as a Kabrastan for the basis of which no record is available.

Sd/- illegible
24.11.1992
R.N. Srivastava
District Officer, Faizabad
24.11.92

True translation

विधि विभाग प्रयोगशाला, उत्तर प्रदेश,
महानगर, लखनऊ-226006

(संलग्नक - प्रक)

संज्ञांक: 512-डा-92

दिनांक

10/11/92

सेवा में, विभागीय कार्यालय,
फैजाबाद।

विषय: - विवादित प्रदर्शनों/प्रलेखों की परीक्षा।

संख्या: - अप0सं0-

धाना-

धारा-

विषय

से सम्बंधित

पत्र संख्या- अ0शा0मेमो/रतली/राबभू/अ0जांच विभागीय दिनांक 13-11-92
आवासीय कार्यालय

दिनांक 16-11-92 को विशेष वाहक डिप्टी कलेक्टर श्री गयाप्रसाद गुप्त

आव/बीमा/रजिस्ट्री डाक द्वारा पत्र तथा निम्नलिखित प्रदर्श प्राप्त हुए।

निम्नलिखित प्रलेख:

ग्राम कोट रामपन्ना अयोध्या, जिला फैजाबाद के जिल्द बन्दोबस्त 1961 में ग्राम
संख्या-163 के तत्त्व 2, 4 व 6 की प्रविष्टियां विवादित हैं।

उपरोक्त ग्राम के प्रथम बन्दोबस्त आबादी के उत्तरा संख्या 1, 26-27, 224-225, 226-
227, 328-329, 347-348, 350-351, 422-423, 429-430, 430-431, के बीच के कालम 5 से
7 की प्रविष्टियां विवादित हैं।

उपरोक्त आबादी उत्तरा संख्या 431 से 456 के कैफियत के खाने के तमस्त लेख

उस कालम में गिटाये गये लेख विवादित हैं। एवं उत्तरा आबादी के अन्तिम पृष्ठ के
कालम में गिटाये गये लेख विवादित हैं।

निम्नलिखित प्रलेख:

उक्त जिल्द बन्दोबस्त में जाता खतौनी संख्या 1, 2, 6 एवं उत्तरा आबादी संख्या-

संख्या 47 में विद्यमान राब्द 'जमा' व 'मस्जिद' नमूना लेख बतौर हैं।

उपरोक्त सभी की परीक्षा उक्त प्रयोगशाला में वैज्ञानिक रीति से किया गया, परिणाम
निम्न प्रकार है :-

जाता खतौनी/आबादी में जाता खतौनी संख्या- 1, 2 व 6 के कैफियत के खाने में

विद्यमान उर्दू राब्द 'जमा' की संख्या है उसने गाटा संख्या-163 के तत्त्व 2 में उर्दू राब्द 'जमा'
की संख्या है।

उपरोक्त तीनों लेखों की लिखावट एक दूसरे से भिन्न है।

पृ. २१ उपरोक्त के स्तम्भ-१६ में विद्यमान उर्दू लेख "आबादी" तथा उसी के स्तम्भ-२ के उर्दू लेख "आबादी" भिन्न व्यक्तियों द्वारा लिखे गये हैं।

पृ. ३३ छहरा आबादी शीर्षक-१ के स्तम्भ-६, ७, ८ का उर्दू लेख "३० नम्बर आबादी विशतवार", शीर्षक-२६ व २७ के बीच स्तम्भ-५, ६, ७ का उर्दू लेख "१६७ नम्बर आबादी विशतवार", शीर्षक-२२५, २२६ के बीच स्तम्भ-६, ७ का उर्दू लेख "५३ नम्बर आबादी विशतवार", शीर्षक-२२६ व २२७ के बीच स्तम्भ-६, ७ का उर्दू लेख "१०९ नम्बर आबादी विशतवार", शीर्षक-३२० व ३२९ के बीच स्तम्भ ६, ७ का उर्दू लेख "११५ नम्बर आबादी विशतवार", शीर्षक-३५७ व ३५८ के बीच स्तम्भ ५, ६, ७ का उर्दू लेख "१२८ नम्बर आबादी विशतवार", शीर्षक-३५० व ३५१ के बीच स्तम्भ ५, ६, ७ का उर्दू लेख "१३० नम्बर आबादी विशतवार", शीर्षक-४२२ व ४२३ के बीच स्तम्भ-५, ६, ७ का उर्दू लेख "१०२ नम्बर आबादी विशतवार", शीर्षक-४२९ व ४३० के बीच स्तम्भ ५, ६ का उर्दू लेख "१०५ नम्बर आबादी विशतवार", शीर्षक-४३० व ४३१ के बीच स्तम्भ ५, ६ का उर्दू लेख "१६३ नम्बर आबादी विशतवार" अपने-अपने पृष्ठ के स्तम्भ १ से ९ तक के बीच की प्रावण्डियों के क्रम में नहीं लिखे गये हैं।

पृ. ११ छहरा आबादी शीर्षक ४३१ से ४५६ के कैफियत के खाने से सम्बन्धित लेख एक क्रम में नहीं लिखे गये हैं।

पृ. २१ उक्त छहरा आबादी शीर्षक-४३१ से ४५६ के कैफियत के स्तम्भ में ४३१ के सामने ५५७ के सामने तथा छहरा आबादी के अन्तिम पृष्ठ के मध्य "छहरा मानकान" के उपर, "आबादी" शब्द के तबिये विद्यमान हैं।

१. विवाद धन्दोबस्ता १८६१ एक अदद

§ सहायक निदेशक §
सहायक निदेशक (प्रशासन)

विद्यमान प्रशासनिक, प्रशासन, प्रशासन

Confidential

By Special Messenger

Law Science Laboratory, Uttar Pradesh,

Metropolitan, Lucknow – 226006

Date: 16.11.82

Ref. No. 512-Post-92

To,

District Magistrate,

Faizabad

Subject: Examination of disputed documents/exhibits

Context: Ap. No. Police Station Section

Against Related to

Letter No. A. Sh. Memo/S.T./Ra.L/A, enquiry District Magistrate

Residential Office

Dated 13.11.92

On dated 16.11.92 letter and following exhibit received through
Special Messenger Deputy Collector Shri Gaya Prasad Gupta by
Dak/Beema/Registry.

Disputed Document

Entries in the column 2, 4 and 16 of land gata no.163 in
settlement 1961 of village Kot Ramchandra Ayodhya, Distt.
Faizabad.

www.vadaprativada.in

Entries in middle column from 5 to 7 of khasra no.1, 26-27, 224-225, 226-227, 328-329, 347-348, 350-356, 422-423, 429-430, 430-431 of aforesaid village in first settlement are disputed.

All writings in the column of remark of aforesaid abadi Khasra No. 431 to 456 and the writing erased from that column are disputed and the writing erased in the mid of last page of khasra abadi are disputed.

Judicial Document

In the said book settlement the word "Jama" and "Mosque" in khata khatauni no.1, 2, 6 and khasra abadi no. 13 & 47 are sample writing.

2. Examination of aforesaid all is carried out in this laboratory by scientific way, Result is as follows:

(1) The person/persons who has written 'Jama' in Urdu word in remark column, that person has not written Urdu word 'Jama' in column 2 of Gata No. 163 the handwriting of all three writings are different from each other.

Ga.(2) the Urdu word "abadi" in the column 16 and column 2 of aforesaid has been written by different persons.

Gha (1) "30 no. abadi kishtwar" is the Urdu writing in column 6, 7, 8 of Khasra abadi No.1 of pillar 6, 7, 8 "Urdu version" 30 number abadi Kishtwar, Between No.26 and 27 pillar 5, 6, 7 "Urdu version" 167 number abadi kishtwar", Between No. 224, 225 pillar 6, 7 of Urdu version 53 number abadi kishtwar, Between No. 226 and 227 pillar 6, 7 of Urdu version 109 number abadi kishtwar, Between No. 328 and 329 of pillar 6, 7 of Urdu version 114 number abadi kishtwar, Between No. 347 and 348 pillar 5, 6, 7 of Urdu version 128 number abadi kishtwar, Between No. 350 and 351 of pillar 5, 6, 7 of Urdu version 130 number abadi kishtwar, Between No. 422 and 423 of pillar 5, 6, 7 of Urdu version 102 number abadi kishtwar, Between No.429 and 430 of pillar 5, 6 of Urdu version 104 number abadi kishtwar, Between No. 430 and 431 of pillar 5, 6 of Urdu version 163 number abadi kishtwar, own page of pillar 1 to 9 were not written chronologically as per original entries.

Ba(2) All writing in the column remark of khasra abadi no. 431 to 456 has not been written in sequence.

Dha (2) In the remark column of said Khasra abadi no. 431 to 456 against 431 and 449 and in the mid of last page of khasra abadi above agreement ownership erasing marks are existed.

Enclosure

1. Book settlement 1861 one unit

Sd/-
(Assistant Director)

परिस्थितियों में बाढ़े का 1909 में कमिशनरों का मुहताब नमूना पत्र
 रखा हो अथवा क्लामक में रखा हो, 1909 के दरखास्त को पहचानने के
 लिए फंजावाट कमिशनरी तथा क्लामक कमिशनरी के समस्त परिपत्र
 मिलिकरण अवगो असम्भ्यता व्यक्त कर रहे हैं क्योंकि वर्तमान में जो भी
 परिपत्र कमिशनरी तथा दोनों कार्यालय में कार्यरत हैं अथवा कार्यरत रहते
 कमिशनरी जो उपरोक्त कमिशनरी से लेवा निवृत्त हो चुके हैं और
 जो वित्त हैं, उनसे भी सम्पर्क स्थापित करने पर कोई भी व्यक्ति उपरोक्त
 प्रतिलिपि नक्शा को जारी करने वाले व्यक्ति के हस्ताक्षर को पहचानने
 में असमर्थ है। ऐसी स्थिति में इस मामले को यह जाँच कि पिछा व्यक्ति
 द्वारा और किन परिस्थितियों में यह नक्शा मण्डलायुक्त के कार्यालय
 से जारी किया गया, जब कि मण्डलायुक्त के कार्यालय में कोई राजस्व
 अभिलेखागार नहीं होता था, संभाव नहीं है। जाँच के दौरान यह भी
 विदित हुआ कि क्लामक कमिशनरी तथा फंजावाट कमिशनरी के अभिलेखाग-
 गार में कभी भी कोई राजस्व अभिलेखा नहीं रहते गये हैं, अतः 1861
 प्रथम बन्दोबस्त के मूल आवादी नक्शा का होना तथा उससे नक्शों के
 प्रतिलिपि का जारी किया जाना अन्यायिक है। अतः यह नक्शा जो 1909
 में कमिशनरी कार्यालय से जारी किया जाना व्यक्त करता है संदिग्ध
 प्रतीत होता है क्योंकि कमिशनरी अभिलेखागार में उक्त अभिलेखा कभी
 भी उपलब्ध नहीं रहे, जिससे नक्शा जारी की जा सकती। मजौद जाँच
 से यह भी विदित हुआ कि नक्शों को नक्शे पर जो कमिशनरी जो मोहर
 लगा है, जिसका जारी किया जाना 1909 अंकित है, उस मोहर को
 कार्यालय का होना साक्ष्य के अभाव में स्थापित नहीं हो पाया। इसके
 अतिरिक्त इस विषय पर यह भी व्यक्त करना है कि स्थानीय अभि-
 लेखागार में मौजा मोह राम बन्दर के अभिलेखाओं के बरत में अथवा
 जिल्द बन्दोबस्त 1861 के अभिलेखाओं के साथ आवादी का कोई भी
 नक्शा उपलब्ध नहीं है अतः मेरे मत में नक्शा आवादी को कथित
 उक्त नक्शा संदिग्ध प्रतीत होता है। यह नक्शा किसी द्वारा बनाई गई
 इस पर मत भी व्यक्त करना सम्भाव नहीं है। इस आख्या के साथ
 आपके द्वारा प्रेषित नक्शा आवादी को प्रतिलिपि तथा अन्य दूधनार
 जो भी आपने प्रेषित कराई है, प्रेषित कर रहा हूँ।

संलग्नक: उपरोक्तानुसार

उपरोक्त पत्र लिखने।
 अरर जिला मजिस्ट्रेट प्रशासनिक नगर।
 फंजावाट।

9-11-92

In circumstances whether in year 1909 the head quarter of commissionerate remain in Faizabad or in Lucknow, all the senior clerk of Faizabad Commissionerate and Lucknow commissionerate expressing their inability to identify the signature of 1909 because in present who ever senior employee is employed in both offices or the employees who retired from the aforesaid commissionerate and are living, on contacting them, nobody is able to identify the signature of the person who issued the aforesaid copy of map. In this situation the enquiry in this matter that who under which circumstance this map has been issued from office of commissioner whereas there used not to be the record room in the office of commissioner, is not possible. During enquiry it is also come out that the revenue record has never been kept in the Lucknow commissioner and Faizabad commissioner. Therefore existence of the map of abadi of 1861 first settlement and the issuance of copy of map from that is irrelevant. Therefore the copy which appeared to be issued in 1909 from commissioner office is appeared suspected because said document were never available in the record room of commissioner, so that copy may be issued. On close scrutiny it appeared that the stamp of commissioner on the copy of map, on which 1909 is marked, in the absence of evidence, it is not verified to be the stamp of office. Besides if on this matter it is to be expressed that in the local record room of village Kot Ram

8565

Chander, neither any map is available in the bag of document nor in the documents of Book Settlement of 1861. Therefore in my opinion, said copy of map of abadi appeared to be suspected. It is not possible to give opinion that who prepared this copy. With this report, alongwith the copy of abadi map and other information whichever you have made available to me, producing enclosure according to above.

Sd/-

Umesh Chandra Tiwari

Upper District Magistrate

Administration (City)

9.11.92

True translation

www.vadaprativada.in

www.vadaprativada.in

[संलग्नक-तीन]

अभियोगकारी

महोदय,

आपके आदेश संख्या-मेमो/एसओटी/राज्य/92, दिनांक 14-11-92 के अनुपालन में आदेशक छान-बीन की गई। छानबीन से ज्ञात हुआ कि गाटा संख्या-158 तथा 161 में गत बन्दोबस्त में अहिंसा नहीं अंकित है, किन्तु नये बन्दोबस्त 1344 फसली में उक्त गाटा के नये गाटा संख्या 171 व 172 पर स्तम्भ-7 में अहिंसा अंकित है।

दोनों जिल्द बन्दोबस्त को देखने से यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर अहिंसा की प्रविष्टि किसी आदेश से हुई है। यदि गत बन्दोबस्त में अहिंसा की प्रविष्टि नहीं थी तो दूसरे बन्दोबस्त में अहिंसा की प्रविष्टि करने के लिए प्रतीक्षा यह है कि किसी सक्षम अभियोगकारी का आदेश होना चाहिए। किन्तु उक्त अहिंसा से संबंधित प्रविष्टि के संबंध में कोई आदेश पञ्जाबी अभियोगकार में उपलब्ध नहीं है।

प्रभारी अधिकारी,
राज्य अभियोगकार,
पञ्जाब।

23-11-92

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www.vadaprativada.in

(Enclosure III)

District Magistrate

8567

Sir,

In compliance to your Order No. Memo/S.T./2T/Revenue Land/92 Dated 14.11.92 necessary scrutiny has been carried out. From the scrutiny it appeared that in Gata No.158 and 161 graveyard is not marked in previous settlement but in the new settlement of Fasli year 1344 in new gata no. 171 and 172 of said gata at column 7 graveyard is marked.

