CIVIL APPEAL NO. [illegible] OF 2011

IN THE MATTER OF:

NIRMOHI AKHARA

... APPELLANT(S)

VERSUS

RAJENDRA SINGH & ORS.

... RESPONDENT(S)

VOLUME-1

EXHIBITS AND RELEVANT DOCUMENTS FILED BY THE PLAINTIFF-APPELLANT NIRMOHI AKHARA IN ORIGINAL SUIT NO. 3 OF 1989.

ADVOCATE FOR THE APPELLANT:
MRS. PRATIBHA JAIN

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. OF 2012

IN

CIVIL APPEAL NO. 4905 - 08 OF 2011

IN THE MATTER OF:

NIRMOHI AKHARA

... APPELLANT(S)

VERSUS

RAJENDRA SINGH & ORS.

... RESPONDENT(S)

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Annexure A-1

ANNEXURE-P1

UTTAR PRADESH

4R950

भारत

चार रुपये पचास नये पैसे

FOUR RUPEES FIFTY NAYE PAISE

असल देवतोत्र ३१) के [illegible] लिखी है

कि महन्त (1) रघुनाथ दासजी चेला बाबा धर्मदासजी महन्त लिखी [illegible]

महन्त (2) हरिदासजी चेला बाबा गोविन्ददासजी महन्त (3) रघुनाथ दासजी [illegible]

बाबा रामगोपालदासजी महन्त (4) मुरारी दासजी चेला बाबा [illegible] दासजी महन्त

(5) सुखराम दासजी चेला बाबा [illegible] जी [illegible]

महन्त (6) बजरंगदासजी चेला बाबा [illegible] दासजी महन्त [illegible]

जी चेला बाबा [illegible] सरन जी महन्त (7) रामेश्वर दासजी [illegible]

(8) ईश्वर दासजी महन्त (9) बलदेव दासजी चेला बाबा गोपाल दासजी [illegible]

(10) बाबा रामगोपाल दासजी चेला बाबा हरिदासजी (11) बाबा रामलखन दासजी

चेला बाबा रामपदारथ दासजी (12) बाबा [illegible] दासजी चेला बाबा [illegible]

जी (13) बाबा शम्भु दत्त दासजी चेला बाबा [illegible] जी पंचात लिखी है [illegible]

[illegible] लिखी है [illegible] रामगोपाल [illegible]

[illegible] है [illegible] जी [illegible] है [illegible] लिखी है [illegible]

[illegible] है [illegible] जो [illegible] लिखी है [illegible] के नाम के [illegible] है [illegible] की समस्त [illegible] इस के महन्त

की [illegible] करना व इस के साधुओं के [illegible] व [illegible]

पंचात के [illegible] [illegible] एक विशेष [illegible] के [illegible]

2

विषय- गा० ६२ श्याम बनी० ४११ नमाज

नाम बा. रामचन्द्र वर्मा ऐ-के. फैजाबाद

ता. ५-९-६५ है

द. लोकलाइसाइटी ऐ. के.

Ex 1

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.O.S. NO. 3 OF 1989

Nirmohi Akhara and others

VERSUS

Babu Priya Dutt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 12-11-91

ADMITTED / NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. 1

BY ORDER OF THE COURT

21/12/04

S.S.A.

17

Ext. No 1
OOS No. 3/89

18

ANNEXURE-P2

ANNEXURE-1

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

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

.../-

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

.../-

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

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

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

.../-

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

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

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

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

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

.../-

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

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

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

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

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

.../-

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

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

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

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

.../-

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

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

Para 3. That several "Baithak" of Nirmohi Akhara have been installed at different pious places of India for the sake of convenience that the Sadhus and Nagas of Akhara can take rest there. There is one 'Baithak' at Mohalla Ram Ghat of Ayodhya from the time of the Muslim rulers. Wherein Jamat. Sadhus and Nagas of Akhara live and seldon arms there and used to take rest there. The propoganda of religion and its protection is conducted from here, and its present reiging Mahant is executant No.1 Mahant Raghunath Das and Executant No.3 to 13 are its Panchas and Sadhus are living under their control. Several Mahants of different point of time had earned propatus

.../-

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

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

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

.../-

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

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

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

.../-

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

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

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

.../-

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

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

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

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

Para 10 - That whenever any of Panch of Akhara

.../-

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

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

DUTY AND RIGHT OF MAHANT

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

2. That all the properties of Akhara and

.../-

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

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

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

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

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

.../-

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

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

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

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

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

.../-

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

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

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

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

.../-

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

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

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

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

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

.../-

DUTIES AND RIGHT OF GOLKI

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

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

.../-

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

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

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

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

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

.../-

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

DUTIES AND RIGHTS OF SADHUS

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

.../-

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

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

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

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

.../-

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

TEMPLE JANAM BHOOMI

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

.../-

39

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

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

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

.../-

40

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

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

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

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

NOTE: In seventeenth sentence of First stamp

.../-

41

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

.../-

42

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

Sd/- Girwar Das

Dated 18. March 1949 A.D.

Nawal Kishore Lal Deed Writer, Sub Registrar, Faizabad.

Boundary of Temple

Janam Bhumi situate in Mohalla Ram Kot, City Ayodhya

East Temple

West Parti

North Road

South Parti

Valuation Rs. 1,000/-

43

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

East	Temple
West	Gali
North	Road
South	Ahiraina

Valuation Rs.4,000/- This is all

Nawal Kishore
Deed Writer

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

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

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

sd/- 19.3.49

sd/- M. Raghunath Das Self.

44

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

sd/-

19.3.49.

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

Annexure A-2

ANNEXURE-P3

(2)

Copy of an order dated 9-2-61 passed by [illegible] in the court of city magistrate Faizabad.

There is no objection to the replacement of the corner or sirki errors by the sheets if the made or the applicant's own land which may not be under attachment, and if the alteration is made according to municipal by laws.

s.d. R.L. Singh
city magistrate
9/2/61

Copied by [illegible]
Compared by [illegible]
Words checked 850

22/2/61

[illegible]
4/8/63

ANNEXURE-P4

Annexure A-4

Copy of an order dated 9.2.61 passed by R.P Singh in the Court of City Magistrate, Faizabad

There is no objection to the replacement of the canvas or sirki cover by the sheets if it made or the applicants own land which may not be under attachment, and if the alteration is made according to municipal by laws.

s.d/-
R.P Singh
(City Magistrate)
Dated: 9/2/1961

Annexure A-8(5)

47

ANNEXURE-P5

Certificate for the erection, reerection or alteration of building [illegible] in accordance with the [illegible]
Committee's Resolution N.. [illegible] Passed at its meeting dated [illegible]

