

::RAM MANDIR CASE::

MR. P.N. MISHRA – FOR AKHIL BHARTIYA PUNURUDAR SAMITI HEADED BY SHANKARACHARYA JI

Mr. Mishra commenced his argument as follows:

Mr. Mishra argued that according to the Holy Prophet, in one land there cannot be two Qibalas and/or Idgah and Mosque as such Sri Ramjanmasthan temple and a mosque cannot and could not have co-exist in the disputed site.

The e Holy Prophet has commanded that there must not be two sacred buildings of worship of two different religions in one land, in other words there cannot be a Masjid and an Idol Temple in one land.

Mr. Mishra Draws the kind attention of the Court towards Para No. 3175, 3182, page 2804, 3190, 3191, 3192, 3193, 3195 on several issues regarding characterstick of mosque (bells, Waju, Graves, Status of Land) by reading several books, impugned order, Hadees, Aayat, Ibn Batuta, Ain-i-Akbari.

- Masjid can't be used as home or place of gossip.
- Mosque always be maintained by Muslims,.
- To visit grave by stranger is prohibited in Islam.
- According to Islam bell is musical instrument of Shaitan.

J. Bobde : Was any bell found at the disputed place?

Mr. Mishra : Yes deity can't be prayed without bell, bell is required, either small or big.

Justice D.Y. Chandrachud : On your argument what was the view of judges in impugned order.

Mr. Mishra : I read it yesterday to My Lord (told again).

Justice D.Y. Chandrachud / CJI : As per your argument you give us bullet points.

Mr. Mishra gave following bullet point to summarize his argument.

- Waqif must be the owner of the land.
- There must be dedication by Waqif.
- For the purpose of dedication an agency is not permissible.
- After dedication there should be Azan at least twice in a day.
- There should be proper arrangement of water for Waju.
- There should not be any pictures, pictures of animals, living things, Flora, Idols.
- Bell should not be there.

- There should be only one plot, there shouldn't be two religious activities.
- Mosque / temple can't co-exist.
- Mosque can't be used as residence, so food can't be cooked, however, at disputed place Sita Rasoi was situated.
- Mosque can't exist at usurp land.
- There should not be grave near mosque.
- Mosque can't be in the custody of people of other religion, it should be in custody of Muslim only.
- I am worshipping deity since time immemorial, I am already there, Muslims can't be considered for adverse possession (as exclusive possession was not there)
- The person should have clear title, but by of purchasing or offering to Waqf.
- If any temple is constructed in mosque then its not a mosque.
- Other person building (which is not waqf) can't be a mosque.
- They were never in exclusive possession, for constructing a mosque they have to show that they were in exclusive possession, We Hinds are stranger as per Islam.
- If they don't have title, by way of adverse possession mosque can't be claimed.
- As per the argument of Muslim that Babar was emperor and accordingly it was State's property, Mr. Mishra argued that As per Islamic Law King has to purchase the land not from the public fund but from his own salary.

Mr. Mishra concluded by saying that I will provide of my argument in Written also.

Observing as CJI is in hurry to conclude Mr. Mishra attempted to cover other left out argument, Mr. Mishra held as follows:-

- As per Islamic Law Mosque are not better then House, only difference is Mosque is a public place where people can gather at large to offer prayer.
- It can't be said that mosque is essential part of religious practice of Islam.
- Ram Janmbhoomi is a place of birth of 7th Incarnation of God for Hindus. Ram Lala didn't took birth but he appeared. He read the relevant portion from Ram Charit Manas "Prakat Bhaey" meaning thereby he appeared. This is what our faith is.

- MR. Mishra further argued that there were interpolation in records. He indicated page 3186 – 3187 from impugned order to showcase the interpolation and finding of High Court in this regard.
- There is police record to showcase that Namaz was offering only on Friday and Mosque used to open for 2-3 hours on Friday only.
- Mr. Mishra further indicated paras no. 2394, 2314, 307 1501, 2551, 2553, 2554. Mr. Mishra showcased that notification on Waqf was declared as invalid.