It is not clear on scrutiny of both settlement that by whose order the entry of graveyard is both said gata no. 171 and 172 is made. If the entry of graveyard was not existed in previous settlement then the procedure to make entry of graveyard in another settlement is that there should be an order of some competent officer. But no order file is available in the record room in respect of the entry of graveyard.

Sd/-

Incharge Officer
Revenue Record Room,

Faizabad

23.11.92

True translation

www.vadaprativada.in

जिलाधिकारी

महोदय,

आपके आदेश संख्या-मेमो/एसटीओ/राज0भू0/92, दिनांक 14-11-92 के अनुपालन में आवश्यक छान-बीन की गई। छानबीन से ज्ञात हुआ कि गाटा संख्या-158 तथा 161 में गत बन्दोबस्त में कब्रिस्तान नहीं अंकित है, किन्तु नये बन्दोबस्त 1344 फसली में उक्त गाटा के नये गाटा संख्या 171 व 172 पर स्तम्भ-7 में कब्रिस्तान अंकित है।

दोनों जिल्द बन्दोबस्त को देखने से यह स्पष्ट नहीं होता है कि उक्त दोनों गाटों 171 व 172 पर कब्रिस्तान की प्रविष्टि किसके आदेश से हुई है। यदि गत बन्दोबस्त में कब्रिस्तान की प्रविष्टि नहीं थी तो दूसरे बन्दोबस्त में कब्रिस्तान की प्रविष्टि करने के लिए प्रक्रिया यह है कि किसी सक्षम अधिकारी का आदेश होना चाहिए। किन्तु उक्त कब्रिस्तान से संबंधित प्रविष्टि के संबंध में कोई आदेश पत्रावली अभिलेखागार में उपलब्ध नहीं है।

प्रभारी अधिकारी,
राजस्व अभिलेखागार,
पंजाबाद ।

23-11-92

8569

District Magistrate

Sir,

In compliance to your Order No. Memo/S.T./2T/Revenue Land/92 Dated 14.11.92 necessary scrutiny has been carried out. From the scrutiny it appeared that in Gata No.158 and 161 graveyard is not marked in previous settlement but in the new settlement of Fasli year 1344 in new gata no. 171 and 172 of said gata at column 7 graveyard is marked.

It is not clear on scrutiny of both settlement that by whose order the entry of graveyard is both said gata no. 171 and 172 is made. If the entry of graveyard was not existed in previous settlement then the procedure to make entry of graveyard in another settlement is that there should be an order of some competent officer. But no order file is available in the record room in respect of the entry of graveyard.

Sd/-

Incharge Officer

Revenue Record Room,

Faizabad

23.11.92

True translation

अमर बहादुर सिंह,
उप भूमि व्यवस्था आयुक्त।



अंशांक सं.: 3218
राजस्व परिपत्र, उत्तर प्रदेश 801/80
अंशभाग-4, लखनऊ

दिनांक: नवम्बर : 20, 1992.

प्रिय महोदय,

उपर्युक्त विषयक आपके पत्र संख्या-3/नव, दिनांक 20-11-1992 के सम्बन्ध में तदनुसार नक्शा, मौजा रामकोट, परगना हथेली अवध, तहसील व जिला फैजाबाद की सन् 1930-31 की एक प्रमाणित प्रतिलिपि भेजने की मुझे जानकारी की गयी है।

भवार्थितः,

अमर बहादुर सिंह

श्री अरुणो जीवालय,
जिलाधिकारी,
फैजाबाद

ॐ

www.vadaprativada.in

8571

Amar Bahadur Singh A. Sh. Letter No.3218/4-(Map)-801/80
Deputy Land Management
Commissioner

Revenue Board, U.P. - 4

Lucknow

Date: Nov. 20, 1992

Dear Sir,

In reference to your letter no. 0, dated 20.11.1992, a
requisition has been made to me to sent a certified copy of
amended map, of village Ramkot, Pargana Haweli Awadh, Tehsil
& District Faizabad of year 1930-31.

Sd/- R.N. Srivastava

District Magistrate

Faizabad

Yours Truly,

Sd/-

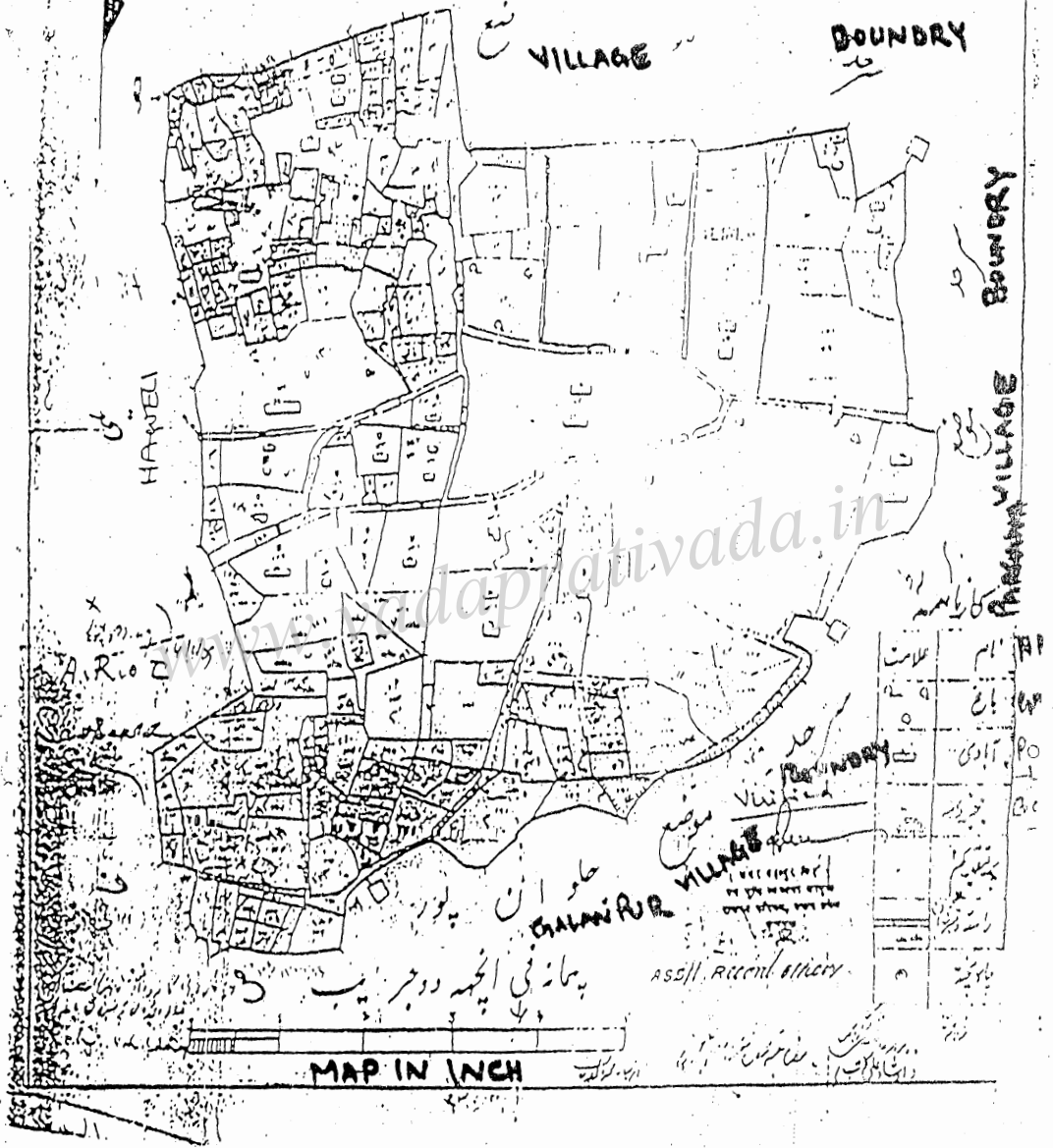
Amar Bahadur Singh

True translation

www.vadaprativada.in

MAP KISHTINAR DIST. RAMKOT, PARGANA - HAWELI
DISTRICT FAIZABAD 1950-51

نقشہ ضلع رامکوٹ پانڈہ حویلی اور تحصیل ضلع فیصل آباد
بانیہ سائبر ۱۳۳۲ مطابق ۱۹۵۰-۵۱



6573

MANUAL

FOR THE

REVISION OF MAPS
AND RECORDS



ALLAHABAD:
SUPERINTENDENT, PRINTING & STATIONERY
UTTAR PRADESH, INDIA.
1950.

PRICE Re.

APPENDIX II

Conventional signs for different objects to be shown in the village maps of the United Provinces (Rule 62).

SERIAL NO.	NAME OF OBJECT	SIGN	SERIAL NO.	NAME OF OBJECT	SIGN
1	ABADI		19	DARAKHT KHARJA WA TAR	
2	AERODROME		20	DEVALSIHAN	
3	BAGH		21	DOHADA	
4	BAMBA		22	ENGLISH KADRISTAN	
5	BANDH		23	GHAT MAINADI	
6	BANJAR		24	GIRJA GHAT	
7	DANSWARI (DANSKOTI)		25	HYDRO ELECTRIC POST	
8	BEHAR		26	JANGAL DHAK	
9	BHATTI (PAZAWA)		27	JANGAL JHARI, DAKH, WA LAKH, WA	
10	BHEETA PAN (PAHWA)		28	JANGAL JHARI WAHAR, KALNI	
11	DAK BUNGALOW 1ST. CLASS		29	JANGAL BAKHUSAL, SHUSHAM WAGHRA DAKH PER	
12	DAK BUNGALOW 2ND. CLASS		30	JHIL	
13	DAK BUNGALOW 3RD. CLASS		31	KADRISTAN	
14	CANAL DISTINGUISHING MINOR, OR GUL		32	KADRISTAN	
15	CANAL MAI SABAK		33	KADRISTAN	
16	CHAH KHAM		34	KADRISTAN	
17	CHAH PUKHIA		35	KADRISTAN	
18	CHAH PUKHIA BEHAR, CHAH DA		36	KADRISTAN	

SERIAL NO.	NAME OF OBJECT	SIGN	SERIAL NO.	NAME OF OBJECT	SIGN
37	NAHAL YA CANAL (MAHIL)		55	SCHOOL	
38	NALA		56	SUGAR FACTORY	
39	PAGDANDI		57	SARIHO MAI SINDHO	
40	PAHARI		58	SARAI WA DIHARAMSHALA	
41	PAHAR		59	SARAK PUKHTA MAI PAHIL	
42	PARTI JADIO		60	SARAK KHAM MAI MIL YA RASTA MUSTAQIL	
43	PARTI QADIM		61	TELEGRAPH POST	
44	PATHARIL ZAMIN (PATHAR)		62	THEODOLITE MARK	
45	PHULWARI WA BUGH ZALMI		63	TALAB KHAM	
46	POKHAR YA GARIHA		64	TALAB PUKHTA	
47	POUND		65	TILA	
48	PUL GAIK MUSTAQIL		66	TUBE WELL	
49	PUL MUSTAQIL		67	TAHSIL	
50	BILA KHAM		68	THAPPA	
51	BILA PUKHTA		69	USAR	
52	RAILWAY LINE VIA STATION		70	ZAMIN SHOR	
53	RASTA GAIK MUSTAQIL				
54	RET				

PREPARED BY ALL AGENTS, OFFICE MAHARAJA (U.P.)

At this juncture it is pertinent to mention oral evidence adduced by the plaintiffs of OO.S. no. 4 of 1989.

Total number of witnesses examined by the plaintiffs are 32. These witnesses may be divided into three categories. The first category is of those witnesses who have deposed that Namaz was offered in the disputed building up to 22.12.1949. These witnesses can be considered under category (A). The second category of witnesses are those witnesses who have deposed about the principles of Shariat regarding nature of mosque. The 3rd category is of those witness who possesses the knowledge of history or archeology. Mohd. Hashim, PW-1, Haji Mahbood Ali, PW-2, Farooq Ahmad, PW-3, Mohd. Yaseen, PW-4, Abdul Rahma, PW-5, Mohd. Unus Siddiqui, PW-6, Hasmatullah Ansari, PW-7, Abdul Ajeer, PW-8, Saiyad Ablaq Ahmad, PW-9, Jalil Ahmad, PW-14, Dr. Mohammad Hashim Quidwai, PW-21 and Sibte Mohd. Naqvi, PW-25 can be placed under category (A).

So far as evidence of PW-1, Mohd. Hashim is concerned, he has deposed that his residential house exists at a distance of three *farlong* from the disputed site. For the first time he offered Namaz in the Babri Mosque in the year 1938. People of Muslim community used to offer Namaz in this mosque. Last Namaz was offered by this witness on 22.12.1949. Idol was placed by Abhi Ram Das and others in the inner courtyard for the first time in December, 1949. He has broadly supported the plaint case in his examination in chief. In his cross examination, he has stated that a civil suit was filed by Mahant

Raghubar Das in the year 1985 with regard to the platform which existed in the outer side of the mosque. This suit was dismissed up to the court of Judicial Commissioner. The mosque of Dorahi Kuan exists at about 200 yards from the disputed structure. This mosque existed prior to his memory. There are minarets in it, it is a very old mosque. He was cross examined about the affidavits filed in the proceedings of Section 145 Cr.P.C. On being cross examined, he has deposed that these affidavits were the result of the pressure exerted by the local people on the persons whose affidavits find place on the record of Section 145 Cr.P.C. Proceedings. The mosque which exists at the Vashista Kund is of Mughal period, two persons pressurized and assaulted the persons of Muslim community and compelled them to file affidavits in favour of Hindus. He went on to state that no pressure was applied in this regard by the District Administration and no complaint was lodged in this regard to the concerned authorities. He has also stated that the Muslim community of Ayodhya was very much annoyed with the then Deputy Commissioner K.K. Nayyer, but no complaint was made before him on the point of exerting pressure by the local people on those persons who succumbed to the pressure applied by the local people and consequently filed affidavits in favour of Hindus regarding property in suit.