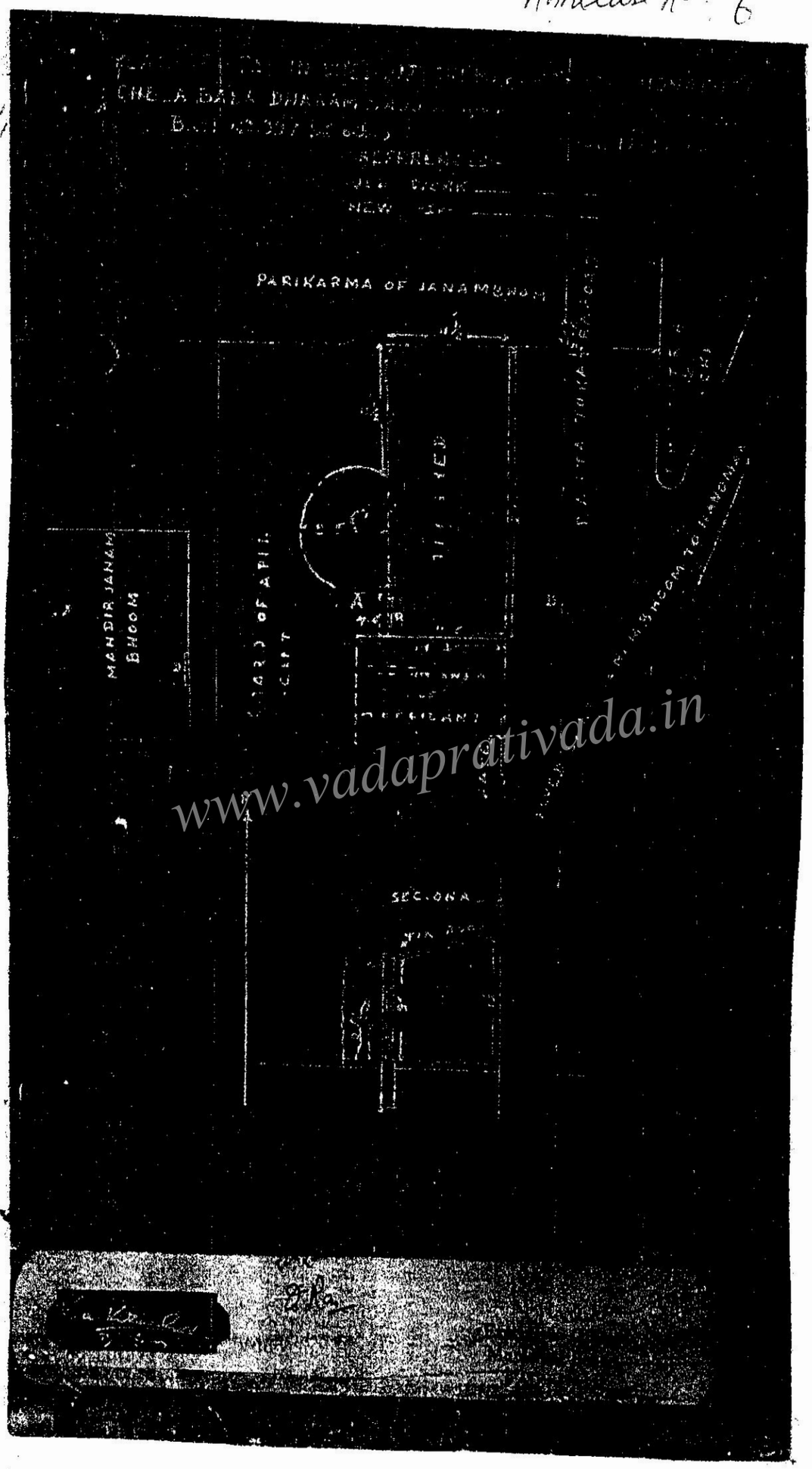
[illegible]	[illegible]	Name & address of person to whom certificate is issued	[illegible]	REMARKS
				This certificate is being issued as per terms given below, which must be strictly carried out :- (1) Construction should be done as per plan attached to the certificate. It is against rules to carry out construction contrary to plan until and unless repermitted. (2) Every one who intends erecting, reerecting or making any alteration of a building should thoroughly go through the Byelaws regulating the [illegible] of the building [illegible] (3) There will arise no right of [illegible] to build the house or building but the applicant himself will be responsible of all sort of dispute whatever may arise in respect of title. (4) The applicant will intimate the Municipal Board office as soon as construction is started so that proper supervision be kept to avoid demolision and other difficulties during construction. (5) The latrine shall be constructed according to the standard design of which a copy will be given from the office.

48

49

ANNEXURE-P6

Annexure A-6



50

[illegible] in the plan attached [illegible] to carry out construction [illegible]

[illegible] making any alteration of a building should thoroughly go through the Bye-laws regulating the erection, re-erection or alteration of the building of the Faizabad Municipality and must abide by it.

[illegible] There will arise no right of ownership over the land from this certificate on which permission is granted to build the house or building but the applicant himself will be responsible of all sort of dispute whatever may arise in respect of title.

(4) The applicant will intimate the Municipal Board office as soon as construction is started so that proper [illegible] to avoid [illegible] and other difficulties [illegible]

[illegible]

Municipal Board, Faizabad.

Annexure A-7(51)

ANNEXURE-P7

नकल दरख्वास्त बतारीख 6-2-61 रजिस्टर्ड श्रीमान सिटी मजिस्ट्रेट फैजाबाद

दरख्वास्त देने वाले वेदान्ती राजाराम चक्रपाणि

न्यायालय श्रीमान सिटी मजिस्ट्रेट फैजाबाद

श्रीमान जी सेवा में निवेदन यह है कि [illegible] के बारहवें भाग में टीन की छाया लगाने के लिए नगर पालिका फैजाबाद द्वारा विज्ञप्ति सार्टीफिकेट एवं नक्शा प्राप्त किया जा चुका है। टीन की छाया बनने से अयोध्या की पुलिस रोकती है और कहती है कि सिटी मजिस्ट्रेट साहब की आज्ञा लाइए क्योंकि उसे रोकने का कोई अधिकार नहीं है। प्रार्थी नियमानुसार सार्टीफिकेट प्राप्त करके निर्माण कर रहा है। अतः प्रार्थना है कि अयोध्या की पुलिस को आदेश दिया जाय कि वह उसके निर्माण में किसी प्रकार की बाधा न डाले।

प्रार्थी

वेदान्ती राजाराम चक्रपाणि

6-2-61

नकल मिली जाकर

मुन्ना लाल सिंह

रजिस्ट्रार 120

2 April 61

2-9

हरीराम

6/3/63

ANNEXURE-P8

Annexure A-8

52

Copy of application dated 6.2.61

In the Court of Hon'ble City Magistrate, Faizabad

Applicant: Vedanti Rajaram Chandracharya

IN THE COURT OF HON'BLE CITY MAGISTRATE, FAIZABAD

It is humbly submitted that building certificate and layout for erection of a tin-shed in the outer portion of Janmbhumi has been received from the Municipal Corporation, Faizabad. The police personnel of P.S. Ayodhya prohibit from erecting tin-shed and ask us to bring order from the Hon'ble City Magistrate. However, it has no right to prohibit us. Applicant is carrying out construction work after receiving certificate as per rules. Therefore, it is humbly prayed that police personnel of P.S. Ayodhya be directed not to interfere in the construction work in any manner whatsoever.

Applicant

Vedanti Rajaram Chandracharya

6/2/61

(TRUE TRANSLATED COPY)

ANNEXURE-P9

Annexure A-9 (53)

(25)

अपील
27

2989 नकल फैसला बलदेव पुत्र तारीख 29-2-80
इजलास श्री मजिस्ट्रेट फैसलाबाद के. के. श्रीवास्तव
मुकदमा पक्ष 145 बाबत प्रमोशन देवता मन्दिर जन्म भूमि
श्रीवास्तव
बनाम 2 बनारी मनोजिन्दर

आज तारीख 29-2-80 को पेश हुआ

सेट — ठहराई — प्रार्थी

बनाम

मालूम — विपक्षीगण

बाद पक्ष निकाला 145 जा.
फौजदारी

निर्णय बाबा बलदेवदास नेल. महन्त मोहनदास
पक्ष नि. मौजा अयोध्या व पुजारी मन्दिर जन्म भूमि के मोहल्ला
कोट राम श्रीकृष्ण
बाबा 1- यह कि मन्दिर जन्म भूमि तक यह मौजा जिसमें
मन्दिर स्थित है पिछले समय अयोध्या निवासी मोहल्ला महन्त
निवासी व पश्चात अयोध्या के आम बाशिन्दे के आधीन है
और वही पर बराबर सामिल चला आते हैं
बाबा 2- यह कि मोहल्ला दिनांक 22-12-49 तक और
तबादला है
बाबा 3- यह कि मोहल्ला 145 बाबा के आधीन व निजी
कब्जे विपक्षी के नाम न होने के कारण गड़बड़ है
बाबा 4- यह कि 22-12-49 रात्रि को अन्दर
रात शान्ति भंग होने का कोई भय मन्दिर जन्म
भूमि पर आने का न था पश्चात भूमि पर भगवान
लक्ष्मण के दर्शन और पेश करते हैं अतः बाबा 145
लगाया जाए
बाबा 5- यह कि मौजा मन्दिर जन्म भूमि
पर आने लक्ष्मण भगवान रघुनाथ पर अपना कब्जा
मुद्दत से था विपक्षी ऐसे कब्जे से बेदखल रखना और

