

**HEARING DATED: 16.09.2019**

**::RAM MANDIR CASE::**

**ARGUMENT OF MR.RAJEEV DHAWAN (SR. ADVOCATE) IN SUIT 5**

LIVE STREAMING CASE

Prior to hearing the Ayodhya Case 3 judge bench heard the issue related to 'Live Streaming of Ayodhya Case' and referred the same to Registry for 'Feasibility Report'.

ISSUE WISE CHART

Mr. Dhawan produced a chart prepared as per the direction of CJI containing the issue-wise observation of High Court, however, CJI stated that we have also prepared an issue-wise chart; you kindly match the both charts and prepare a Final one.

MENTIONING ABOUT FACEBOOK COMMENT BY SOME USER

Thereafter, Mr. Dhawan mentioned about some comments of a user over face book wherein that user mentioned that he has written some letter to CJI and according to Mr. Dhawan that 'Post on FB' was being spread over.

Mr. Ranjeet Kumar said it's merely a Facebook comment and can't be taken seriously.

A sealed packet containing some material about such posts was handed over to CJI.

FRIDAY OFF

Mr. Dhawan also said that I would like to have as Friday off for my team.

PLEADING OF CASE:

Thereafter Mr. Dhawan started to read the pleading in Suit 5.

Mr. Dhawan stated that entire petition is about construction of new temple and new temple is related to new trust and that's the basis for filing the present petition. Mr. Dhawan further stated that Hon'ble High Court has lost sight of this fact.

Mr. Dhawan stated that the entire purpose of filing present Suit is as 'We have got fed up', now we have got registered a new trust to built new temple. Allow us to make new temple.

Mr. Dhawan referred the names of the members of the trust; he took names of Mr. Vishnu Hari Dalmia and Mr. Ashok Singhal V.H.P. He argued that in the said trust the powers were given to (a) Jagadguru, Buddhist Bhikshu (b) Hindu Citizen of India, Justice Katju, Devkinandan Agarwal.

Mr. Dhawan said that the trust was created for personal gain and to achieve the purpose they created next friend.

Mr. Dhawan said that I am not asking MyLord to lift any veil, the veil is already lifted.

Mr. Dhawan read the name of trustees and said that No. 17 is 'Shri Ram Janam Bhoomi Nyas'. He said that the trust was created in 1985.

He said that some are actual worshipper and some are temple grabber.

Mr. Dhawan raised the question as:- Is this authority created by this trust is impeachable and does it pass any Civil Test?

Mr. Dhawan read the pleading in Suit 5 and while reading para 22 stated that that going by the basic understanding this is clear as in 'Gaya Ji' and 'Vishnu Pad Temple' God manifested himself in that form, it's not made by Human. He said that River Ganga may be sacred but it's not deity.

Justice Bobde: You tell us as what's deity?

Mr. Dhawan: When the God manifested himself in a particular form then its deity.

J. Bobde: According to you if there is no form then no deity?

Mr. Dhawan: No. For deity form is required. One form is Human created, and another is as if God manifested himself in that particular form. It's upon the belief of worshipper.

Mr. Dhawan also stated that according to them the land is 'Swambhu' and nobody can claim that.

Mr. Dhawan argued that who prevented them to claim in 1885 (when suit was filed by Mehant Raghubar Das in personal capacity), they could claim the entire area as

deity at that time, they created trust in 1985 and in 1989 claimed the entire area as deity.

J. D.Y. Chandrachud: We take your argument as two fold, there can be two kind of deities, one deity can be of 'Bhagwan Ram' and another can be as 'Jamansthan itself', both have different consequences. If Idol is deity, then Shebait is required, if Janamsthan itself then it's different. J. DYC said that in the first situation the legal consequence is that entire land can be owned by deity, however, in the second situation, the moment you recognized the land as deity, they there can't be any title.

J. DYC : Here there is no claim by the temple or trust, here the plaintiff's are Lord Ram, Bhagwan Sri Ram Virajman and Jamanesthan.

Mr. Dhawan: Next friend is there.

J. DYC: He is only taking care of the interest of deity, nothing else.

Mr. Dhawan: They are not claiming only land inside the boundaries, however, they are claiming Parikarma Marg also. They are saying that you can't argue against deity, no limitation, no adverse possession will apply on deity's land.

Mr. Dhawan said that entire plaint is founded in the interest of 'Nyas'.

Mr. Dhawan said that plaintiff no. 1 is important for Mr. Jain (Nirmohi Akhara), not for me.

Mr. Dhawan argued that if we take deity as 'Swyambhu' then nobody can acquire it.

Can we take some part of India like this and can we say that his part of land belongs to a certain community.

Thereafter, Mr. Dhawan again read the pleading of Suit 5, argued that they used to worship at Chabutara and Hindus were forbidden the access of inner courtyard.

Mr. Dhawan stated that 'in the entire Hindu Law and in the entire Muslim law' in India, if there is no Nodal person then it's like opening of flood gate, that's the reason as Britisher introduced this 'Trust' culture.

**:: Lunch ::**

Thereafter, Mr. Dhawan argued about establishment of trust.

Mr. Dhawan argued that this Suit is failed to claim the entire area, they are establishing their argument for the 'Parikarma Marg'.

Mr. Dhawan kept on reading the pleading in Suit 5, the read cause of action, said that it arose in 1985, 1989 or in 1992, when does it arise.

Mr. Dhawan read the prayer in Suit 5.

Thereafter, Mr. Dhawan read the W.S. of President of All India Hindu Mahasabha on page 312 of pleading Volume 'A'.

Mr. Dhawan read the W.S. of Nirmohi Akhara, he emphasized that as per Nirmohi Akhara Ram Janam Bhoomi is not a 'juridical person'.

Mr. Dhawan argued that the only Idol before 22.23/12/1949 were on Ram Chabutara, therefore, there is no question of inner courtyard.

Mr. Dhawan read the W.S. of Sunni Central Waqf Board in Suit 5, he said that latitude and longitudes are different because 'Portugals' and 'Britishers' used different method to get that.

Mr. Dhawan read the content of Appeal filed by Appellant in Suit 5, while reading first para he said I have never read such a divine drafting in my entire life.

**:: Hearing resumed will begin on Tuesday::**

**Notes Prepared by:  
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