He has also deposed that prior to placing of idols in the inner courtyard there was a law of *jungle* in Ayodhya and no officer was ready to entertain the complaint made by the persons of Muslim community. This jungle law persisted from one month before

22/23.12.1949. Baba Raghav Das was exhorting the Hindus to instal idols in the inner courtyard while Akshay Brahmachari was supporting the claim of Muslims. This Akshay Brahmachari was disciple of Basudev Brahmachari and was a strong Congress man. He was a leader of provincial level. He has admitted that no complaint was made by him to the Prime Minister or Home Minister regarding the installation of idols in the inner courtyard of the disputed building. He has also stated that no riot took place in Ayodhya prior to 1949, but subsequently he admitted that riot took place in 1912 and again in 1934. The riot of 1912 is know as Idul Fitr riot case. The incident of cow slaughter allegedly took place in Shahjahanpur. The people from Ayodhya returned from Shahjahanpur and took part in this riot. Village Shahjahanpur is situated in district Faizabad. A tax was imposed on the persons of Hindu community in the years 1934. He does not know about the involment of Mahant Narottam Das of Nirmohi Akhara in the years 1912 in connection of the riot which took place in this year. He does not know about Rahim Khan son of Ahmad Khan of Mohalla Kaziana, Ayodhya. He was not born in the years 1912 and has not inspected the record of this riot. So far as the riot of 1934 is concerned, he is fully conversant about it. The King of Alwar, who was expelled from Rajasthan started residing in Ayodhya in the years 1934. He was the man who was responsible for this riot.

This witness went on to state that he never visited Sutahti Mohalla and the Babri Masjid was damaged in the riot of 1934. Two person died in this incident and Sutahti Mohalla was put on fire in this

incident. He has also stated that Namaz can be offered in open field, but namaz cannot be offered in the temple. He do not remember as to in which month he went to offer namaz for the first time in the disputed building. Similarly, he do not remember as to how many trees were there in front of the mosque. He does not know about the age of these trees, which were at a distance of 200-300 yards from the disputed building. There was a temple known as Manas trust temple. There are so many temples in the eastern side of this building, namely Kohbar Bhawan Mandir, Anand Bhawan Mandir, Rang Mahal Mandir and Amawa Mandir. He has also stated that there are at least 4500 temples in Ayodhya.

The second witness examined from the plaintiffs' sides falls within category (A) is PW-2, Haji Mahboob Ali. He has deposed that disputed mosque is at a distance of three Farlong from his house. He offered last Namaz in this building on 22.12.1949. Inner courtyard was always used for offering namaz by Muslim community of Ayodhya. Friday prayers were offered at Ayodhya only in two mosques. Same position was with the offering of Taravi-prayers. His father was plaintiff in this case. He was landlord and farmer and had two hundred Bighas land in his possession. The incident of 6.12.1992 took place in h s presence. He has admitted that a stone slab is installed near the mosque, but he does not know as to what is written on the slab. In his further cross examination, he has stated that Friday prayers were offered in Ayodhya only in two mosques, the first was Kewde Wali Masjid and the second mosque was the disputed mosque.

He has admitted that there was a platform in the outer courtyard of the disputed building, which was about 21 feet long. He used to see Chulha, Chauka and Belan in the outer courtyard. People used to say that this place is Sita Rasoi.

He was not born in the year 1934 when allegedly riot took place. He does not know as to what was the reason behind this riot. He does not know whether the outer courtyard was attached in the year 1949 or not, but he has knowledge about the litigation, which took place in 1885. He has also admitted that the figures of any animal, bird or man cannot be depicted in a mosque building, but flowers and leaves can be depicted. He has denied that his statement regarding his age is false, but he has admitted that there were confusion and misconception about it. The cross examination conducted on behalf of the defendants goes to show that the age stated by this witness in his examination in chief is not reliable and the deposition made in the cross examination proves this fact. He has admitted that one fortnight before the incident on 22.12.1949, shoes, stones and pebbles were hurled on the persons, who went for offering Namaz in the disputed building, but he has clarified that no such incident took place with him. He has knowledge about the report of Waqf Inspector where it might have been mentioned that Hindus used to hurl pebbles, shoes and stones on those who went for offering namaz in the disputed building. He does not know whether any person exhorted the Hindu community with reference to disputed building. He has admitted the existence of Sita Rasoi, was existed in

the outer lawn in the northern side of the building. Rolling pin etc. were there at Sita Rasoi. There was a thatched structure on the platform in the outer courtyard. He has admitted that Lord Rama was born in Ayodhya. He does not know about the details of the disputed property. He does not know as to when railing was constructed between the outer and inner courtyard. He does not know whether this was constructed by the Britishers or not. He has also stated that if any mosque is constructed after demolishing any temple, then no person of Muslim community would like to offer namaz in that building. He was confronted with the school certificate wherein his year of birth has been mentioned as 1944, on which he has stated that this date of birth is not correct. He has also admitted that no effort was made on his part to get this mistake corrected at any point of time.

The 3rd witness examined by the plaintiffs also falls within the category (A) and is PW-3, Farooq Ahmad, who has stated that he offered namaz in the Babri Masjid up to December, 1949. He is resident of Mohalla Navgazi. He has stated that his father was informed by Sub-Inspector, Ram Dev that some untoward incident was likely to happen with regard to the disputed property. On the suggestion of the Inspector, lock was put on the doors by him and he handed over the keys to his father. It was end of the month of December, 1949 when after offering namaz of *Esha* they had gone to their home. He has also stated that presence of minaret is not essential in a mosque. So far as dome is concerned it may or may not exist in a mosque. He has stated that his shop and house is near Post Office in

Ayodhya. Sub- Inspector Ram Dev was posted in Ayodhya 4 or 5 months back of the incident of December, 1949. He does not know as to who was the Sub-Inspector prior to the posting of Ram Dev. Sub-Inspector had apprehension that some persons may install the idols in the inner courtyard. He has admitted that no lock was put in the Babri Mosque prior to 22.12.1949. He has stated that no mosque or graveyard or tomb situate in Ayodhya was demolished by any person prior to 1949. This goes to show that he has no knowledge about the incident of 1934 when allegedly the disputed mosque was partially damaged. He has stated that all the records relating to mosques and graveyards, which were kept by his father were set on fire in the year 1992. He has admitted that if any mosque is constructed on the land of a person forcibly, then this mosque will not be termed as valid mosque. He has admitted that the place where disputed mosque existed was known as Kot Ram Chander. He has admitted the existence of Janam Sthan, Sita Rasoi in the outer courtyard. He went on to state that at the entrance gate in the northern side, thatched huts existed, which were small in size. People used to sit in it. He has stated that these huts were constructed by Muslims, but he has not been able to disclose the names of those persons as to who constructed these huts. He has also admitted that prior to the incident on 22/23.12.1949 in the eastern side of the building people used to recite holy names of God. This recitation was not confined only to Hindu community even persons of Muslim community would participate in it. There was a platform in Gang-e-Shahidan where people used to

offer sacrifice in the holy fire. He has stated that about 82 Muslims died in the incident, which took place about 100 years ago. The bodies of these persons are buried in Gang-e-Shahidan. He has also admitted that the riot of 1934 took place prior to his memory. No damage was done to the disputed mosque in this incident, but later on he has admitted that the western wall and the dome of this mosque were damaged in the incident. Few persons of Muslim community were done to death and 10-12 houses were damaged in this incident. He has denied that police suo motu lodged F.I.R. on the incident of 22/23.12.1949. Indirectly he says that this F.I.R. was lodged by any person of Muslim community. But subsequently he admitted that he does not know, who recorded the F.I.R. of this incident. Head constable, Abdul Barkat used to write reports in Ayodhya Police Station. He has stated that no police force was deployed at the disputed site in the intervening night of 22/23.12.1949. He has admitted that no property pertaining to Mosque was attached in December, 1949. No person was appointed receiver with regard to the property of mosque. He has denied the fact that affidavits were filed in the proceedings of Section 145 Cr.P.C. in favour of Hindus by the persons of Muslim community. He does not know as to whether any report was lodged on the behest of Ram Dev, Sub-Inspector or any constable of Police Station, Ayodhya. The photographs of the Album (figure no. 76) has been shown to the witness who after viewing it has deposed that images of elephant, and horses are engraved along with flowers and leaves on the columns which were fixed in the disputed building. He has also recognized the head of elephant, although he has clarified that so many changes have been done in it. In photograph no. 91 he has recognized the trunk of an elephant and also recognized "Kalash". He has recognized statue of a girl on the column. He

has also admitted that he did not inform to his counsel about the changes and for the first time deposing about these changes in the court. He does not know as to any Waqf Inspector, Mohd. Ibrahim would come to visit the disputed site or not. Similarly, he does not recollect that after the death of Zaki Saheb, Mohd. Ibrahim used to come to his father or not. He does not recollect as to when Zaki Saheb died. He tried to correct his earlier statement, wherein he has deposed that only one lock was put in the door of railing in the disputed building in the intervening night of 22/23.12.49. He has stated that the last prayers were offered in this mosque on 16.12.1949. He does not know as to whether the statement to this effect was given by his father is correct or not. He has also stated that after putting the lock, he did not pay any heed to inform the Moazzin of the mosque, who was sleeping beneath the hut in the disputed building. He has denied that he had seen railing, rolling pin in the outer courtyard prior to 1949. He has also stated that he had not seen any platform in the outer courtyard prior to 1949. Subsequently, he has admitted these facts and stated that he used to see rolling pin. In contrast to his earlier statement, he has stated that right since 1934 up to 5.12.1992 platform, rolling pin and platform were there in the outer courtyard and no damage was done at any point of time to these articles. He admits that he never managed this mosque and is unable to state as to what is the duration when his father managed this mosque. He has also stated that the locks which were put in the disputed building on 22.12.1949 remained there up to 1986. Indirectly he denies that the lock was put by receiver after the attachment of property in suit.

Another witness of category (A) is Mohd. Yaseen, PW-4 who has stated in his examination in chief that he is resident of Ayodhya. He always offered Namaḥ on Friday in Babri Mosque. Last Namaḥ was offered by him 47 years

ago. On 22/23/12.1949, idols were placed inside mosque. There was arrangement for Wazu. Urinal was also present in the mosque. Mat and badhana were there, which were used by the persons of Muslim community who used to come over there for offering namaz. The idols of Hindu Gods and Goddesses were not engraved on the Kasauti pillars. In his cross examination, he has stated that there was a platform in the southern side of the mosque, which was 2-5 feet in height from the ground level. There was a hut over it. Rolling pin was there but there was no trace of any stove. He has stated that so far as he recollects any Hindu did not offer prayer in the outer courtyard. No riot took place in the year 1949 between Hindus and Muslims, but he had heard from his mother that in village Shahjahanpur some dispute arose regarding cow slaughter. He was informed that one or two domes of the disputed building were demolished in this riot. He has also admitted that beside entrance gate of the building, people of Hindu community used to recite holy names of God. He had noticed this fact even on the last date when he had visited the site for offering Namaz.

He has stated that Ram Chabutra was not in existence. His house exists at a distance of 1.5 Km. from the Babri mosque. He has admitted that he is suffering from memory loss. If any person succeeds in proving that Babri Mosque was built after demolishing any temple, in that event he would not consider this mosque as a valid mosque. He has also stated that Namaz was never offered in the outer courtyard. He has also admitted the existence of black pillars of Kasauti.

Shri Abdul Rahman has been examined as PW-5 by the plaintiffs. He is Hafiz-Quran. Quran was recited in Babri Mosque in the year 1945-46. He always offered Namaz in the disputed building whenever he visited over there

on Friday. He is resident of Ibrahimpur, Faizabad. In his cross-examination he has stated that if figures of animals and birds or human being are engraved on the walls of a mosque, then it is against the tenets of Islam. These figures cannot be even outside of a mosque. According to holy Quran, no image or figure should be in a mosque. If figures of animals and human being are present in a mosque, it is not approved according to Islamic tenets, whoever engraves aforesaid images, he is wrong doer in the eye of Islam and offering Namaz is prohibited at such place.

Next witness of this category is Mohd. Unus Siddiqui, PW-6 who is resident of Reedganj, Faizabad. He has stated in his examination in chief that prior to December, 1949, there was no idol in the inner courtyard. No Hindu entered in the inner courtyard prior.

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to December, 1949. He is in legal profession and used to visit the site for offering namaz at the occasion of Shabe-Barat. In his cross-examination he has stated that between 1957 and 1960, he came to know as to who constructed the Babri Mosque. He does not know about its area. This mosque was named after emperor Babur as it was constructed on his command. He had heard that on the suggestion of a Muslim Saint, Musa Ashikan, Babur got the temple demolished and directed to construct mosque over there. According to the injunctions of Islam, no mosque can be constructed over a land which belongs to another person and he does not give his consent or transfer it in favour of the person who desires to construct a mosque. Offering namaz against the will of the person who is owner of that building is against Quranic injunctions. Demolishing a temple is prohibited under Islam and holy Quran does not authorize any person to construct a mosque after demolishing a temple.

Shri Hasmatullah Ansari has been examined as PW-7. He is resident of Mohalla Kaziana, Ayodhya and was born in 1932. He offered Namaz in Babri Mosque at least 100 times. For the first time he offered namaz in the years, 1943. Prior to installing of idols in the inner courtyard he used to offer namaz in this building. In his cross examination statement he has deposed that there is no Muslim population in Mohalla Vashista Kund. No mosque can be constructed after demolishing a temple.

Shri Abdul Ajeer has been examined as PW-8, who is resident of Faizabad and was born in 1926. He offered namaz in the disputed

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building at least 100 times. He was ten years old when for the first time Namaz was offered in this building. At the time of recording of statement, he stated his age as 70 years. In his cross examination, he has stated that mosque cannot be constructed in another man's land without his consent. He has seen Kanati mosque in graveyard. No second mosque can be constructed in that very graveyard and only Kanati mosque can be constructed. He does not have much information about Ayodhya. He has no knowledge about the temples, Akharas and Saints of this place. From the very beginning this fact was in his knowledge that the population of Hindus is greater than the muslim population.

Shri Syeed Akhlak Ahmad, PW-9 is transporter by profession. His house is at a distance of nearly one farlong from the Babri mosque. He offered Namaz five times in Babri Mosque. He in his cross examination has narrated about the requirements, which are essential prior to construction of a mosque. One of the requirements is that the person who executes Waqf, must be owner of the property. He does not know whether Mir Baqi was Shia or Sunni Muslim. In History books he had read that disputed building was constructed on the command of emperor Babur, but his knowledge is limited only to the inscriptions. According to the tenets of Islam, no mosque can be constructed after demolishing a temple. If there is any mosque, which is constructed after demolition of a temple, in that event offering Namaz at that place is a sin in the eye of Islamic injunctions. No mosque can be constructed over a land which has been grabbed

forcibly from the rightful owner. He has admitted that after opening of the locks, people whose number was in lakhs used to visit this site for offering prayer and performing rituals. A mosque even cannot be constructed at a place where hut of any person existed and no consent was obtained from him.

Shri Suresh Chander Mishra, PW-13, is aged about 38 years. He is resident of district-Basti. In his examination in chief he has stated as if he is scholar of Hindu Religion, but from his cross-examination statement, it transpires that he is a political man and has no knowledge about the building in suit.