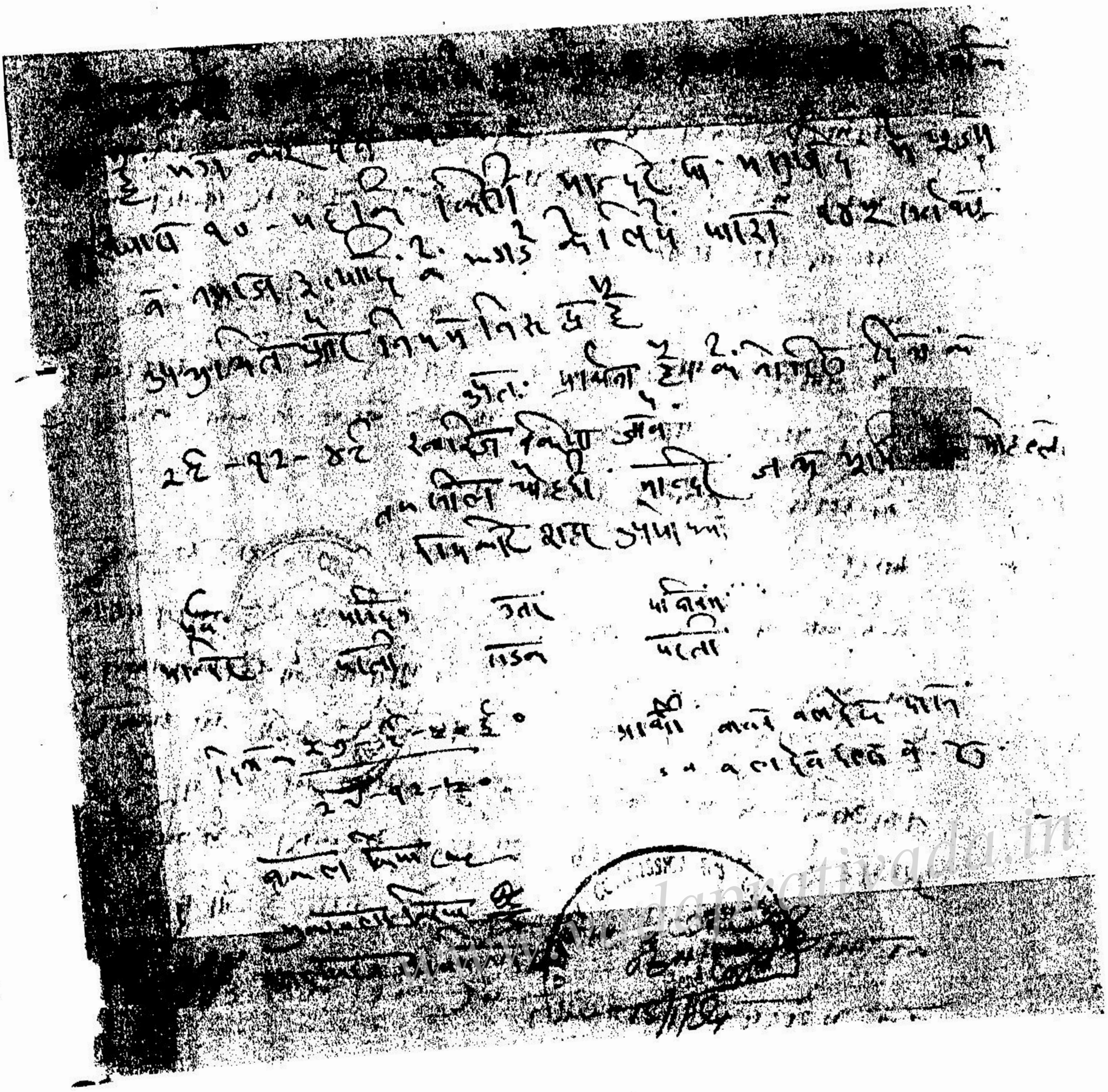
54

2989

4 AS

केवल नक़ल की फीस के लिए

Date on which application is made for copy accompanied by the requisite stamps. आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख	Date of posting notice on notice board. नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख	Date of delivery of copy. नक़ल वापिस दिए जाने की तारीख	Signature of official delivering copy. नक़ल वापिस देने वाले अधिकारी का हस्ताक्षर
27/12/53	27/12/53	[illegible]	[illegible]



[illegible]

COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.O.S. NO. 3 OF 1989

Nirmohi Akhara and others

VERSUS

Baboo Priya Datt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 25.11-91

ADMITTED/NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. NO. 6

BY ORDER OF THE COURT

21/12/04

O.S.D.

Checked

ANNEXURE-P10 57

Annexure A-10

Copy of Application presented by Baldev Das Dt. 27.9.50

In the Court of Hon'ble City Magistrate, Faizabad

U/s. 145 of Cr.P.C. P.S. Ayodhya, Faizabad, Janmbhumi-Babri Masjid

Presented on: 27.9.50

IN THE COURT OF HON'BLE CITY MAGISTRATE, FAIZABAD

In the matter of:

State ...Plaintiff (Applicant)

Versus

Unknown ...Opp. Parties.

Proceeding under Section 145 of Cr.P.C.

Written statement of Baba Baldev Das Disciple of Mahant Mohan Das, Panch Nirmohi Akhara and Priest of Temple Janmbhumi, Mohalla Ramkot, City, Ayodhya.

1. That, Mandir Janmbhumi and the land over which temple is situated are of the ownership of Akhara Nirmohi which is under the Mahant and Panch of Nirmohi Akhara, who have continuously been in possession over it.

2. That, notice dated 29.12.49 is null and void is illegal.

3. That, since notice under Section 145 of Cr.P.C. is not issued in the name of anyone, therefore, it is illegal.

4. That, there was no apprehension of any breach of peace on the date of notice dated 29.12.49 or previously at Mandir

Janmbhumi or lands concerning above Mandir, nor is there any such apprehension at present. Therefore, notice under Section 145 of Cr.P.C. is absolutely improper.

5. That, the person who wants to receive possession over Mandir Janmbhumi or its lands, but who have been deprived from its possession, are necessary parties to this suit, but in lack of the above, this notice and the proceedings to be carried out thereafter, are all illegal and unlawful and liable to be cancelled with immediate effect.

6. That, entire lands and building, whose boundaries are described below are of the ownership of Nirmohi Akhara and Nirmohi Akhara is the one who has been in possession over aforesaid temple and lands for more than 12 years.

7. That, applicant has been taking care of worship and other properties of the temple since Chaitra, 2006 and 5 saints, 3 priest, 2 cooks and 1 Panch always stays over there, who live and sleep in a large building which is situated towards west side of the boundary of temple.

8. That, no Muslim come inside the temple, whose boundaries are described below, nor was this place ever used for offering prayer since 1935-1936.

9. That, some Muslims in connivance with some of the employees tried to offer prayer inside the temple and also tried to remove the statues placed inside the temple, against which a suit has been filed against the state of Uttar Pradesh and its employees and those Muslims before a civil Court, which suit is pending before the Hon'ble Civil Judge.

Therefore, proceedings under section 145 of Cr.P.C. is unnecessary and baseless, which is liable to be cancelled.

10. That, carrying out proceeding under section 145 of Cr.P.C. in view of any dispute for performing worship or offering prayer in any temple or mosque is in appropriate and contrary to rules.

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to cancel the notice dated 29.12.49.

Details of boundaries of Mandir Janmbhumi situated at Mohalla Ramkot, City Ayodhya are described as under:

East: Temple

West: Parti

North: Road

South: Parti

Date: 27.9.50/29.12.50

Applicant

Baldev Das

(TRUE TRANSLATED COPY)

ANNEXURE-P11

Annexure A-11

60

Copy of order dated 30/7/53 passed by Sri Pran Shanker city Magt. 1st class Faizabad case no 112/150 u.s 145 Uttar Ayodhya Ren vs Janam Bhumi 2 Babri Masjeed.