Now only two witnesses namely Dr. M. Hashim Qidwai, PW-21, and Mohd. Qasim Ansari, PW-23 come under category (A), who have stated that Namaz was offered in the disputed building, but so far as PW-21 is concerned, he has stated that for the first time in 1939 he had offered Namaz along with his family members and had continued up to 1941. At the time of Maghrib Namaz about 100 persons assembled over there while during Friday prayers approximately 200-300 persons used to take part in offering prayers. Dr. M. Hashim Qidwai, PW-21 retired as Reader from Aligarh Muslim University. He has also proved some papers. So far as Mohd. Qasim Ansari, PW-23 is concerned, he is 74 years of age. He is motor mechanic by profession. His house situate approximately at a distance of 3 farlong from disputed building. Last prayer was offered by him on 22.12.1949. In his cross-examination he has stated about the riots of 1934. He came to know from the newspapers about it. The cause

behind this riot was allegedly cow slaughter, which was said to have occurred in village Shahjahanpur. He does not know about the location of this village. In this riot specially the dome of the mosque was damaged, but he does not know about its details as to what portion of the dome/domes was damaged in this incident.

Mohd. Qasim Ansari, PW-23, in his cross-examination has stated that Islam does not permit any person to grab the land or building of any person. Namaz cannot be offered at a place where figures of animals or human beings are depicted. He was shown figure no. 57. After viewing it he has stated that this is a platform where Hindu saints used to recite holy names of God. After viewing figure no. 72 he has recognized that rolling pin, impression of foot steps have been shown in it.

The second category of the witnesses is of those persons who have special knowledge about form or nature of a mosque. In this category PW-10, Mohd. Idris, PW-11, Mohd. Burhanuddin, PW-19, Maulana Atiq Ahmad, PW-22, Mohd. Khalid Nadvi, PW-25, Mohd. Sibte Naqvi, PW-26, Kalbe Jawad can be placed. They all have stated that they are well conversant with the Muslim religion. There is no specification for construction of a mosque. Minaret (Minar) is not essential part of a mosque. If a mosque is constructed on a vacant place, even then it would be just and proper. Even if idols are placed or pictures are depicted in a mosque, the mosque would not lose its character. In the statement of Maulana Atiq Ahmad, it is said that minaret, domes or provision for urinal is not integral part of a mosque.

It will not loose its character even if pictures are depicted on the walls. So far as statement of Shri Kalbe Jawad is concerned, he has deposed that there is no distinction between Shia and Sunni mosque. He categorically opined that no specification is provided for construction of a mosque. He has also stated that members of Shia community are actively involved and concerned with the present issue.

I have gone through the cross-examination statement of these witnesses, although at different places they have tried to narrate that minarets, provision for urinal, domes are integral part of a mosque. But their statement is contrary to the general belief prevailing amongst Muslims that if figures of human beings or animals are depicted in a mosque or idols are placed over there, then it cannot be termed as a valid mosque and according to Islamic injunctions no prayer can be offered. As mentioned above most of the witnesses have admitted that on the columns, which were fixed in the disputed building, figures of human beings, trunk of elephant were depicted besides flowers and leaves. Therefore, according to these witnesses, no namaz can be offered at a place where human figures or figures of animals or idols are placed in a mosque,

Third category of the witnesses is of expert witnesses. In this category learned counsel for the plaintiffs has mentioned PW-13, Suresh Chandra Mishra, PW-15, Sushil Srivastava, PW-18, Professor Suvira Jaiswal, PW-20, Professor Shirin Musavi, PW-27, Dr. Shereen F. Ratnagar, PW-28, Dr. Sita Ram Roy, PW-29, Dr. Jaya Menon, PW-30, Dr. R.C. Thakran, PW-31, Dr. Ashok Datta, PW-32, Dr. Supriya

In his cross examination Shri Suresh Chandra Mishra, PW-13 has not been able to say whether he is theist or atheist. He has accepted that in "Raghuvansh" there is description of Lord Rama. He has also heard about poet Valmiki. From the bare reading of Valmiki Ramayan, it transpires that at the time when it was written human population was in Ayodhya. The traditions, behaviour, festival and dress code etc of that period are mentioned in it. He has accepted that he had read the history written by P. Carnegy about Ayodhya, but he does not recollect as to when this book was written. P. Carnegy was the Commissioner of Faizabad Division. The name of the book is- "A Historical Sketch of Tehsil Faizabad District Faizabad including Pargana Haveli Oudh and west road with old capital of Ayodhya and Faizabad". He has also stated that he has knowledge about 'Skanda Puran', one of its chapter is Ayodhya Mahatmya where places of pilgrimage of old historical importance are mentioned. According to Hindu mythology, Lord Rama was born in Ayodhya. He has described different words used in 'Ayodhya Mahatmya'. He has also admitted that person who believe in dignity of Lord Rama, they have faith that he was born at Ayodhya. He has also accepted that his parent had gone there to worship, the place which was recognized as a place of birth of Lord Rama, they had not gone to worship any idol. He has accepted that whenever he visited the site, the number of devotees were comparatively in large number than other temples. At the time of main festivals 20000-25000 people assembled at the site of birth

place of Lord Rama.

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Shri Sushil Srivastava, PW-15 has stated in his cross examination that P. Carnegie in his report has stated that there has been a temple at the place of birth of Lord Rama. Subsequently, emperor Babur got the mosque constructed. This note of P. Carnegie was published in the year 1867. He has admitted that he has no idea that the description given by the Britishers that mosque was constructed after demolishing a Hindu temple is wrong. He has also mentioned about the book written by Hans Bakker wherein it is mentioned that Babur got constructed a mosque at the place where temple existed. He has also referred Martin who states that at the place of disputed structure there existed a temple which was got constructed by King Vikramaditya. He is in full agreement with the description given in Ayodhya Mahatmya about pin pointing the birth place of Lord Rama. He accepts that he has seen a column on which "Bighneshwar" was written. He has also stated that the description prior to 1800 A.D. there is mention of worship of Hindus at the place of birth of Lord Rama which is known as Ram Kot. He also admits that disputed site comes within the area of Ram Kot. According to him even in 5th century A.D. People had belief that Lord Rama was born in Ayodhya. This belief revived in 11th century A.D. He has categorically accepted that in all the descriptions written by Britishers, the place of birth of Lord Rama is mentioned which is described as Ram Janam Bhoomi.

Shri Prof. Suraj Bhan, PW-16 in his cross-examination has admitted that he visited a place at Ayodhya, which was believed to be

the site of Bighneshwar Temple. The people of that locality had affirmed that this place is Bighneshwar Temple. He has categorically admitted that at so many places even in absence of any deity that place itself is worshiped. He has admitted that the institution, on behalf of which he had made investigation about the disputed site, its Chairman was Prof. Irfan Habib. He got grant from this institute for the investigation of this site.

Prof. Suvira Jaiswal, PW-18, has stated that in Skanda Puran there is a chapter of Ayodhya Mahatmya. She has also admitted that if people have faith at a particular place, then it is not necessary that there should be existence of any temple even that place of belief/faith can be worshiped under Hindu religion. He has accepted that he had read an article wherein it was mentioned that according to Abul Fazal Ram Nawmi festival was celebrated on the day of birth of Lord Rama. She has also admitted that in second century A.D. Shri Ram was recognized as incarnation of "Narayan". She has stated that in Valmiki Ramayan, the date of birth and place of birth of Lord Rama are mentioned. According to general belief amongst Hindus, Lord Rama was born in Ayodhya which was worshiped by Hindus.

Next witness of the above category is Prof. Shirin Musavi, PW-20, who has stated that she is Professor in History Department in A.M.U. Since 1970. She had taught in Chicago University in 1984. Did Ph.D in 1980 in History from A.M.U. Was Head of the Department from 1997-99. She was also Secretary of Indian History-Congress for three years. She has been visiting Professor in foreign

countries. She has stated that there is no evidence to suggest that disputed mosque was constructed after demolition of any temple. Muslims started residing at Ayodhya since 1206. On the basis of "Aaine Akbari", "Meerate Masoodi", Hadeeqe Sohada", Teffintheller's account, she came to the conclusion that there was no temple at the disputed site prior to construction of the mosque. In her cross-examination she has stated that since she has not visited disputed site, therefore, unable to state whether there exists image of Warah Devta or not. She has never seen the figure of pig. She has not seen the columns of black Bassalt in any mosque. She has seen the idols and images of Hindu God and Goddesses in the temple and has also seen stove, rolling pin etc. She has also seen foot prints and she has not seen these images or things in any mosque. No image or idol can be depicted or installed in any mosque. She is unable to state as to whether any Muslim would permit any Hindu to come in the mosque and make idol or figure in it or not?

Shri Dhaneswar Mandal, PW-24 has stated that he is retired Professor of Department of Ancient History, Culture and Archeology in Allahabad University. Although he is not Ph.D, but many persons have done their research work and got Ph.D in his supervision and guidance. He joined as Exploration Assistant in 1960 and retired in 1993. He has been teaching for 33 years and did enormous archeological work. He is also author of Ext. 63 "Archaeology after Demolition". He has further stated that there is no evidence to the effect that any temple ever existed beneath the disputed mosque. This

witness has been examined twice. After submission of the the ASI report, he was again called as a witness from the plaintiffs' side. He has stated every aspect of excavation and supported the objection filed against the ASI report by the plaintiffs.

In his cross examination at page no. 15 he has stated that his memory regarding the dates of different events is weak. This condition is continuing for two or three years. It is true that a stone slab can be carbon dated. His is holder of red card of Communist Party. He has stated that he has not seen black Bassalt columns in any mosque or temple. The reason is that he never visits any temple or mosque. After 600 A.D. And up to medieval period there was period of Rajputs. He has also stated that the bottom base of platform, which was in outer courtyard was 2.65 meter deep from upper surface of the ground.

Next witness of above category is Prof. Shreen F. Ratnagar, PW-27 who is Ph.D in Archaeology and fellow of British School of Archaeology. Did excavation at different sites in Iraq. She did P.G. Diploma in Archaeology and has been lecturer in J.N.U., Delhi. She is a writer of five books of archaeology. In her cross examination she has stated about the excavation conducted by Professor B.B. Lal at Ayodhya. By and large she has supported the contention of D. Mandal. In her cross-examination she has stated that knowledge of Purans is essential for understating the early first millennium A.D. At the time of recording the statement she has stated that she has not visited the disputed site till date. Valmiki Ramayan was written

between 500 B.C. And about 300 or 200 B.C.

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Dr. Sita Ram Roy, PW-28 is Ph.D and expert in Epigraphy and Numismatics. He was closely associated with excavation up to 1988. He had been associated with excavation at twelve-sites. From his study about the site in dispute, he is of the opinion that no temple existed at disputed site prior to construction of Babri Mosque. He has also stated that there was no temple at Ayodhya during 11th and 12th century.

In his cross-examination he has stated that he has read the literature of Kalidas- Meghdootam, Abhigayan Shakuntalam and Raghuvansham. There is description of Lord Rama and Ayodhya in Raghuvansham. This book was written in Gupta's period, which comes between 4th - 5th century A.D. The period of Rig Ved has been dated by the scholars as 1500 B.C. In Rig Ved river Saryu is mentioned. According to him Puranas were written during 4th - 16th century. Literature, old books, travellers account and accounts of ambassadors, who came from abroad are the source of knowledge of ancient history. Religious scriptures also come within this category.

He has admitted that according to Parjiter, the period of Lord Rama is 1600 B.C. He has admitted that the figures engraved on the Kasauti pillars were seen by him, but presently he is unable to describe about them. He was asked whether he recognized Dr. S.P. Gupta, Dr. T.P. Verma, Professor Devendra Swaroop and Ajai Mitra Shasthri. He has answered in affirmative. Although he has stated that he visited Ayodhya at least 20 times, but he could not tell the name of

any other temple except Hanuman Garhi. He has also admitted that he had seen the trenches excavated by Professor B.B. Lal. No defect was detected by him with reference to the trenches and report of Professor B.B. Lal. He has also stated at page no. 61 of his statement that he never tried to investigate as to whether Rama was born in Ayodhya. He does not know as to when idol of Ram Lala was installed in the disputed structure.

Next witness of above category is **Dr. Jaya Menon, PW-29**. She is a Reader in the Centre of Advanced Study, Dept. of History A.M.U. Formerly she was lecturer in Badodara, M.S. University. She did her Ph.D from J.N.U., Delhi. She remained present during the excavation conducted by ASI. She has given detailed description in support of the objection against ASI report. In her cross-examination she has stated that she stayed for about 33 days in Hotel 'Shane Oudh' at Faizabad. She has accepted that expenditures during her stay were paid by Mr. Z. Jilani, but she is not very much sure about it as to who actually paid it. She has stated that normally "ghat" which was engraved at the Kasauti pillars is not found in a mosque. She has also accepted that figurines of elephant, tortoise and crocodile made of terracota were recovered during excavation. Such figurines were recovered from trenches. She is aware that crocodile is the seat of holy river Ganga. Similarly, tortoise is the vehicle of holy river Yamuna. Snake is associated with Lord Shiv. She has also admitted that she has not seen any mosque where figures of fish would have been engraved on the entrance gate. She had seen wall no. 16 and 17.

She admits that wall no. 16 was used as a foundation wall for the construction of the mosque and admits that she has not seen any such structure in which the foundation wall would have been raised on some other foundation wall already existing there. She has categorically admitted that wall no. 16 served as foundation to the wall of a mosque. Wall no. 17 was the foundation of wall no. 16. During excavation earlier she has not seen any wall resting on another foundation wall. There cannot be foundation walls one upon the other. In the present excavation, upper wall no. 16 was a wall which was later used as foundation. She went on to state that Garhwala rulers ruled Ayodhya from 1075 A.D. to about 1200 A.D. So many walls were recovered during excavation, such as walls no. 1, 2, 4, 8, 15, 18-a, 18-b, 18-c and 18-d, 19-b and 20. These walls were not of the disputed structure. She had not seen circular shrine at the site, as such she was not able to give her opinion about its stratigraphy. She has admitted that a non Islamic structure was recovered during excavation. She cannot give the approximate year of its construction. She opined that this might have been constructed during Gupta period. According to her, the oldest wall found in excavation was 1st to 3rd century A.D. During her stay she never made complaint regarding lack of supervision of trenches. She opined that circular shrine can be around 6th century A.D. She has not seen animal and human figurines of decorative stone in any mosque. She has also admitted that the pillars used in the disputed structure having floral designs and motifs and kalas were not noticed by her in any other mosque. She has stated that

"Amlak" is a decorative stone which is normally found in the upper part of the shikhar of the temples. She has stated that there were two floors in the south other than the floor of the disputed structure. Thus, she categorically admits that these two floors were floors of a different structure. She opined that these floors should have been constructed between 1200 A.D. to 1529 A.D.

Next witness is **Dr. R.C. Thakran, P.W-30** who has stated that he is a professor in the department of History in Delhi University. He is Ph.d. in archaeology. He was present during excavation at disputed site. According to him, the report submitted by A.S.I. is full of gross omissions and one sided presentation of evidence coupled with clear falsification of facts and motivated inferences. In his cross-examination, he has stated that daily register was maintained by ASI during excavation in which complete work done by the officers was recorded. He has admitted that much time was required to A.S.I. for complete analysis of the facts discovered during excavation. His statement which falsifies the objection filed against A.S.I. report, wherein he has said that it is not possible to create artificial pillar bases during excavation if the site is videographed during excavation. In that circumstance, it is not possible to create artificial pillar bases. He has admitted that two parties representing Muslim sides used to visit the site during excavation. All the artefacts recovered during a particular day were entered in the daily register. Two judicial officers were appointed as observers to supervise the excavation being done by the archaeologists. According to him, Ram Chabutra is an important

structural evidence about 30 pillar bases were seen by him. Different floors found during excavation represent different periods, on the basis of which it could be concluded that those might have been structure of temporary nature during different periods. Niches are also found in temples. He himself has no knowledge as to whether wall no.16 relates to any Idgah or not. His information regarding it is based on the opinion of Sri S.J.H. Zafari. He has no knowledge about the architecture of a temple of 12th century nor he has any knowledge about the temple architecture of present time. He has no knowledge about the distinctions between Mosque and Idgah. Although he admits that he had given description pertaining to it in his examination-in-chief. He went on to state that it is established that disputed structure was not constructed on virgin land. The site on which alleged Babri Mosque was constructed, constructional activities had started right from Kushan period and continued during subsequent periods also which include Gupta period, early medial period, Sultanat period and Mughal period. He could not say anything with certainty as to whether structures of different periods prior to the construction of disputed mosque would have been demolished or not. He has no knowledge about the form of mosque and tenets of Islam. Therefore, was unable to state as to whether Namaz could be offered or not at a place where images of different types were engraved. He has also admitted that he never visited the excavation site during excavation. He could not reply as to whether wall no. 5 is independent from wall nos. 16 & 17.

Next witness is Dr. Ashok Dutta, who has been examined as

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PW-31. He is a lecturer in the department of archaeology, University of Calcutta. He has also given statement about A.S.I. report and opined that this report is one sided presentation with clear distortion of the material recovered during excavation. In his cross examination he has stated that literature is the biggest source of history. He has admitted that whenever he visited the excavation site he noticed that the drafts man was preparing sections, drawing and ground plans. Still photography and videography of the excavation site were also done at the time of excavation. For each and every trenches, there were a technical assistants who were supervising the excavation of the individual trenches. He opined that the floor immediately below the disputed structure consisted of Lime Surkhi. But he was not able to reply as to whether the floor as seen in plate no.43 is penetrating into the pillar base or not. A.S.I. has submitted its report within a sort spam of time which goes to show their ability. He is also of the opinion that more time was required for preparing such exhaustive report. He also admits that he was not involved with the excavation of temple structure of any site.

According to report, he has stated that during excavation 62 human and 131 animal figurines were found. He says that a copper coin relating to Gupta period might have been recovered bearing image of a king on obverse side and on reverse side of which Srichand was written. He has also admitted that decorative stones are not generally used below the foundation level of any structure. He has also stated that recovery of bones is a very common feature of all the

archaeological sites. He has also admitted that immediately below the disputed structure there were three floors. The 4th floor was Jeli and Surkhi floor. He states that a Ghat or (Vessel) was recovered from trench G-7 which is associated with Hindu religion. Amlak Shila is generally found on top of Hindu temple. The purpose of Makar Pranal is to remove the water from inside to outside and forms part of the Hindu temple architecture. He admits that wall no.16 was approximately 32 to 35 meters. But he does not recollect the length of wall no.17. Wall No. 16 is very important than rest two walls i.e. wall no. 17 & 5. He has stated that, "I do have regards to the integrity of the archaeologists". According to him the pillar bases mentioned by the A.S.I., some of them were in section and some in trenches. He admits that he is not expert of northern Indian Temple Architecture.

Next witness is **Dr. Supriya Verma, P.W.-32**. She did Ph.D. from J.N.U. She has been associate professor of archaeology in department of history, Hyderabad University. She was present along with Dr. Jaya Menon at site during excavation. She has narrated about different aspects of stratigraphy, periodisation, artefacts, animals bones, pillar base, brick bats. According to her, brick bats were selectively removed and pillar bases were created. In her cross-examination she has stated that she was nominee of Sunni Central Board and had drafted objections along with Dr. Jaya Menon against archaeological procedures being followed during excavation which were subsequently filed by Muslims parties. She was continuously present during excavation barring few exceptions. She states that

whether place for 'Wazoo' was found or not at disputed site, nothing could be said about it. She has not seen figure or figurines of human being in any mosque. 'Kalash' is not found in a mosque. She does not know whether the floral designs are depicted in a mosque building or not. Bones have no relation with civilization. Bones are not associated with any particular community. She was not able to reply as to whether bones could be found in a mosque or not. "Amlaka" is found on the top of a Shikhar of a temple. She was also not sure about the figures of 'Yaksha' and 'Yakshi' which were identified by the expert of iconography on the black basalt columns fixed in the disputed building. On being confronted with plate no.59 and 60, she admitted that "Shrine" is visible in these plates. So far as she recollects Gahadwala Dynasty may be dated from 1086 to 1196 A.D. She has also stated that as per findings of the ASI, it is established that there was some structure beneath the floor of disputed site. She agrees with the conclusion that there was some structure just below the disputed site. She has been all along present during excavation except for few days and states that pillar bases as described by ASI in the sections were not created in her presence. This goes to falsify that part of objection filed against ASI report, wherein it is stated that the pillar bases were created by the archaeologists of ASI. She admits that wall no. 17 is below wall no.16. The circular shrine found during excavation according to her was associated with wall nos. 19A, 19B, 20, 21 and 22. She also admits that wall no. 5 is resting on wall no.16. She categorically states that wall no.17 was used prior to the

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construction of the disputed structure. Wall 17 was of construction which existed prior to the construction of the disputed structure. Although she does not agree with the suggestion that wall no.17 was the foundation of wall no.16. She also admitted that wall no. 17 constructed earlier to wall no.16.

From the side of the defendants and plaintiffs of O.O.S. No.5/1989, many witnesses have been examined, who have deposed that worship in the disputed building was going on continuously prior to 23.12.49, both in inner and outer courtyard. The inner courtyard was being worshipped as it was believed from times immemorial that Lord Ram who is considered as incarnation of Lord Vishnu took birth at a place which lies below the central dome of the disputed structure. Whole area of inner and outer courtyard has always been worshipped continuously either as holy place of birth of Lord Ram or there were Chabutra having idols of different Gods and Goddesses, Sita Rasoi, Charan etc. including Bhandar where saints doing Puja etc. used to reside thereat. All the witnesses examined from the side of the defendants and witnesses examined on behalf of the plaintiffs in O.O.S. No.5/1989 have categorically deposed that both inner and outer courtyard was composite and integral part of the one and the same building. Inner courtyard was worshipped being the birth place of Lord Ram and outer courtyard was extension of the inner courtyard where Ram Chabutra, Sita Rasoi, Charan etc. were being worshipped from times immemorial.

First category of the witnesses who have been examined on the

point that disputed site which included inner and outer courtyard was being worshipped from times immemorial up to the demolition of disputed structure i.e. 6.12.1992, first witness is O.P.W. 1, Paramhans Ramchandra Das. He was 90 years at the time of his deposition. Earlier he had filed O.O.S, No. 2/89 (Regular Suit No.25/50) which was withdrawn later on. He has stated that he came to Ayodhya 75 years ago from the date of his statement. He has given the description about the history of Ramanandeeya Sampradaya and its Akharas. On the basis of Hindu scripture and Skund Puran he has stated that disputed site is birth place of Lord Ram. He has given description of the riot which took place in 1934 in which domes of the disputed structure were damaged and a fine of Rs. 80,000/- was imposed upon the Hindus of Ayodhya. He had not seen offering prayers by the persons of Muslim community in the disputed site at least after 1934 riot. He has admitted that idols from Chabutra were placed in the inner courtyard on 22/23.12.49. He has also proved "Nyas-Patra".

Next witness of the above category is Hari Har Prasad Tiwari, O.P.W.-4 who is R/o Ghazipur and came to Ayodhya in 1934, remained in Ayodhya upto 1938. He has categorically stated about Hanumat Dwar, Ramchabutra, Sita Rasoi, Bhandar, Singhdwar, Charan, Parikrama. According to him, he did not see any person of Muslim community offering prayers on the disputed site.

O.P.W.5 is Ram Nath Mishra, who has stated that his age is 91 years at the time of statement. He is Purohit by profession and came to

Ayodhya in 1932. He stated about Bhandar, Ram Chabutra, Sita Rasoi Gufa Mandir, Shanker Parvati Asthan etc. He has stated that from times immemorial all the persons of Hindu community consider that the place below central dome is the birth place of Lord Rama. He did not see any person of Muslim community offering Namaz in the disputed site. If any, endeavour was made by them, it was vehemently opposed by the persons of Hindu community, which included Sadhus of Ram Chabutra. They used to compel the persons trying to offer Namaz over there to run away. He has also stated that below central dome in the Niche idol of Lord Ram Chandra Ji was placed. Thus, he has stated that even between 1928 to 1949, both outer and inner courtyard was in the possession of the Hindus.

Next witness is O.P.W.6, Haushila Prasad Tripathi, whose age is 80 years. He is a freedom fighter. He came to Ayodhya in 1935 for the first time. He has been visiting Ayodhya since 1935 which continued upto 1945. He has described about Bhandar, Ram Chabutra, Shiv Asthan, Sita Rasoi. He never saw any person of Muslim community offering Namaz in the disputed site.

Next witness is O.P.W.7, Ram Surat Tiwari. He is of 73 years age, was appointed Lekhpal in 1953 and retired in 1988. He has stated about Shiv Darbar, Sita Rasoi, Gufa, Mandir, Charan, depiction of Varah Bhagwan, Parikrama, Kasauti Pillars. He had never seen any person of Muslim community offering Namaz in the disputed mosque. According to him, it was general belief amongst Hindus from times immemorial that Lord Rama took birth below central dome of the

disputed structure. Had any person of Muslim community attempted to offer Namaz he would have been ousted and made to run away by the Sadhus residing over there at Ram Chabutra.

O.P.W.12, Sri Kaushal Kishore Mishra, R/o Ayodhya whose age is 75 years. He has categorically stated that after riot of 1934, no person of Muslim community ever succeeded in offering Namaz as Sadhus of Ram Chabutra by using force made them to run away.

O.P.W. 13, Narad Saran, whose age is 76 years and came to Ayodhya in 1946, he has described in detail about Charan, Sita Rasoi, Choolha, Gufa-Mandir. He has also stated that the place below central dome was continuously considered from times immemorial as birth place of Lord Rama.

D.W.17/1 is Ramesh Chandra Tripathi. He has stated that in the age of 77 years for the first time he had Darshan of disputed site. He has also stated about 1934 riot. He also states that Lord Rama took birth at the place which is just below the central dome.

D.W. 20/3 is Bramchari Ram Raksha Nand. He has given statement of same effect. All the witnesses produced by the plaintiff of O.O.S. No. 3/1989 which are DW3/1 to 20, have categorically proved that all the persons of Hindu community in general and saints belonging to Nirmohi Akhara in particular always worshipped at Ram Chabutra, Charan, Sita, Rasoi, Shiv Parvati etc. Although they have also tried to state that idols were also there in the inner courtyard even prior to 22/23.12.49. All the witnesses of this category have categorically stated that at least after 1934, no person belonging to

Muslim community succeeded in offering Namaz as they were forcibly ousted and made to run away.

Many witnesses have been examined from the defendants side and plaintiffs of O.O.S No.5/89 to depose that they have special knowledge about Hindu religion and scriptures and also about place of birth of Lord Rama. The witnesses of this category is O.P.W.-16, Jagadguru Ramananda Charya Swami Ram Bhadra Charya, who is a great scholar having deep and vast knowledge of Hindu scriptures. On the basis of his thorough study on Balmiki Ramayan, Skund Puran, Kabitawali, Ram Tapneeyopanishad, Yajurved, he came to conclusion that disputed place is the birth place of Lord Rama. This place had been continuously being worshipped as the birth place of Lord Rama from times immemorial.

Next witness of this category is Swami Avi Mukoteshwara Nand Sarswati, DW-20/2. He is disciple of Sankara Charya Sawmi Swaroopa Nand. He has vast, deep and thorough knowledge of all the theist and atheist, philosophy of Hindu scriptures. On the basis of his thorough knowledge, he has deposed and affirmed the view that disputed place is the birth place of Lord Rama. He has given references from so many religious books of Hindu scriptures such as Balmiki Ramayan etc.

Dr. Ram Vilas Das Vedanti, DW-2/1-3 who is Ex. M.P. and obtained Ph.D. on the subject, "Balmiki Ramayan – Dharma Neeti", he has categorically stated that after 1934 riot Muslims were not allowed to offer Namaz in the disputed site. On the basis of his thorough and

deep study on Balmiki Ramayan he had got his directorate degree. He says that Lord Rama took birth at the disputed site. In support of his contention he has referred Yajurved, Skund Puran and Literature of Goswami Tulsi Das and Rudramayan. He has stated that on the basis of the shape/form of the disputed structure it could be safely concluded that it was a temple and not a mosque.

In the next category of the witnesses claiming special knowledge of history and archaeology, Dr. S.P.Gupta, OPW-3 has been examined as first witness from the side of the plaintiffs of O.O.S. No.5/89. He is co-author of the book on Ayodhya which is Ext. O.O.S.-5-3. He retired as Director of Museum, Allahabad in 1990. He stated that 14 black pillars of disputed structure belong to the same temple of 11th - 12th century which was got demolished on the command of Emperor Babar through his minister Mir Baqi.

O.P.W.9, Dr. T.P. Verma, the co-author of the above book, was appointed next friend of Bhagwan Shri Ram Lala Virajman in O.O.S. No.5/89, after the death of Deoki Nandan Agarwal. He did Ph.D. on the subject, "The Palaeography of Bramhi Script in north India" from 2nd century B.C. to 3rd century A.D. was lecturer in B.H.U. from 1967 to 1993 in the Department of, "Ancient Indian History, Culture and Archaeology". He has also stated about 20 lines inscriptions (estampage paper no.203 C-1/1,2) being co-author of the above book, he has stated that in detail about all the views expressed by him with Sri S.P. Gupta in the above book and proved the plaintiff assertions of above suit.

O.P.W.10, Dr. K.B. Ramesh, next witness of the above category got his Ph.D. degree in 1965 in History from Karnataka University, was promoted the Chief Epigraphist in 1981 and retired as Joint Director General of ASI on 30.6.1993. He deciphered the 20 lines inscription (estampage paper no. 203C-1/1, 2) translated it in English and concluded that this inscription belonged to 12th century A.D. He has also proved his report (306C-1) in para 15 of his statement. Even M.N. Katti, who has also been examined has accepted that the views expressed by Dr. K.V. Ramesh on the above inscription and his translation is more accurate in comparison of the decipherment done by him. Since statement of Dr. K.B. Ramesh has been referred at various stages of the judgment, it is not required to give detailed description of his statement at this juncture.