State vs Janma Bhoomi and Babri Masjid under Section 145 Cr. P.C.

Order

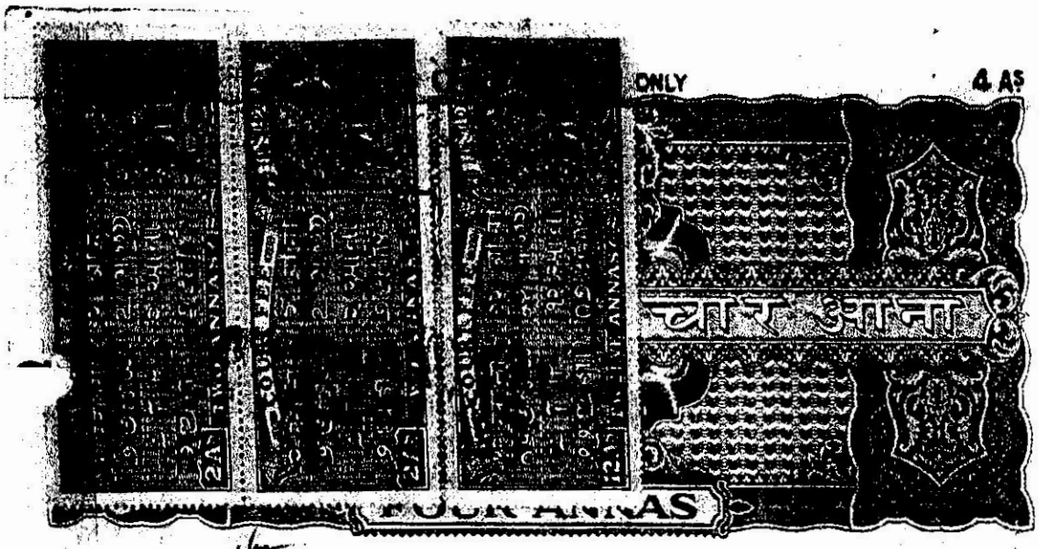
This is a case under section 145 Cr. P.C. in which Sri Markandey Singh Magistrate 1st class and Additional city Magistrate Faizabad-cum-Ayodhya on 29th December 1949 passed an order for attachment of the building claimed as Babri Masjid / Janma Bhoomi Mandir and handed over possession of the same to Sri Priya Dutt Ram chairman, Municipal Board Faizabad-cum-Ayodhya is necessary for arranging for the care of the property in dispute. Sri Priya Dutt Ram on January 5, 1950 assumed charge of the premises in dispute in Janma Bhoomi Ayodhya.

An application for transfer of the case was moved in the high court of the judicature at Allahabad by Mussari Rahman son of Molvi Nazirudden but it was rejected on 30.5.50 by the Hon'ble High court.

A regular suit no 2 of 1950 was filed in the civil court by Sri Gopal Singh Vishard against Zahoor Ahmed and others and the U.P. State, Deputy Commissioner Faizabad city Magistrate Faizabad and Superintendent of Police Faizabad and also parties to that suit. A temporary injunction as follows was issued on 3.3.51 by the learned civil judge Faizabad.

"The parties are hereby restrained by means of temporary injunction to refrain from removing the idols in question from the

61



3-1/2

केवल नक़ल की फीस के लिए

Date on which application is made for copy accompanied by the requisite stamps. आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख	Date of posting notice on notice board. नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख	Date of delivery of copy. नक़ल वापिस दिए जाने की तारीख	Signature of official delivering copy. नक़ल वापिस देने वाले अधिकारी का दस्तख़त
22/12/53	14/1/54	16.1.54	

sale in dispute and from interfering with the peaceful court present position. The order dated 16.1.50 stands modified accordingly.

This case was long has been lingering on unnecessarily and duties are being faced in the hope that the suit might be disposed of or the temporary injunction vacated.

The disputed property i.e. Babri masjid Janm Bhumi premises are already in possession of the receiver Sri Priya Dat Ram appointed by the additional city Magistrate under his order dated 29th December 1949 referred to in

Annexure A-12

ANNEXURE-P12

63

1/1/65

Virendra Bahadur

Copy of stay order dated 30.7.53 passed by Sri Prem Shanker, City magistrate, Magistrate Ist. Class Faizabad in case no. 1/2/18 u/s 145 Cr.P.C.P.S. Ajodhya District Faizabad.

State vs. JanmBhumi and Babri Masjid

State vs. JanmBhumi and Babri Masjid

Under Section 145 Cr.P.C.

This is a case under section 145 Cr.P.C. in which Sri Markandey Singh, magistrate Ist. Class and Additional City Magistrate, Faizabad-cum-Ayodhya on 29th December, 1949 passed an order for attachment of the building claimed as Babri mosque/ Janma Bhoomi Mandir and handed over possession of the same to Sri Priya Dat Ram, Chairman, Municipal Board, Faizabad-cum-Ayodhya as receiver for arranging for the care of the property in dispute. Sri Priya Dat Ram o January 5, 1950 assumed charge of the premises in dispute in Janam Bhoomi Ayodhya.

An application for transfer of this case was moved in the High Court of Judicature at Allahabad by Anisur Rahman son of Molvi Waziruddin, but it was rejected on 30.5.50 by the Hon'ble High Court.

A regular suit no.2 of 1950 was filed in the Civil Court by Sri Gopal Singh Vasharad against Zahoor Ahmad and others and the U.P.State, Deputy Commissioner, Faizabad, City Magistrate Faizabad and Superintendent of Police, Faizabad are also parties to that suit. A temporary injunction as follows was iwssued on 3.3.51 by the learned Civil Judge, Faizabad.

"The parties are hereby restrained by means of temporary injunction to refrain from removing the idols in question from the site in dispute and from interfering with Puja etc . as at present carried on. The order dated 16.1.50 stands modified accordingly."

This case u/s 145 has been lingering on unnecessarily and dates are being fixed in the hope that the civil suit might be disposed of or the temporary injunction vacated.

The disputed property i.e. Babri mosque/ Janmabhoomi premises are already in possession of the receiver Sri Priya Dat Ram appointed by the Additional City magistrate under his order dated 29th December, 1949 referred to above and the said receiver has been looking after the property since 5.1.1950, the date of assuming charge. As the finding of the Civil Court will be binding on the criminal court it is no use starting proceedings in this case under section 145 Cr.P.C. and recording evidence specially when a temporary injunction stands, as it cannot be said what may be the finding of this court after recording the evidence of parties. From the administrative point of view the property is already under attachment and no breach of peace can occur.

I therefore order that the file u/s 145 Cr.P.C. be consigned to records as it is and will be taken out for proceeding further when the temporary injunction is vacated.

Sd/- Pres Shankar

City Magistrate Ist Class

Faizabad 30.7.53

FOUR ANNAS

67

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.O.S. NO. 3 OF 1989

Nirmohi Akhara and others

VERSUS

Babar Priya Datt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 25.11.92

ADMITTED / NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. NO. 8

BY ORDER OF THE COURT

O.S.D.

मन कि मौजूद वक्त मया काम महन्त मिन

आकिल मौजा चिरौनी परगना मंगलसी तह

व जिला देहरादून लकड़ी हल सीता रूप

जन्म भूमि वाके राम घाट शहर अवध का है।

सिवा सीताकूप मुतासिल जन्म भूमि वाके

रामघाट शहर अवध ममकूका व ममकूजा

वारीनाम दरख्त [illegible] महन्त [illegible]

महन्त रामघाट [illegible] अवध का है मिनमुक

मैं न महन्त जी मजकूर [illegible] सीताकूप पर [illegible]

का पानी पिलाने के लिये राजाजतल ली है

चाहता हूँ और लिखे देता हूँ कि महन्त मजकूर

८) आठ रुपया सालाना महसूल देंगे अ

कहेंगे और जब कुछ आ[illegible]

पानी पिलाने में होगी उ[illegible]

में [illegible] है तो [illegible]

नवमी व दशमी और नहान का तकरीर है इ

आनी तेरस, चतुर्दशी और पूर्णमासी महस

में इरोज आनी तेरस, और चतुर्दशी और पूर्ण

जुमला ६ रोज की आमदनी महन्त जी

खुद वसूल कर लेवे मुझको कुछ उज्र नहीं होगा

अलावा ६ रोज मजकूर के बाकी अ

अंदर एक साल के आमदनी मिनमुकिर वसू

करके लेवेगा। अगर एक साल के मह

हिसाब दान हो सके तो महन्त जी को

अख्तियार होगा कि मिनमुकिर के सीना

[illegible] हटा लें और [illegible]

ANNEXURE-P14 70

Annexure A-14

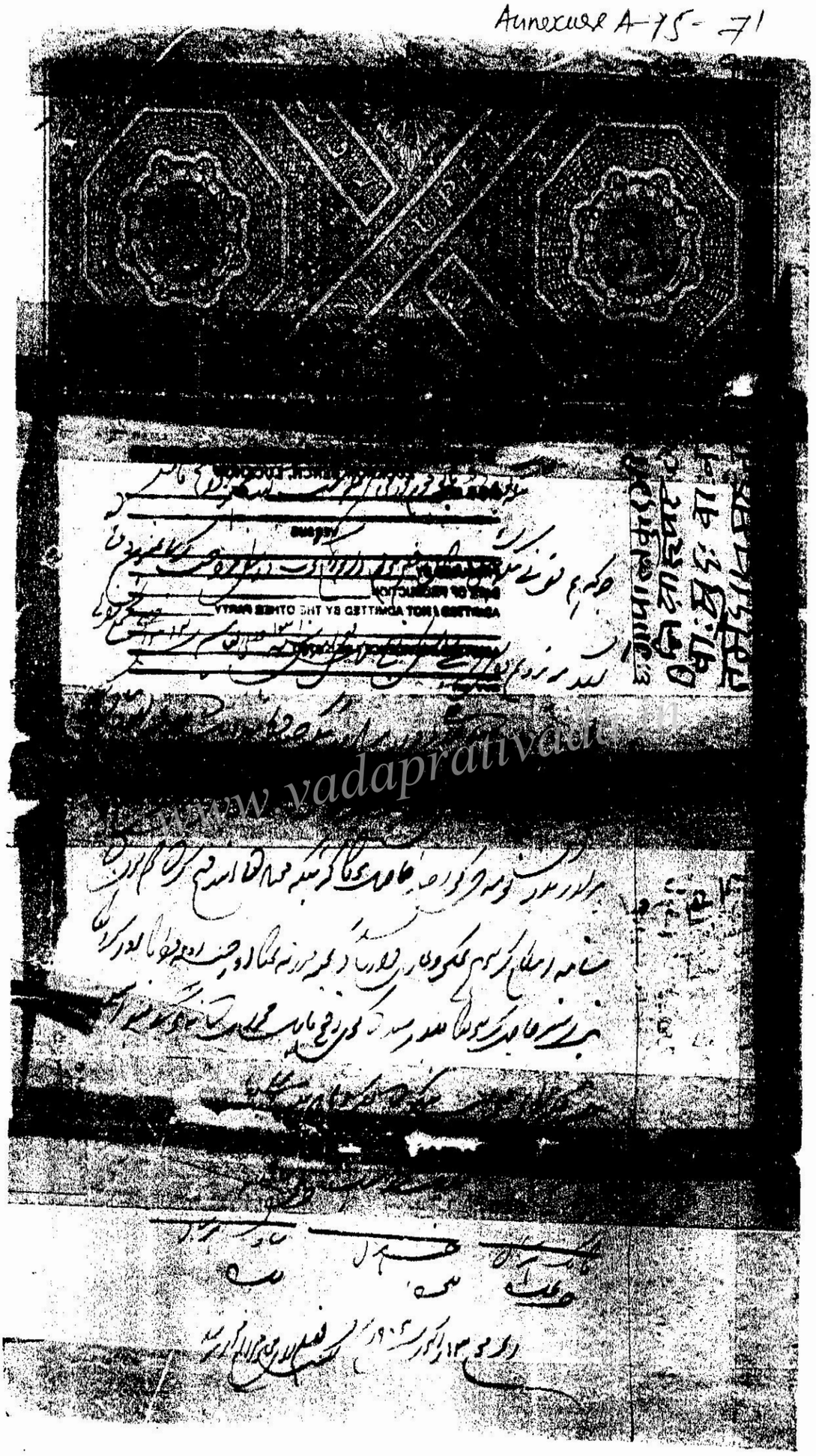
I, Jhingu S/o. Gaya, By Caste Brahmin Mishra am the resident of Village Khirauni, Pargana Mangalsi, Tehsil & Dist. Faizabad, Presently at Sita Kup Janmbhumi situated at Ramkot City Ayodhya. That, Kuan Sitakup situated at Ramkot, City Ayodhya is of the ownership Narottam Das in the capacity of Mahant of Akhara Nirmohi, Mohalla Ramghat, City Awadh. I, the executor have received permission from the Mahant for providing water to the travelers from aforesaid Sitakup. I do hereby declare and write that I shall pay a sum of Rs. 8/-per annum to the above Mahant and out of the income which would be received from the travelers in lieu of providing them water, the income to be received on 3 days during the eve of Ravnami, that is on 8th, 9th and 10th day (Ashtami, Navmi and Dasmi respectively) and income to be received on 3 days during the month of Kartik, that is on "Terash, "Chaturdashi" and "Purnmasi" and the income to be received on 3 days in the month of "Savan" shall be realized by the Hon'ble Mahant Ji himself, in which I shall have no objection. Besides aforesaid 9 days, the income received on other days during a year shall be realized by I, the executor. If annual contract money is not paid to Hon'ble Mahant Ji and then he shall have right to remove I, the executed from Sitakup and I, the executor shall have no right to realize income from the Traveler and Hon'ble Mahant Ji shall be entitled to recover contract money through the Court. Therefore, this agreement has been executed by I, the executed for a period of one year, as a testimony, to be used at times when required.

Date: 11.06.1900 (Jeth Sudi 13, 1957).

Advocate Devi Parsad Kyastha resident of Mohalla Kaithana city Ayodhyjee, Distinct – Faizabad.

ANNEXURE-P15

Annexure A-75-71



72

LUCKNOW BENCH, LUCKNOW

O.O.S. NO. 5 OF 1989

Nirmohi Akhara and others

VERSUS

Babu Priya Dutt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 25.11.97

ADMITTED / NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. NO. 9 Dt. 21/7/04

BY ORDER OF THE COURT

(32)

[illegible]

में कि गोपाल [illegible] बाबू कोम [illegible] मु० [illegible] बोमाह [illegible]

जोकि हम मिल्कियत ठीके पर पुराना [illegible] भूमि [illegible] राजकोट [illegible]

फारोख्त करने नकीन [illegible] बताया [illegible] [illegible]

करते 5 साल के लिए सन् 1310 फसली तक सन 1314 फसली 96) साल [illegible]

पर लिया है इकरार यह कि ठेका जब खत्म हो जायेगा किसी [illegible]

खाली कर दूगा ठेका [illegible] [illegible] करता रहूगा [illegible]

ठेका मियाद के अन्दर कर दूगा और यह लिख दिया [illegible]

सनद के है तफसील मालिक हर साल 26) किस्त हर साल 40) [illegible]

मरकूम 1 अक्टूबर सन 1942 ई० ।

[illegible]

[illegible]

[illegible]

ई० [illegible] [illegible] [illegible] [illegible] साल [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

ANNEXURE-P16 74

Annexure A-16

I, Gopal S/o. Babu, By Caste Kurmi am the resident of Vashishth Kund, Ayodhya. That, I, the executor have received a shop situated at Janmbhumi, Ramkot on contract for selling Namkin etc from Narottam Das Ji for a period of 5 years, that is, from Crop Year 1310 up to Crop Year 1314. I do hereby declare that when this contract would expire then I shall vacate aforesaid shop. I shall be paying installment on regular basis and shall pay entire contract money within the contract period and I have executed this agreement as a testimony to be used at times when required. Contract Money Rs.25/-per annum,.... Rs.40/-per annum.