Next witness of above category is O.P.W.11, Dr. Satish Chandra Mittal. He is Ph.D. in History. He retired as professor, History Department, Kurukhetra University. He opined that temple existing on Ram Janma Bhumi was destroyed and a mosque was constructed at that place.

Next witness is O.P.W.15, M.N. Katti. He is Epigraphist. He joined A.S.I. in 1964, was promoted as Director Epigraphy. On the instruction of Director General, A.S.I. he had prepared estampage of the inscription on the stone slab which is paper no. 203C-1/1, 2. He has submitted his report to Registrar, Lucknow Bench, High Court.

O.P.W. 17 is Dr. R. Nagaswami. He retired as Director of Archaeology, Tamil Nadu. He served on this post for 22 years. Did his

Ph.D. in 1974, had been Vice Chancellor of Kanchipuram University. As far as objection filed by the plaintiffs of O.O.S. No. 4/1989 and in particular on the point that the archaeologist of A.S.I. created false pillar bases during excavation was strongly denied by this scholar who stated that it was not possible for an excavator to create pillar basis or structure consisting number of courses inside a trench. He is also expert on temple architecture and supported all the findings and conclusion arrived at by ASI in their report submitted after excavation at disputed site under the orders of this Court.

O.P.W.18, Arun Kumar Sharma, retired from the post of Superintending Archaeologist, ASI. He was member of the Central Advisory Board of Archaeology Government of India and served in ASI from 1959 to 1992. He has fully supported the conclusions arrived at by ASI after the excavation of disputed site. From the perusal of the statement of this witness, it transpires that he has extensive, deep and thorough knowledge of all the principles of excavation and has supported the report of ASI, submitted on 22.8.2003 in this Court, on all the counts.

O.P.W. 19 is Rakesh Dutt Trivedi, who retired as a Director of ASI and served this institution from 1974 to 1993. He worked as Head of the Temple Survey Project Northern India from 1977 to 1984. He is also writer of a book entitled as "Temples of Pratihara Period in Central India". He has also stated about the structural and architectural remains of a massive structure underneath and Mandapa like structure which is generally found in the northern India. He has concluded that

the indication of a temple which was demolished prior to construction of disputed mosque was found at the site.

Next witness of the above category is DW2/1-1, **Rajendra Singh**. He got Technical Education in Miller Trade Tool and Cutter Grinding. He was of the opinion that disputed place is birth place of Lord Rama where Guru Nanak, Guru Teg Bahadur and Guru Govind Singh visited for worshipping it as the birth place of Lord Rama. He has also written a book which is part of record.

Next witness is DW2/1-2, **Ram Saran Srivastava**. He is Ex. D.M. Faizabad. He joined on 19.07.1987 as D.M., Faizabad. Shitanyas was done during his regime. He has also written a book entitled as 'Sri Ram Janma Bhumi Babri Masjid Vivad Ek Dristikon'. On the basis of the study of different Gazetteers and Revenue Records, he is of the opinion that disputed place is place of birth of Lord Rama. In Nazool and in Revenue Records disputed place is recorded as Janma Sthan. Mir Baqi had constructed the mosque after demolition of Ram Temple. Encyclopaedia Britannica also supports this proposition. Muslims were not allowed to offer Namaz after riots of 1934.

D.W.13/1-3 is **Bishan Bahadur**. He is the Head of the Department in History in Varshney P.G. College Aligarh and stated that he has been teaching History for 35 years. About 22 persons have got Ph.D. degree in his guidance and supervision. He has stated about the Gaharwal Rulers and their pedigree and aggression. He has also stated about the aggression by Salar Mahmood. According to his study, on the command of Emperor Babar his commander Mir Baqi

got constructed a mosque over disputed site after demolishing a temple. According to custom and tradition which is coming from generation to generation and from times immemorial, disputed site is considered as birth place of Lord Rama.

DW20/5, Jayanti Prasad Srivastava, who remained present almost during whole period of excavation conducted by ASI at disputed site, has stated that he joined ASI in 1957 and took part in so many excavations. He had observed entire excavation work at disputed site from 12.3.2003 to 07.08.2003. He opined that excavation was done as per principles and rules and pillar mandapa like structure was there. The archaeological evidence of a massive structure was found at the spot which could be dated from 10th century onwards upto the construction of the disputed structure. So many decorated stones, bricks mutilated sculpture of divine couple, carved architectural members, foliage pattern, Amalaka, Kapothpali, door jams with semi circular plaster, lotus motive, circular shrine, the pillar bases are indicative of the remains of earlier temple which existed over there, prior to its demolition and construction of mosque thereat.

On the basis of the above three category of witnesses, who have deposed on the point of worship being done continuously from times immemorial, on the disputed site, witnesses having special knowledge about Hindu Religion and deposing about the place of birth of Lord Rama on the basis of their study on Hindu religion and sculptures and witnesses having special knowledge of history/archaeology and also after critical examination of the statements given in their cross-examination.

The evidence was recorded by this Court in O.O.S. No. 4 of 1987 Sunni Central Waqf Board of Waqfs U.P. And others Vs. Gopal Singh Visharad and

others which is leading case. Other three cases are connected with this case. In all there are 85 witnesses. In O.O.S.No. 4 of 1989 there are 28 issues ; in O.O.S.No. 5 of 1989 there are 30 issues ; in O.O.S.No. 1 of 1989 there are 17 issues and in O.O.S,Bi, 3 of 1989 there are 17 issues.

Oral Evidence adduced on behalf of the plaintiffs in O.O.S.No. 4 of 1989

The plaintiffs have examined 32 witnesses. I have divided them into three categories. On the point of Namaz being offered up to 22.12.1949/23.12.1949 the statements of P.W.1 Mohammad Hashim, P.W.2 Haji Mahboob Ahmad, P.W.3 Farooq Ahmad, P.W.4 Mohamamd Yaseem, P.W.5 Abdul Rahman, P.W.6 Mohamamd Yunus Siddiqui, P.W.7 Hasmatullah Ansari, P.W.8 Abdul Azeez, and P.W.9 Syed Akhlaq Ahmad are on the record. Looking to their cross-examination their versions appear to be incorrect. Version given before the Court could not inspire confidence for the reasons recorded in the cross-examination. Thus, they are unreliable witnesses and they could not prove that Namaz was offered in the disputed building upto 22/23-12-1949.

Second category of witnesses are those witnesses who have deposed about the nature of the disputed structure alleging to be a mosque. These witnesses were properly examined and during the

course of examination P.W. 10 Maulana Mohhd. Idrees, P.W.11 Maulana Mohd. Burhanuddin, P.W.19 Maulana Ateeq Ahmad, P.W.22 Maulana Mohd. Khalid Nadwi, P.W.26 Maulana Syed Kalbe Jawwad and P.W.25 Chawdhry Sibte Mohd. Naqbi have deposed before this Court. They are not the expert witnesses. They have not stated that they are authority on Mohammedan Law Accordingly when the defendants have adduced evidence on tenets of Islam, it has to be accepted ignoring their views.

As regards the witnesses produced by the plaintiffs against the report of A.S.I. and witnesses who claim themselves as historians

Versions of such witnesses have already been considered while giving findings on issue no. 1-B and they are also not to be treated to be expert witnesses. Thus, their version against A.S.I. report is not accepted.

Hindus have produced witnesses to show that at the disputed site before the demolition regular worship was going on. Statements of OPW1, OPW 4, OPW 5, OPW7, OPW12, OPW13, OPW 12, OPW13, DW 17/1, DW 20/3 are supported by circumstantial evidence and reveal that in the outer courtyard worship was going on and in the inner courtyard the deities were placed in the intervening night of 22/12/1949 and 23/12/1949 and prior to it the Hindus worshipped the place and deities. The pillars inside and outside the building in question contained images of Hindu Gods and Goddesses including the place of birth of Lord Ram as deity.

O.P.W 16, DW 2/1-3, DW 3/14 and DW 20/2 have been examined from Hindu side as these witnesses have claimed special knowledge about Hindu religion and Shastras and they have deposed about the place of birth of Lord Ram. Their testimony is reliable on the ground that it is corroborated from the version of historians and gazetteers.

Third category of the witnesses examined from Hindu side are those witnesses, who have special knowledge of history and archeology. These witnesses are OPW 9, OPW 10, OPW 11, OPW 15, DW 13/1-3, DW 2/1-1, dW2/1-2, OPW 3, OPW 17, OPW 18, OPW 19 and DW 20/5.

Their statements are reliable because they are experts and they have special knowledge in the field of history and archeology. Circumstantial evidence also corroborates their assertion.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION.
CIVIL APPEAL NO. OF 2011

(ARISING OUT OF FINAL ORDER AND JUDGEMENT DATED
30.09.2010 PASSED BY THE HON'BLE HIGH COURT OF
JUDICATURE AT ALLAHABAD, LUCKNOW BENCH IN OOS
NO. 5 OF 1989 (REGULAR SUIT NO. 236 OF 1989)

IN THE MATTE OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA

VIRAJMAN AND ORS

RESPONDENTS

POSITION OF PARTIES

IN OOS NO.5 OF 1989

(REGULAR SUIT NO. 236 OF 1989).

IN THE HIGH
COURT

IN THIS COURT

The President, All India Defendant No.11 Appellant/
Hindu Mahasabha, Swami Petitioner
Chakrapani, National
President, aged about 35
years, s/o Late Banarsi Lal, r/o
President House 15-A Hindu
Mahasabha Bhawan Mandir
Marg New Delhi-110001.

..... Appellant/Petitioner

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AND

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1. Bhagwan Sri Ram Virajman at Plaintiff No.1
Sri Rama Janam Bhumi,
Ayodhya also called Bhagwan
Sri Rama Lala Virajman,
represented by next friend, Sri
Triloki Nath Pandey aged about
65 years, son of Late. Askrut
Pandey, resident of Karsewak
Puram, District Faizabad
(proforma). Respondent
No.1
2. Asthan Sri Rama Janma Bhumi, Plaintiff no.2
Ayodhya, represented by next
friend, Sri Triloki Nath Pandey
aged about 65 years son of late
Askut Pandey, R/o Karsewak
Puram District Faizabad
(proforma). Respondent
No.2
3. Triloki Nath Pandey aged about Plaintiff No.3
65 years son of late Askut
Pandey, R/o Karsewak Puram
District Faizabad (proforma). Respondent
No. 3
4. Sri Rajendra Singh, adult, son Defendant No.1
of Late Sri Gopal Singh
Visharad, at present residing at
Gonda, care of the State Bank
of India, Gonda Branch Gonda
(proforma). Respondent
No. 4
5. Mahant Suresh Das, aged about Defendant No.2/1
55 years, Chela Late Mahant
Ram Chandra Das of Digambar
Akhara, Ayodhya (proforma). Respondent
No. 5
6. Nirmohi Akhara Mohalla Ram Defendant No. 3
Ghat, Ayodhya, through its
President mahant Jagarnath Das,
aged about 54 years, Chela of
Vaishnav Das Nirmohi, r/o
Mohalla Ram Ghat, Nirmohi
Bazaar, Pargana Haveli Awadh,
Ayodhya, District Faizabad. Respondent
No.6

7. Sunni Central Board of Waqfs, Defendant No.4
U.P through its Chairman having
its office at Moti Lal Bose Road
Lucknow. Respondent
7
8. Sri Mohammed Hasim, adult, S/o Defendant No.5
Sri Karim Baksh, r/o Mohalla
Sutahi, Ayodhya. Respondent
8
9. Sri Mohammed Ahmed, adult, S/o Defendant No.6
Sri Gulam Hussain, r/o Mohalla
Rekabganj, Faizabad. Respondent
9
- (Dead) through LR
- 9.A Sri Anwar Ahmad, r/o Mohalla
Rekabganj, Faizabad
10. State of Uttar Pradesh through the Defendant No.7
Secretary, Home Department,
Civil Secretariat, Lucknow. Respondent
10
11. The Collector/ District Magistrate Defendant No.8
Faizabad. Respondent
no.11
12. The City Magistrate, Faizabad. Defendant No.9 Respondent
no.12
13. The Senior Superintendent of Police Faizabad. Defendant No.10 Respondent
no.13
14. The President, All India Arya Defendant No.12
Samaj Dewan Hall Delhi.
(proforma) Respondent
no.14
15. The President, All India Sanatan Defendant No.13
Dharma Sabha, Delhi, proforma) Respondent No
15
16. Sri Dharam Das adult, Chela Baba Defendant No.14
Abhiram Das, r/o Hanuman Garhi
Ayodhya. (proforma) Respondent No.
16
17. Sri Pundarik Mishra, adult, s/o Sri Defendant No.15
Raj Narain Mishra, r/o Bhampur
Sarai, Rakabganj Faizabad. Respondent
no.17
18. Sri Ram Dayal Saran, adult, Chela Defendant No.16
Ram Lakhan Saran, r/o Ram
Charit Manas Bhawan, Mohalla
Ram Kot, Ayodhya. Respondent
no.18

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19. Sri Ramesh Chandra Tripathi, Defendant No.17
adult, s/o Sri Parash Ram
Tripathi, r/o Village Bhagwan
Patti, Pargana Minijhaura,
Tehsil Akbarpur, Distt
Faizabad.

Respondent
no.19

Defendant No. 18
and 19 have been
deleted vide order
dated 20.09.1989

20. Sri Umesh Chandra Pandey, Defendant No.20
adult, s/o Sri Uma Shankar
Pandey, Advocate, r/o Rano
Pali, Ayodhya.

Respondent
no.20

21. Sri Ram Janam Bhumi Nyas, a Defendant No.21
Trust having its office at
SankatMochan Ashram, Sri
Hanuman Mandir, Rama
Krishan Puram, Sector VI, New
Delhi through Sri Ashok
Singhal, Managing Trustee.
(proforma)

Respondent
no.21

22. Shia Central Board of Waqfs, Defendant No.22
U.P Lucknow, through its
Chairman, 817, Indra Bhawan,
Ashok Marg, Lucknow (U.P).

Respondent
no.22

Defendant no.23
has been deleted
vide order dated
27.01.1992

Defendant no. 24
has been Deleted
vide order dated
23.07.1997.

Defendant no. 25
has been Deleted

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vide order dated
10.11.1997.

25. Hafiz Mohammed Siddiqui, Defendant No.26 Respondent
aged about 46 years, s/o Late no.25
Haji, Mohammed Ibrahim, r/o
Lal Bagh, Muradabad, General
Secretary, Jamaitul Ulema
Hind, U.P Jaimait Building, B.N
Verma Road, Kutchery Road,
Lucknow
26. Vakiluddin aged about 55 Defendant No.27 Respondent
years, s/o Ismail, r/o Madarpur, no.26
Pargan and Tehsil Tanda,
District Faizabad.