Date: 13th October, 1942.

(TRUE TRANSLATED COPY).

ANNEXURE-P17

Annexure A-17

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एक रुपया चार आना

76

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

C.O.D. NO. [illegible] OF 1989

Nirmohi Akhara and others

VERSUS

Babu Priya Dutt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 23.11.91

ADMITTED / NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. NO. 9

BY ORDER OF THE COURT

77

स्टाम्प 1 रुपया 4 आना

(34)

हम कि माताप्रसाद वल्द पाली कौम दर्जी साकिन वजिरिठ कुं शहर अयोध्या परगना अवध तहसील व जिला फैजाबाद का हूं भूमि एक किता दुकान पेश दरवाजा जन्म भूमि शहर अयोध्या परगना हवेली अवध तहसील जिला मजकूर मु0 115) सालाना जिसका निस्व मु0 57=50 पड़ता है हस्ब इहसास जो ने महन्थ रघुनाथदास जी साकिन बसाड़ा जिरमोही व मनमुकि शहर अयोध्या से बिनावर रखने दुकान तिसाला करते एक साल कार्तिक सुदी 9 सम्वत् 2002 फसली मुताबिक 29 अक्टूबर 1945ई0 सावन सुदी सम्वत् 2003 फसली तक के लिए लिया इकरार करता हूं कि रुपया किस्त बकिस्त अदा करता रहूंगा मिनमुकिरा दुकान को खाली कर दूंगा अगर कोई किस्त पिछड़ जावे तो म0 जिसको अख्तियार होगा कि नोटिस दुकान खाली करा लेवे उसमें हमको हमारे वारिसान को कुछ उज्र न होगा सनद रहे शरायत [illegible]

फर्मान फर्रा [illegible] वक्त पर काम आवे [illegible] 29 अक्टूबर सन 1945ई0

कार्तिक सुदी 40) निस्व अहाता सुदी 40) सावन सुदी 35)

ANNEXURE-P18

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Annexure A-18

On a stamp paper of Rs.3/-

I, Mataprasad S/o. Pali By Caste Darji, am the resident of Vashsth Kund, City Ayodhya, Pargana Awadh, Tehsil & Dist. Faizabad. I have received a shop situated at Janmbhumi, City Ayodhya, Pargana Haveli Awadh, Tehsil & Dist.... on annual rent of Rs.115/-, whose half is Rs.57.50/- from Mahant 'Raghunath Das, R/o. Akhara Nirmohi from Kartik 9 Samwat 2002 Vikrami (29th October, 1945) up to Savan Sudi Samwat 2003 Vikrami. I do hereby declare that I shall keep on paying installment after installment. And after expiry of above period I shall vacate the shop. If I fail to pay any installment then Mahant shall have right to get the shop vacated from me, in which my heirs and I shall have no objection. This agreement has been executed as a testimony.

Date: 29th October, 1945.

(TRUE TRANSLATED COPY)

ANNEXURE-P19

इपी नोटस / बयान Page 4 पर (DW 3/20) 39(1)/37
पैरा-(25)
Annexure-19

(35) 39(1)/37

इपी नोटिस

बयान (DW 3/20) पैरा 25 में

(4)

[illegible]

[illegible] रामलाल शास्त्री (भगत) के विषय में
[illegible] विचार [illegible] प्रकाशित हुआ है [illegible]
अर्थात् २३/१/२० शुक्रवार को [illegible] अयोध्या में विशिष्ट कुछ [illegible]
तथा पंडितों की एक विशेष बैठक विद्वानों के [illegible]
इसी समिति ने यह निश्चय किया गया कि [illegible]
शास्त्र भगत ने ऐसा विरुद्ध धर्म एवं [illegible]
के विरुद्ध कार्य किया है। अतः अनुमान [illegible]
है कि भगत को जीवन संन्यास [illegible]
पृथक् कर दिया जाय। और इस जीवन के [illegible]
लेखोपलब्ध महन्त श्री बलदेवदासजी [illegible]
दि. हो लें।

[illegible]

[illegible]

(ashidaud) दरा -(26) (D.W.3/20)
Rajesh

Annexure A-20 81

Retribution to unethical act

Decision to evict Ramlakhan Sharan (Mangat Ji) from Shriram Janmbhumi Kirtan on the so-called allegation.

A special meeting of Special Saints, Mahants, Pandit of Sriram Janmbhumi, Ayodhya was convened on 13.2.57 over the allegations as to depravity of character leveled against Ramlakhan Sharan Mangal, who has organized Kirtan in Sriram Janmbhumi, as was published in "Bhojpatra" on 4th February. It was unanimously decided that Ramlakhan Sharan has acted in contrary to the religion and religious decorum, in view of which, it is appropriate that he shall be removed from the work regarding management of Kirtan and the Founder Mahant Sh. Baldev Das Ji of this Kirtan shall receive charge of this Kirtan.

Sd/-illegible, Sd/-illegible, Sd/-illegible, Sd/-illegible, Sd/-illegible, Sd/-illegible, Sd/-illegible

(TRUE TRANSLATED COPY)

ANNEXURE A1
21
82

(Affidavit) पैरा - 27 (DW. 3/20)
Page 5

84

Annexure- A-22

"Jayatu Sriram Janmbhumi"

:Sh. Bhawate Ramananday Namah:

Hon'ble Saints, Mahants of Ayodhya- In view of special necessary circumstances, your presence is humbly requested for discussion in view of ..... presently running at Sriram Janmbhumi.

Sd/-illegile

Mahant Sh. Baldev Das, Sriram Janmbhumi, Ayodhya, Faizabad

Date: 13.2.57

Time: 5.00 PM

1. Sd/- illegible Sh. Mahant Raghunandan Sharan Ji.
2. Sd/-illegible Sh. Mahant Ramsurat Sharan Ji.
3. Sd/-illegible Sh. Mahant Raghuwar Prasadacharya Ji.
4. Sd/-illegible Sh. Mahant Bhagwan Das Ji.
5. Adhikari Sh. Sant Das JI.
6. Pramhasn Ramchandra Das JI.
7. P. Hanuman Dutt Ji Mishra
8. P. Ram Das Ji Gokul Bhawan
9. P. Bhagirath JI Brahmchari.
10. Sh. Mahant Surdas Ji
11. Sh. Mahant Shatrughn Das Ji, Ramkot

12. Sh. Mahant Ramswarup Das Ji, Sidhipur

13. Sh. Mahant Ganga Das Ji.

14. Sh. Basudev Das Ji.

15. Sh. Chandeshwar Ji Pant.

16. Babu Sh. Mahesh Narayan Vakil

17. Sh. Mahant Rajgopal

18. Sriramlakhan Sharan Ji.

19. Sriram Manohar Das Ji Maharaj.

20. Sh. Maithili Sharan

21. Sh. Mahant Tulsidar Ji

22. Sh. Mahant Harihar Das.

23. Sh. Mahant... Sharan

24. Sh. Mahant Ramlakhan Das JI

25. Sh. Mahant Ramdas Ji Ramguiel.

26. Sh. Vedanti Ji

27. Sh. Rakt Sinhasan

28. Sh. Mahant (Fakire Ram) Sitaram Sharan

29. Sh. Mahant Pandit Sitaram Sharan Ji (Vyas) Kila.

30. Sh. Pandit Ramswarup Das Ji,

31. Sh. ... Shastri.

32. Sh. Mahant Raghunath Das Ji Nirmohi Akhara.

32. Sh. Ramchandrachari.

33. Ravi... Vasudev.

34 Brahmdev Art Press (Manager)

35. Baba Ji Govind Das Ji. Sitakup.

36. Sh. Vasudev Das Ji...

37. Sh. Mahant Sringar (Bhawan)

38. Mahaveer Singh.

39. Mahant Ramprakash Das

30. Kashi Babu

31. Sh. Narayan Das Ji.

32. Sh. Bhaksar Das

33. Rajaram Chandracharya.

(TRUE TRANSLATED COPY)

87

Annexure A-2.3

90

Mahant Ram

Ram Saroop

Defendant

Claim for possession

1922

Dr. Tankelu

for pltff.

Dr. Intiaz

for deft.

The parties do

to object to the

Commr's report

The plaintiff's

plaint to bring

to conformity with

The Commissioner

Sd. Dr. [illegible]
30/11/22

The pltff's plead

[illegible]

88

NOTICE.

Notice is hereby given that documents filed in any suit or proceeding should be withdrawn as soon as the decree or order has become final, and that if they are left in the Court, they will be kept there at the risk of the owner.

اطلاع

اطلاع بذریعہ اِس تحریر کے دی جاتی ہی کہ دستاویزات جو کسی مقدمہ یا کارروائی مین داخل کی جائین فوراً ڈگری یا حکم کے نافذ ہونے پر واپس لے لی جائین اور اگر وہ عدالت مین رہنے دی جاوین تو مالکان کی ذمہداری پر وہان رہینگی'

Date on which application is made for copy accompanied by the requisite stamps. تاریخ جسپر نقل کی درخواست معہ الشامب ضروری دی گئی'	Date of posting notice on notice board. تاریخ آویزان کیے جانے اطلاعنامہ کے تختہ اطلاع پر'	Date of delivery of copy. تاریخ حوالگی نقل'	Signature of official delivering copy. دستخط عہدہ دار کے جسنے نقل حوالہ کی'
6.11.1942	7.11.42		

parti land till the defendants made the construction
in dispute. The land belongs to the Nazul & the plaintiff
as Mahant of the Jamadatha & his predecessor have
all along been in possession & he derives his title
on possession. No [illegible] from the Nazul has
been taken. They have been holding the land
under an ijaranama from the Shahi times. There
[illegible]

Ras [illegible] Sd. M. Upadhyay
[illegible] 22/10/22

Op. 2 Defendants [illegible] never belonged
I admit para [illegible]
to the Nazul depart[illegible]

Sd. M. Upadhyay
30/10/22

90

NOTICE.

Notice is hereby given that documents filed in a suit or proceeding should be [illegible] as the decree or order has become final, and that if they are left in the Court, they will be [illegible] the risk of the owner.

اطلاع

اطلاع بذریعہ اس تحریر کے دی جاتی ہی کہ دستاویزات جو کسی مقدمہ یا کارروائی میں داخل کی جائیں فوراً ڈگری یا حکم کے نافذ ہونے پر واپس لے لی جائیں اور اگر وہ عدالت میں رہنے دی جائیں تو مالکان کی ذمہ داری پر وہاں رہینگی۔

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 جسپر نقل کی درخواست معہ اطلاعیہ ضروری دی گئی	[illegible] آویزاں کئے جانے اطلاعنامہ [illegible]	تاریخ حوالگی نقل	[illegible] کے دستخط نقل حوالہ کی

Annexure A-24

IN THE COURT OF MUNSIF, FAIZABAD

COPY OF PROCEEDING RECORDED BY PANDIT RAMNATH UPADHYAY, B.A L.L.B.

MUNSIF, FAIZABAD

SUIT NO. 256 OF 1922

Mahant Ramratan Das .... Plaintiff

Versus

Ramswarup Das .... Defendant

Claim for possession:

30.10.1922

OP-1

Maharvir Prasad, Pleader for Plaintiff.

Imtiaz Ali, Pleader for Defendant.

The parties do not want to object to the commr's report. The plaintiff's pleader applies for amendment of plaint to bring it into conformity with the commissioner's map

Sd/-

Ramnath Upadhyay

Date:

30.10.22

The plaintiff's pleaders says-

The land marked red in the map was all along parti land till the defendant made the constructions in dispute. The land belongs to the Nazul of the plaintiff as Mahant of the Janamshtan and his predecessors have all along been in possession. He bases his title on possession. No base from the Nazul has been taken. They have been holding the land under an *iqramama* from the *Shahitimes*. There has been no settlement decree.

Sd/-

Ramanath Upadhyay

Date:

30.10.22

OP-2

Defendant's pleader says:-

I admit para 1 of the ...(illegible). The land never belonged to the nazul department.

Sd/-

Ramanath Upadhyay

Date:

30.10.22

92
Annexure A-25

IN THE HON'BLE HIGH COURT JUDICATURE AT ALLAHABAD
(Lucknow Bench) Lucknow.

40C1
1

O.S.S. N. 3/89.

Nirmohi Akhara ... Pltff.

vs.

B. Priyadatta Rametc ... Defts 46CP

INDEX OF DOCUMENTS.

Filed on behalf of Pltff Nirmohi Akhara.

Nos.		Particulars of documents	decr. pages.
1.	1-	Certified Copy of judgement of civil appeal No 10/1923 decided on 22.10.1923 H. Nanottam Das vs. Ram Swarup Das of the Court of Sub. Judge Faizabad	40C1 / 2 to 5 5 pages. Ex 12

Sd/-
by. R. L. Varma
Advocate
3.12.91

[illegible]

[illegible]

[illegible] ১০/১৯৪৩

[illegible] - ২২.১২.১৯৪৩

[illegible] নরেন্দ্রদাস [illegible]

প্রতিলিপি - [illegible]

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Oudh Judicial Form No. E.-2. { N. E. P.—No. 21 of 1922. O.—2,000 of 1931.

OPENING PAGE OF A CIVIL APPEAL FILE.

No. 10 of APPEAL Civil Court instituted on the 11.1.1923

Disposed of by M. Mahmud Hasan Khan Addl Judge 10.1.1923

From the order of P. Manmath Nath Upadhia munsif Fyzabad Fyzabad dated 12th December 1922

Mahanth Narotam Dass Plaintiff Appellant,

versus

Ram Sarup Dass Defendant Respondent.

Date Nature of case and Point of issue.	Claim for possession
Order of Lower Court.	Dismissed the suit with costs.
Grounds of appeal and Objection of Respondent.	Valuation of appeal is Rs 500/- on separate sheet

22nd Sept 1923.

Present: — [illegible]

Heard arguments
Judgment on 22nd ~~Sept~~ Oct 1923.
22/9/23.

Judgment

The appellant as trustee & manager of the temple Janam Asthan alias Janam Bhum, Ajodhya sued the respdt in the Court of the Munsif of Fyzabad for the recovery of possession of 3 bighas 3 biswas land out of a plot no 163 measuring 2 big 3 bis situate in Mz. Hot Ram Chandra, Ajodhya Pargana Haveli Oudh on the allegations that he was the owner of the said plot as being in possession of the same since a long time. That in Dec. 1921 the defdt wrongfully dispossessed the pltff appellant out of the aforesaid land in building a compound with a chabutra (platform) thereon. Hence the suit.

The respdt admitted the building of a compound & chabutra on the plot in question but denied the claim. He pleaded that the appellant had no right in the land in suit nor had he ever been in possession of the same. That the land in suit appertained to the temple of Hari Ram as its sthan. That it belonged to Hari Ram, who was in possession of the same. That Bhagwan Das & Gopal Das chelas of Mahant Hari Ram gave the land in suit to Bhagwan Das, Udasi chela of Mahant Madho Ramji

by a registered deed dated 25th Oct: 1892. That Bhagwan Das Eldest gave the land in suit to Narayan Das by a registered deed dated 1st January 1896. That Narayan Das on the death of his son Das the deft as his chela was in possession of the land in suit. That the deft & his predecessor in interest had been in adverse possession of the land in suit for the last 30 years. That the claim was barred by time & the plff had no right to sue.