Respondents

To, www.vadaprativada.in

The Hon'ble the Chief Justice of India and

his Companion Justices of the Supreme Court of India.

The Appeal of the Appellant/ Petitioner above named:

MOST RESPECTFULLY SHEWETH:

1. The appellant above mentioned respectfully submits that this.
Appeal is being preferred against the final Judgment dated
30.09.2010 passed by the High Court of Judicature At

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Allahabad Lucknow Bench, Lucknow in OOS No.5 of 1989 (Regular Suit No.236 of 1989) in terms of a separate order passed by the Hon'ble High Court, commonly known as Ayodhya Dispute to the extent only one third of the disputed land had been decreed in favour of the Muslims by the Judgment passed by Mr. Justice S.U Khan and Mr. Justice Sudhir Agarwal whereas the third Judge i.e Hon'ble Mr. Justice Dharam Veer Sharma decreed the suit in toto.

- 1 (a) It is stated that after the pronouncement of the Judgment by the Full Bench on 30th September 2010 and oral request was made for granting Certificate under section 109 of C.P.C for filing an appeal before the Apex Court as the matter is as the case involves substantial questions of law of General importance and the same was required to be decide by the Supreme Court of India. The Hon'ble High Court rejected the said prayer holding that any party may Appeal to Supreme Court as a matter of right under section 96 of C.P.C. Since no procedure has been provided under any law or in the Supreme Court Rules 1966 for filing First Appeal against the Judgment passed by the High Court trying a Civil Suit the appellant is also invoking the jurisdiction of the Hon'ble Court under Article 136 of the Constitution of India and to grant leave to file appeal. A copy of the order dated 30.09.2010 is Annexed as Annexure A-1.

- 1 (b) It is stated that the parties which were deleted are expired during the proceeding before the High Court have not been arrayed as parties herein. The parties in the cause title are same as those before the High Court.

2. QUESTIONS FOR DETERMINATION BY THIS HON'BLE COURT:

The following important questions of law as well as facts have arisen in the aforesaid Civil Appeal which needs to be decided by this Hon'ble Court in the larger interest of the Nation, Constitution and the same are as under:-

1. Whether a Court can pass Decree in Favour of Muslims partitioning the property of the Deity in suit even after recording a finding that they have failed to prove the creation of any Waqf in relation to such property/ Land/ Building and they failed to prove their ownership over such land?
2. Whether in a suit for declaration and injunction Court can pass a decree for partition?
3. Whether Court after dismissing the representative suit for declaration and possession in respect of a building claimed as a Mosque can decree any part of the suit property in favour of such plaintiff in another suit?

4. Whether the finding recorded in a representative suit is conclusive between the parties and same operates as Res Judicata in other suit in respect of the same subject matter?
5. Whether after recording a finding that no Waqf was created in respect of the property in suit, the court can pass a decree for possession in favour of the Muslims?
6. Whether a suit filed by the plaintiff for declaration and alternative relief for possession having been dismissed by the court will disentitle such plaintiff from getting possession over any part of the land in any other suit?
7. Whether in absence of a counter claim or asking for partition of the suit property court can *suo moto* mould the relief and decide the suit partitioning the property in a suit filed for declaration and permanent injunction?
8. Whether the Muslims can be allowed to construct any building terming it as a Mosque over Deity's property?
9. Whether Muslims cannot claim any building as a Mosque if the same has not been constructed over the property with the consent of the owner?
10. Whether building which was not used for more than 300 years and Hindu worship was going on therein, the Muslims can claim such building as Mosque after lapse of such period?

11. Whether after declaration of land having been vested in the Government as a Nazul Land Muslims lost their interest in such property after such vesting?
12. Whether Doctrine of User of a building as a Mosque cannot be applied in a case when the building has not been used for more than 300 years as a Mosque and there after same having been declared as vesting in the Government as Nazul land?
13. Whether any law, rule or order passed/issued by the then ruler in pre-independent era violating and infringing right to religion as guaranteed under Article 25 of the Constitution of India has become non-est and void with effect from 26th January 1950 by virtue of Article 13(1) of the Constitution of India?
14. Whether the cultural heritage of the nation has to be protected and preserved and any action done or order passed against the interest of the cultural heritage of and the sole of Indian nation has to be maintained and glorified by the Courts?
15. Whether any suit would be maintainable for the continuance of the tyranny and barbarian action done in pre-independent India affecting the place of worship attached to the birth place of Lord Ram having being recognized as a cultural heritage of the nation reflected on the pages of the Constitution and also violating paramount human values and religious sentiments of Hindus?

16. Whether Universal Human Rights which includes religious rights involving human sentiments globally recognized at the international level has to be protected by applying international declarations and treaties to which India is a signatory in case there is a vacuum in municipal law?
17. Whether after Independence the instant case has to be decided applying Hindu Law in respect of the property upon which forceful possession was taken by the invaders in pre-independent India?
18. Whether in the instant case the issue before the court was to decide the title and ownership between the two parties i.e. Asthan Shri Ram Janam Bhoomi and the alleged Mosque and after recording the finding that Asthan Janam Bhoomi as deity the High Court ought to have decreed the entire suit property in favour of Plaintiffs OSS No. 5/1989?
19. Whether a Muslim can worship in a Temple and can offer Namaz over Deity's land and the entry so taken by force of arms or for creating disturbance and riot can be counted for the purposes of determining any type of possession known to law?
20. Whether the majority judgment of the High Court is erroneous to the extent that Muslims have been declared to be in joint possession in the Temple-Deity's property?

3. DECLARATION IN TERMS OF RULE 4.(2)

The Appellant-Petitioner states that no other petition seeking leave to appeal or appeal has been filed by him against the impugned judgment and order dated 30.09.2010 passed by the Hon'ble High Court of judicature at Allahabad, Lucknow Bench, Lucknow in OOS NO. 5/1989 (Regular suit no. 236 of 1989):

4. DECLARATION IN TERM OF RULE 6

The Annexure Nos. P 1- produced along with the appeal-Petition is true copy of the pleadings/documents which formed part of the records of the Court below against whose order the Appeal is being filed.

5. www.vadaprativada.in GROUNDS OF APPEAL:

- a) BECAUSE the core point before the High was as to who was the owner of the land/ property in dispute and High Court was required to decide the title of the contesting parties.
- b) BECAUSE the High Court has recorded finding of fact on the basis of the evidence, Historical facts, Scientific Reports i.e ASI Report and documentary and Other Evidence existing on record that the disputed structure has been raised after demolishing a Hindu temple at the same very place.
- c) BECAUSE the High Court after recording the finding that Asthan Ram Janam Bhoomi is a 'deity' (Swayambhu) and that

Hindus had been paying homage and worshipping the Asthan from the time immemorial and the belief, faith and worship of hindus in this regard is continuing from time immemorial and particularly before 1528 when Babur an invader is said to have constructed the disputed structure after demolishing the temple at the place sacred for hindus being birth place of Lord Ram, has decreed one third of the disputed land in favour of the Muslims.

d) BECAUSE it has been proved on record that the no waqf was created for constructing the disputed structure by any muslim and as such no mosque came into existence at any point of time because a waqf can be created by Wakif on his own property and not on the property of any other religious faith or on any property which is not owned by him.

e) BECAUSE according to Muslims Babur after conquering India in 1528 constructed the mosque at the disputed site but there is no proof that any waqf was created in respect of the property in dispute by invader Babur or any other muslim ruler.

f) BECAUSE the Muslims rely on the inscriptions found in the structure in question noticed by Dr. Hamilton Francis Buchanan between 1811 to 1814 and subsequently narrated by Mont Gomery Martin in the year 1838. In regard to the inscription Fuher in 1891 and M.s Beveridge in 1921 have also

narrated in regard to the inscriptions at least to the effect that the disputed structure was constructed under the command of Babur through his commander Mir Baqi/ Mir Ali/ Baqi and praise of Babur on those inscriptions. Muslims have also relied upon the version published in Epigraphia Indica in 1965 under the authority of Director of Archaeological Survey of India. From the inscriptions relied upon by the Muslims on the disputed structure it has been proved that after demolishing a Hindu Temple, the disputed structure was constructed at the sight of Birth place of Lord Rama, a sacred place for the Hindus.

- g) BECAUSE it is surprising that in the inscriptions relied upon by the Muslims there is no mention of creation of any Waqf over the disputed property.
- h) BECAUSE the disputed property is not a Waqf property as the Waqf Board has not issued any valid notification under the Waqf Act (13 of 1936) as it knew that property in dispute was not and could not be a Waqf.
- i) BECAUSE the Muslims have relied upon the notification dated 26.02.1944 by U.P Waqf Board but the Civil Judge while deciding issue no.17 in Suit no.12 of 1961 (OOS No.4 of 1989) has declared the said notification as ultra virus. The said notification does not include the disputed property.

- j) BECAUSE no Mutawalli has come forward to file the suit seeking declaration or possession over the disputed property. The property does not belong to the Waqf Board as such the Muslims cannot claim any interest or right over any part of the property in question.
- k) BECAUSE the Muslims have lost their right or interest if any as admittedly the same was never used as Mosque by Muslim community upto 1855.
- l) BECAUSE the Muslims for the first time were allowed to enter into the inner courtyard by Britishers thereby putting a iron grill between inner and outer courtyard but in fact the muslims could not take possession or offer Namaz within the said structure in pursuance of said arrangement made by Britishers.
- m) BECAUSE the Muslims lost their interest if any over the disputed structure in 1861 when the disputed land alongwith other land of the area was declared as Nazul land after first land Settlement of 1861. It is well established that Nazul land belongs to the Government and Government is its owner.
- n) BECAUSE Muslims have not raised any objection or resentment or protest against declaration of land as Nazul land after First Land Settlement of 1861 and thus government of Uttar Pradesh became the owner of the property in question

and the Waqf Board, Mutawalli if any, or any member of the muslim community have lost every right and interest over the property in dispute.

- o) BECAUSE it is well established that according to Hindu Law once the property vests in the deity it will continue to vest in the deity and even the king cannot take it for any purpose and it cannot be alienated in any manner.
- p) BECAUSE according to Hindu Law a 'Swayambhu (Self Created) deity' need not be in a particular shape or form and even a particular place can be said to be a deity. The self manifestation of the Supreme Being is known as 'Swayambhu' Reincarnation and place of reincarnation is treated to be sacred. Even if there is no structure it is a temple and has the sanctity of pious place being worshipped by the believers.
- q) BECAUSE according to Hindu Law an idol is always an idol and it never dies. This concept has been followed in legislative enactments in the light of Shastric Law.
- r) BECAUSE images/ idols are symbols of Supreme Being; in worshipping the image the Hindu purports to worship the Supreme Deity and none else. It is for the benefit of the worshippers that there is a concept of images of Supreme Being which is body less, has to attribute, is pure spirit and has got no second.

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- s) BECAUSE 'Asthan Ram Janam Bhoomi' (Plaintiff No.2) is a 'Swyambhu Deity' the place where Lord Vishnu manifested himself and was born as Ram son of Kaushalya/ King Dashrat
- t) BECAUSE it is well established by a catena of decisions right from the judgments of Privy Council till date that Hindu Idol is a juristic person. Deity has a juridical status and can sue and be sued.
- u) BECAUSE it is well established that deity is a minor in perpetuity. It can sue through next friend.
- v) BECAUSE Hindu deity is a class by itself. Its affairs are managed by a Shebait but Shebait is neither trustee of the deity nor property belongs to it.
- w) BECAUSE the fact that the disputed area has always been considered to be the deity which is Asthan Shri Ram Janam Bhoomi where 'Shri Ram Lalla' is 'Virajman' and is resident. The entire area of Ramkot including the disputed area has always been considered sacred by the devotees and the Hindus much before and even after the construction of the disputed structure.
- x) BECAUSE from the report of Archaeological Survey of India (ASI) based on the excavation by it clearly shows that before

the construction of the disputed structure in 1528 there was an existent Hindu temple underneath it.

- y) BECAUSE for Hindus and worshippers the entire Palace of Raja Dashrath is spread in the Ramkot area has been sacred and the same is being worshipped accordingly.
- z) BECAUSE the High Court has held that 'Ram Lalla Virajman' and 'Asthan Ram Janam Bhoomi' are deities and they are being worshipped at the said place from the time immemorial. As such there was no question and occasion for the High Court to decree one third of the disputed land to the Muslims.
- aa) BECAUSE it is not the question at which particular place Lord Ram was born and his birth cannot be treated as birth of ordinary person. As is believed Lord Vishnu took incarnation in the form of Lord Ram in the Palace of Raja Dashrath who was King of Ayodhya at that time therefore the entire Palace-Fort and every inch of the land of it is pious which is being worshipped by the devotees of Lord Ram.
- bb) BECAUSE it is well established on record that there were no Muslim presence before 1528 at, near or within the vicinity of the property in question. The entire land was belonging to the Hindus; different Temples, Akhara's were existing in the entire area of Avadhपुरi and as such the entire area was sacred one.

- cc) BECAUSE the High Court also while directing ASI for excavation of the site was of the opinion as to whether any Hindu structure or Temple was existing at the disputed site before the construction of the disputed structure in question. The same question is haunting the mind of the crores of people and legal luminaries, politicians and the Government as to whether in fact the construction was raised after demolishing a Hindu Temple at the place in question. It may be recalled that the Government of India also acquired the land for the decision of the said question and refereed the matter to the Apex Court.
- dd) BECAUSE once a finding is recorded that the disputed structure was raised at the site of existing temple after demolishing, the title and ownership can easily be decided in favour of the Temple.
- ee) BECAUSE all the three judges have rejected the objection raised against the ASI report by the Muslims and as such the same has become the part of the record worth for reliance and has to be taken as a piece of evidence
- ff) BECAUSE despite clinching evidence on the core point in issue regarding the construction of a structure after demolition of a Hindu Temple and holding accordingly, the High Court without any basis and without applying any law has decreed one third land of the land in dispute in favour of the Muslims.

gg) BECAUSE the Muslim's suit (OOS No.4 of 1989) was declared as a representative suit under Order 1 Rule 8 of C.P.C which means that its finding will bind both the communities. The suit of Muslim's for declaration and possession of the suit property has been dismissed by the High Court (Majority Opinion). Therefore the ratio of the judgment is that the Muslims claim for Mosque and possession of any inch of land of the disputed property is not tenable and the High Court erred to grant one third share to muslims without any basis and sanction of law and against its own finding recorded in the judgment.

hh) BECAUSE it has also been proved that Hindus had been worshipping within inner and outer courtyard of the building throughout and for the first time Muslims were allowed by British Government to come within inner courtyard after riot in 1855 but the said arrangement could not be given effect to.

ii) BECAUSE High Court was well aware that it was deciding the case in pursuance of the judgment rendered in case of *Ismail Farooqui vs Union of India* reported in 1994 6 SCC pg 360. The High Court was required to decide the ownership and title between the contesting parties i.e Hindus and Muslims and in other words The Temple or The Mosque, over the property in

question. But the High Court has exceeded its powers in partitioning the property.

jj) BECAUSE the High Court by majority opinion has held that Hindus and Muslims were in joint possession over inner courtyard as both were performing worship therein whereas Hindus were in exclusive possession over outer courtyard, ignoring the legal position that Muslims cannot worship in a Temple or over a Deity's property and their occasional mischievous appearance or offering Namaz in the Temple cannot confer any possessory right.

kk) BECAUSE a Muslim cannot worship in a Temple and cannot offer Namaz over Deity's land and the entry so taken by force of arms or for creating disturbance or riot cannot be counted for the purposes of determining any type of possession known to law.

ll) BECAUSE the majority judgment of the High Court is against law and facts of the case to the extent Muslims have been held to be in joint possession of Temple-Deity's property since 1860 over structure in question, whereas the appearance of Muslims in a Temple or over a Deity's property cannot confer any possessory right in any manner.