Order of Appellate Court and ground of decision accepting or rejecting appeal:

The plff appellant in his replication said, that the land in suit marked red in the plan drawn by the amin appointed for the purpose was all along part land till the deft made the alteration in dispute. That the land in suit belonged to the Rajul and the plff as heir and successor to Janam Gir than & his predecessors had all along been in possession and in lawful possession. That no lease from the Rajul had been taken.

The deft denied the land in suit to have been bestowed to the Rajul deft-mut.

The learned Munsif dismissed the claim.

The plff has preferred this appeal on various grounds taken in the memorandum of appeal.

Now the main point for determination in the appeal is whether the plff has been in possession of the land in suit for a long time and as such is he entitled to recover possession of the same from the deft.?

It is admitted by the plff that the land in suit belongs to the Rajul & that no lease has been

taken from the Revenue. The deft is admittedly now in possession of the land in suit.
Under these circumstances the plff cannot sue the deft for possession, because possession is, in general, a good title against all but the true owner, i.e. the Revenue Department.
Again it is admitted by the plff in his replication that the land in suit was all along Patta land till the defts made it the character in dispute.
Now the land in suit being admittedly Patta land the plff cannot claim any right in it by placing a tablet on it as his own. The deft, therefore, who is in possession, may not have an indefeasible right as against the Revenue but he gets a better right than the plff & there is no law that authorises the Revenue to eject the defts in order to give the land in suit to the plff.
Besides the plff's evidence goes to show that his lessors used to keep their goods just in front of the Jamam Asthan gate (vide evidence of RW1) asserting that the plff was in possession of any portion of the plot RW10 by leasing the same to the sellers of flowers & vegetables he cannot be in possession of the land in suit thereby, because the front of the Jamam Asthan is a long way off. The land in suit as is shown by the amin's plan is in an secluded place & it has been held that a mere-

[illegible] rights by adverse possession must be confined to the land of which he is in actual possession. The pltff has not been proved to be in actual possession of the land in suit [illegible] of a portion of which is the land in suit, just in front of the Janam Asthan gate, but not the land in suit for the land of the Janam Asthan gate. Hence his rights must be confined to the portion of plot No 163 just in front of the Janam Asthan gate & not to the land in suit.

Under these circumstances I am of opinion that this appeal must fail. I therefore dismissing the appeal with costs confirm the decree of the Court below. Order 41 rule 30 C.P.C.

22/10/23 Rahmand Hasan Khan

Appltts' pleader present.

Res pdts' pleader present.

Judgement pronounced.

22/10/23

Electro by [illegible]

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.O.S. NO. 3 OF 1989

Nirmohi Akhara and other

VERSUS

Babar Priya Datt Ram and others

PRODUCED BY Plaintiff

DATE OF PRODUCTION 3.12.71

ADMITTED / NOT ADMITTED BY THE OTHER PARTY

ADMITTED IN EVIDENCE / REJECTED

EXT. NO. 12

BY ORDER OF THE COURT

24/12/84

O.S.D.

ANNEXURE A-1

100

ANNEXURE-~~A~~ 26

OPENING PAGE OF A CIVIL APPEAL FILE

No. 10 of APPEAL Civil Const instituted on 11.1.1923

18.1.1923

Dispoed of by M.Mohammed Hasan Khan ADJ

Faizabad.

From the order of P.Mamnath Nath Upadhia Munsif

Fyzabad dated 12th December, 1922.

Mahant Narotam Dass Plaintiff-Appellant

Versus

Ram Saroop Dass Defendant-Respondent

Date)
Nature of case) Claim for possession.
and)
Point of Issue)

Order)
of) Dismissed the suit with costs.
Lower Court)

Valuation of Appeal is Rs.500/-

Ground of appeal)
and) on separate sheet.
Objection of Respondent)

.../-

22nd Sept. 1923

Present:- Pltff-Applt. throu B. Sita Ram P.

Defdt-Respdt. through

Heard arguments

Judgment on 22nd Oct., 1923

22/9/23

Judgment

The appellant as Mahant and Manager of the temple Janam Asthan alieas Janam Bhumi, situation in Kot Ram Chander, Ajudhya and the defendant in the court of munsif of Fyzabad for the recovery of possession of 3 bis 17 kusi land out of a plot No. 163 measuring 2 big 3bis situate in Kot Ram Chander, Ajudhya Parg. Haveli Oudh on the allegations that he was the owner of the said plot as being in possession of the same since a long time. That in Dec. 1921 the defendant- wrongfully dispossessed the plaintiff-appellant out of the aforesaid land by building a compound with a chabutra (platform) thereon. Hence the suit.

The respondent admitted the building of a compound and chabutra on the plot in question

.../-

but denied the claim. He pleaded that the appellant had no right in the land in suit nor had he ever been in possession of the same. That the land in suit appertained to the temple of Mast Rama as its Sahan. That it belonged to Mast Ram who was in possession of the same. That Bhagwan Das and Gopal Das Chelas of Mahant Imart Ram gave the land in suit to Bhagwan Das, Udasi Chela of Mahant Madho Ramji by a registered deed dated 25th Oct., 1892. That Bhagwan Das Udasi Udasi gave the land in suit to Narayan Das by a registered deed dated 9th January 1896. That Narayan Das on the death of Narayan Das the defendant as his chela was in possession of the land in suit. That the defendant and his predecessor in interest had been in adverse proprietory possession of the land in suit for the last 30 years. That the claim was raised by time and the plaintiff had no right to sue. The plaintiff-appellant in his replication said that the land in suit marked not in the plan drawn by the Amin appointed for the purpose was all along carti land till the defendant made the chabutra in dispute. That the land in suit belonged to

.../-

Nazul and the plaintiff as mahant of the Janam asthan and his predecessor land all along been in possession and inserted his title on possession. That no lease from the Nazul . had been given. The defendant denied the land in suit where was belong to the Nazul Department. The learned Munsif dismissed the claim. The plaintiff has preferred this appeal on various grounds taken in the memorandum of appeal. Now the main point for determination in the appeal is whether the plaintiff has been in possession of the land in suit for a long time and as such was entitled to recover possession of the same from the defendant.

It is admitted by the plaintiff that the land in suit belongs to the Nazul and that no lease had been taken from the Nazul. The defendant is admittedly now in possession of the land in suit. Under these circumstances the plaintiff cannot give the defendant for possession, because possession is, in general, a good title against all but the true owner, i.e. the Nazul Department. Again it is admitted by the plaintiff in his replication that the land in suit was all along pati land till the defendant

.../-

made the chabutra in dispute. Now the land in suit being admittedly parti land the plaintiff cannot acquire any right in it by placing a tukht on it as is given. The defendant therefore, who is in possession, may not have an indefendable right as against the Nazul has got a better gith than the plaintiff and therefore it may set up the right of the Nazul with land in suit in order to dispose that of the plaintiff.

Besides the plaintiff evidence goes to show that his cessus used to reap their crops just in front of the Janamasthan gate (vide evidence of plaintiff) assuming that the plaintiff was in possession of any portion of the plot No.163 by leasing the same to the seller of flowers and batashas he cannot be in possession of the land in suit thereby, because the front of the Janam asthan is a long way off the land in suit as is shown by the Amin's plan inasmuch as it has been held that a wrong rights by advise possession was to be conferred to the land of which he is in actual possession. The plaintiff has not been proved to be in actual possession of the land in suit. It may be in actual possession

.../-

of a portion of the plot No. 163, a portion of which is the land in suit, just in front of the Janam asthan gate, but the land in suit is far off the front of the said gate. Hence his rights must be confimed to the portion of the plot No. 163 just in front of the Janam asthan gate and not to the land in suit.

Under these circumstance I am of opinion that this appeal must fail. I therefore dismissing the appeal with costs confirm the decree of the court below. Order 41 Rule 30 C.P.C.

22/10/23 Mohammad Hussain Ali.

Appellant's pleader present.

Respondent defendant's pleader present.

Judgment pronounced.

Sd/-

22/10/23.