6. PRAYER:-

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In the facts and circumstances, as stated above, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Set aside the judgment and order dated 30.09.2010 passed in OOS No.5 of 1989 (RS No. 236 of 1989) by Mr. Justice S.U Khan and Mr. Justice Sudhir Agarwal to the extent one third of the property in dispute has been declared in favour of Muslims and to allot share to them in the decree accordingly and maintain the judgment passed by Mr. Justice Dharam Veer Sharma in the said suit.
- (b) Grant Civil Appeal against the Final Judgment and order dated 30.09.2010 passed by the High Court of Judicature at Allahabad Lucknow Bench Lucknow in OOS no.5 of 1989;- and
- (c) Pass such other and further order(s) as the Hon'ble Court may deem fit and proper to do complete justice.

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

FILED BY:

R.C.GUBRELE

Advocate for the Appellant

Place: NEW DELHI

DATED: 02.12.2010

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION.

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:-

The President, All India Hindu Mahasabha.

Appellant

VERSUS

Bhagwan Sri Ram Lala Virajman & Ors

Respondents

CERTIFICATE

Certified that the present Civil Appeal is confined only to the pleadings before the Court(s)/Tribunals(s) below whose order is challenged and the other documents relied upon in those proceedings. No additional facts, document or grounds have been taken therein or relied upon in the Civil Appeal.

Further certified that the copies of the documents/annexures attached to the present Civil Appeal are necessary to satisfy the questions of law raised in the Appeal or to make out grounds urged in the Civil Appeal for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Appellant whose affidavit is filed in support of the present Civil Appeal.

Dated : 02.12.2010

(R.C. GUBRELE)

Advocate for the Appellant

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:-

The President, All India Hindu Mahasabha,

Appellant

VERSUS

Bhagwan Sri Ram Lala Virajman & Ors

Respondents

AFFIDAVIT

I, Swami Chakra Pani, National President All India Hindu Mahasabha, aged about 35 years, s/o Smt. Shyam Pyari Devi, r/o President House 15-A Hindu Mahasabha Bhawan Mandir Marg New Delhi-110001, do hereby solemnly affirm and state as follows:-

- 1- That I am the Appellant, National President of All India Hindu Mahasabha, in the aforesaid matter and I'm fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit.
- 2- That I have read the contents of the accompanying Civil Appeal along with I.A.s. have been drafted by my counsel and explained to me in vernacular. I have fully understood the contents whereof. I say that the statements of facts as stated in

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ANNEXURE-A.1

IN THE COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.O.S.NO.5 OF 1989

(R.S.NO. 236/1989)

BHAGWAN SRI RAM VIRAJMAN AND OTHERS

PLAINTIFFS

VERSUS

SRI RAJENDRA SINGH AND OTHERS

DEFENDANTS

Copy of order dated 30.09.2010 is attached herewith.

Typed By; R.H. Shukla dated 30.11.2010

Examined; S.K. Shukla dated 30.11.2010

Checked by; S.K. Shukla dated 30.11.2010

Hon.S.U. Khan,J.

Hon. Sudhir Agarwal,J.

Hon. D.V. Sharma,J.

Sri Mustaq Ahmad one of the learned counsel and Sri Z. Jilani after delivery of judgment have made an oral prayer for grant of a certificate under Article 132 & 134-A. Sri Tarun Verma, Learned Counsel appearing for Nirmohi Akhara also joins the same prayer. However, we are of the opinion that as we have decided the suit,

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hence under Section 96 C.P.C., appeal is maintainable before the Supreme Court. Several learned Counsel agree with this view, however some do not. Some learned counsel state that appeal may lie under Article 136 of the Constitution of India also after filing Special Leave Petition. Sri.H.S. Jain, learned counsel for Hindu Mahasabha has argued that unless a certificate is granted under section 109, C.P.C. appeal would not lie as a matter of right. However, as we have held in the earlier part of this order, in our opinion appeal is maintainable in the Supreme Court under section 96, C.P.C., hence we do not consider it appropriate to grant the certificate as asked for or demanded.

Date: 30.09.2010

Sd/- S.U.Khan

Sd/- Sudhir Agarwal

Sd/- D.V.Sharma

30.09.2010

(True Copy)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

AND IN THE MATTER OF

AN APPLICATION FOR EX-PARTE STAY

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIPS COMPANION JUDGES
OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S No. 5/1989 (Regular Suit no. 236 of 1989), to be treated as First Appeal against the judgment and decrees under Section 96 C.P.C. 1908.

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2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That this Hon'ble Court while clarifying the Order dated 14.03.2002 [2003 (2) SCC 576] was pleased to pass the following orders by judgment reported in 203 (4) SCC 1, this Hon'ble Court in paragraph 17 was pleased to observed as follows:

"17. On consideration of the entire matter, we are of the view that the order made by this Court on 13.03.2002, as modified by the order made on 14.03.2002*, should be operative until disposal of the suits in the High Court of Allahabad not only to maintain communal harmony but also to fulfill other objectives of the Act. The writ petition shall stand disposed of accordingly.
4. That the Hon'ble High Court while delivering the judgment and order dated 30.09.2010 and passing of the preliminary decrees has been pleased to the following orders:-

"(vii) For a period of three months or unless directed otherwise, whichever is earlier, the parties shall maintain status quo as on today in respect of property in dispute".
5. That since as per the separate orders given by the Hon'ble High Court, the Appellant has preferred the present appeal against the order of the High Court dated 30.09.2010.
6. That the balance of convenience, equity, justice and fair play rests in favour of the appellant therefore in the larger interest

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this Hon'ble Court may be pleased to continue the order dated 31.03.2003 reported in (2003) 4 SCC 1 till the pendency/disposal of the appeal by this Hon'ble Court. Hence this Application.

Prayer

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

- (a) Stay the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989) interalia directing maintenance of status quo till the pendency and final disposal of the Appeal; and
- (b) Pass such other and/or further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

Filed by

R.C.Gubrele

Advocate for the appellant

Filed On: 02.12.2010

New Delhi.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

IN THE MATTER OF:

APPLICATION FOR SUBSTITUTION OF LEGAL HEIRS OF
RESPONDENT NO. 10 IN O.O.S NO. 5/1989.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIPS COMPANION JUDGES
OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989), to be treated as First Appeal against the judgment and decrees under Section 96 C.P.C. 1908.

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2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That the appellant came to know from the reliable sources that the Respondent no. 10 (Defendant no.6) Sri Mohammad Ahmed in O.O.S. No. 5/1989 died on 25.08.207 pendency of the case before the High Court. Therefore in place of Respondent no. 10 (Defendant no.6 (Late) Shri Mahmud Ahmad the name of his legal heir/son namely Mr. Anwar Ahmad R/o Mohalla Rakabganj, Faizabad may be substituted in the array of parties. Hence this Application.

Prayer

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

- (a) Substitute the name of Mr. Anwar Ahmad R/o Mohalla Rakabganj, Faizabad in place of (Late) Shri Mahmud Ahmad as his legal heir/Respondent no.10 in the array of parties; and
- (b) Pass such other and/or further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

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

Filed by

R.C.Gubrele

Advocate for the appellant

Filed On: __.2.2011

New Delhi.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

AND IN THE MATTER OF

APPLICATION FOR CONDONATION OF DELAY IN FILING
APPLICATION FOR SUBSTITUTION.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIPS COMPANION JUDGES

OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE

APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989) to be treated as First Appeal against the judgment and decrees under Section 96 C.P.C. 1908.

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2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That after the receipt of the judgment it was noticed that the substituted parties had died and their substitutes were not impleaded, hence it was deemed fit and proper to implead their legal heirs while filing the present appeal. Therefore the delay in impleadment is wholly unintentional. Hence the present application for condonation the delay.

Prayer

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Condone the delay in filing the Application for substitution;

and

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

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

Filed by

R.C.Gubrele

Advocate for the appellant

Filed On: __.2.2011

New Delhi.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. OF 2011
IN
CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA
APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.
RESPONDENTS

AFFIDAVIT

I, Swami Chakrapani son of Smt. Shyam Pyari Devi, R/o President House, Hindu Mahasabha Bhawan, Mandir Marg, New Delhi-110001, do solemnly affirm and state as under:

1. That I am the National President of Akhil Bharat Hindu Mahasabha/All India Hindu Mahasabha for the Petitioner in the above mentioned matter and am fully conversant with the facts of the case and competent to swear this Affidavit.
2. That I am appellant in the above noted matter as such am fully conversant with the facts of the case, hence am competent to swear this Affidavit.
3. That the accompanying Application for condonation of delay in filing application for substitution have been drafted by my counsel and explained to me in vernacular. I have fully understood the contents whereof. I say that the same are true and correct to my knowledge. Nothing material has been concealed therefore nor any part of it is false.

Deponent

Verification:

Verified at New Delhi on this ____ day of February, 2011 and say that the contents of above noted affidavit are true and correct and say that nothing material has been concealed there from nor any part of it is false.

Deponent

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

AND IN THE MATTER OF

APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
TRANSLATION.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIPS COMPANION JUDGES
OF THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989), to be treated as First Appeal

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against the judgment and decrees under Section 96 C.P.C. 1908.

2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That the impugned judgment pertains particulars which Hindi, Urdu and Sanskrit etc vernacular. Due to urgency in the matter, the appellant is filing the true translation of the same duly translated by an advocate who is well conversant with the vernacular as well as English Language. Hence this application.

Prayer

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

(a) Exempt the appellant from filing the official translation;

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

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

Drawn & Filed by

R.C.Gubrele

Advocate for the appellant

Filed On: 02.12.2010

New Delhi.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS

RESPONDENTS

AND IN THE MATTER OF

APPLICATION FOR SEEKING PERMISSION TO, FILE
DETAILED SYNOPSIS/LIST OF DATES & EVENTS.

TO,

HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIPS COMPANION JUDGES
OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
APPELLANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at

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Allahabad, Lucknow Bench, Lucknow in O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989), to be treated as First Appeal against the judgment and decrees under Section 96 C.P.C. 1908.

2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That the impugned judgment decided by the Hon'ble High Court is the common judgment of four suits which were pending for the last 60 years and are connected together. Apart from this the Counsel for the Appellant, for preparation of the appeal, took the assistance of several Advocates & Senior Advocates of this Hon'ble Court as well as different High Courts of the country, Historians and general public etc. Etc. Therefore the comments from all these persons have been settled and incorporated in the appeal and as such the synopsis/list of the dates and events become lengthy. The facts taken in the Synopsis/List of the dates are necessary, important and unavoidable for the proper adjudication of the case. Hence this application.

Prayer

In the premises aforesaid it is therefore most respectfully prayed that this Hon'ble Court may be gracious enough to:

- (a) Allow the Appellant to file the lengthy Synopsis/list of dates & Events; and

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

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

Drawn & Filed by

R.C.Gubrele
Advocate for the appellant

Filed On: 02.12.2010
New Delhi.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2011

IN

CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY IN RE-FILING
THE CIVIL APPEAL.

To,

Hon'ble the Chief Justice and
his Companion Judges of the
Supreme Court of India at
New Delhi

The humble Petition of the Petitioner above named:
MOST RESPECTFULLY SHEWETH:

1. That the Appellant prefers the present Appeal under section 96 C.P.C. read with Article 136 (1) of the constitution of India against the final impugned judgment and decrees dated 30.09.2010 passed by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. No. 5/1989 (Regular Suit no. 236 of 1989), to be treated as First Appeal against the judgment and decrees under Section 96 C.P.C. 1908.

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2. That the present application is a part and parcel of the accompanying Appeal, the contents of the accompanying Appeal are not being repeated herein for the sake of brevity. However, the appellant craves leave of this Hon'ble Court to refer and rely upon the same for the purpose of the present application.
3. That this is a petition under Article 136 of the Constitution of India for Civil to Appeal against the final judgement and order dated 30.09.2010 passed by the Hon'ble High Court Judicature at Allahabad, Lucknow Bench, Lucknow in O.O.S. No.5 of 1989 (Regular Suit no. 236 of 1989).
4. That for removing the defects on the day tried to contact the petitioner to get proper knowledge but he could be available very late and this has caused the delay of ___ days in refilling the petition.
5. That the delay is inadvertent has been caused not by any lapse on my part.

PRAYER

Therefore, in the facts and circumstances as above it is most respectfully prayed that this Hon'ble Court be pleased:

- (a) to condone the delay of ___ days in refilling the Civil Appeal against the final judgement and order dated 30.09.2010 passed by the Hon'ble the Hon'ble High Court Judicature at

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Allahabad, Lucknow Bench, Lucknow in O.O.S. No.5 of 1989
(Regular Suit no. 236 of 1989).

- (b) Pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the present case.

FILED BY

Dated: __.2.2011
New Delhi

(R.C.Gubrele)
Advocate for the Petitioner

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. OF 2011
IN
CIVIL APPEAL NO. OF 2011

IN THE MATTER OF:

THE PRESIDENT, ALL INDIA HINDU MAHASABHA

APPELLANT

VERSUS

BHAGWAN SRI RAM LALA VIRAJMAN AND ORS.

RESPONDENTS

AFFIDAVIT

I, Swami Chakrapani son of Smt. Shyam Pyari Devi, R/o President House, Hindu Mahasabha Bhawan, Mandir Marg, New Delhi-110001, do solemnly affirm and state as under:

1. That I am the National President of Akhil Bharat Hindu Mahasabha/All India Hindu Mahasabha for the Petitioner in the above mentioned matter and am fully conversant with the facts of the case and competent to swear this Affidavit.
2. That I am appellant in the above noted matter as such am fully conversant with the facts of the case, hence am competent to swear this Affidavit.
3. That the accompanying Application for condonation of delay in re-filing the civil appeal have been drafted by my counsel and explained to me in vernacular. I have fully understood the contents whereof. I say that the same are true and correct to my knowledge. Nothing material has been concealed therefore nor any part of it is false.

Deponent

Verification:

Verified at New Delhi on this ____ day of February, 2011 and say that the contents of above noted affidavit are true and correct and say that nothing material has been concealed there from nor any part of it is false.

Deponent