MR. HARI SHANKAR JAIN: APPEARING IN CIVIL APPEAL NO. 4739 FOR HINDU MAHASABHA (1)

Mr. Jain stated that I would like to raising following:-

1. Whether any Hindu temple was existing?
2. Whether the Structure existing was a Mosque and the same was constructed by Muslim Ruler?
3. Hindus were using curtailed rights during period of Invaders.
4. Article 25 of constitution.
5. Whether property in Question is Waqf property?

He supplied copies of some notes / document to the Court and argued as further:

- Before 1855 there was not even a whisper of Namaz, Namaz at disputed place was something which was invented by Britisher's. There is not even a single piece of paper or oral evidence to showcase that Namaz was offered before 1855. You check all Gazetters, Ain-i- Akbari, Babarnama anything no whisper of Namaz, however, Britisher's asked Muslims to offer Namaz. Therefore, since 1528 to 1855 can this place be considered as Mosque, it's not. **(It's important in the sense as all judges carefully noted it)**
- Since 1955-56 Hindus are exercising their curtailed rights.
- If anyhow we consider the fact of offering Namaz, they were offering namaz at temple.
- The mosque was constructed at deitie's property.
- So far as applicability of law is concerned, Hindu law will prevail, because all Muslims emperor were invaders including Babur.
- Thereafter Mr. Jain argued on Booty, as per document prepared in the time of Muslim this was shown as Booty. Meaning of Booty is valuable stolen

goods, especially those seized in war. Mr. Jain argued that we worship our God and for Muslims its Booty (loot ka maal).

- As per Sura 8 Booty is distributed it's not belong to an individual.
- He read few lines from Baburnama, Hindus are Pagan – idol worshipper
- Now the question arose whether the Hindu Law is applicable to the present case, the answer is yes, once a temple will always be a temple.
- Mr. Jain read from page no. 554, 576, 850/1108, 314/533 and para 527.
- Mr. Jain read from page 3271 and 3342 from volume 3.
- At the time when constitution came in effect we Hindus were in possession so accordingly, our possession will exist.
- Mr. Jain argued that there is finding of constitution bench stating that Babur demolished temple to construct a mosque, now these finding are binding upon them, at this stage they can't raise a plea that temple was not demolished.
- They are asking the proof as where Lord Ram was born, I can't in fact tell as where I was born, it's the other people who told me that I was born at that place and I believed them. This is also in case of Lord Ram, it's our faith that he born at Ram Janam Bhoomi which can't be questioned.

MR. VIRENDRA KUMAR SHARMA – HINDU MAHASABHA (2)

FILED CIVIL APPEAL NO. 4739

- There was no specific prayer.
- I have same case so I am not repeating and adopting their arguments.

MR. M.C. DHINGRA FOR SHIA WAQF BOARD – DEFENDANT NO. 22

- Mr. Dhingra basically argued that it was Shia Waqf which was in possession, there was Shia Mutwali.
- The Mutwali of Shia Waqf never claimed possession.
- Shia Waqf is not opposing the possession of Hindus and not claiming any adverse possession.
- The Sunni Board always says about Waqf but not about Mutwali, it was Shia's Mutwali.
- Every Mosque has Waqf but every Waqf doesn't have Mosque.
- Since 1936 nobody interfered in my possession.
- A notification was issued on 26.2.1944 in 1944 list was issued and Sunni Central Waqf Board started to interfere in Shia's Waqf.

- By way of Suit No. 29/1945 Shia sought a declaration as its Shia's Waqf but unfortunately a decree was passed in their favour, I have employed a Sunni Imam, that was a big mistake which I made.
- The place in dispute had Shia's Mutwali when it was locked out.
- Though I lost my case but I admit that it was in possession of Shia Mutwali.

CJI : Your SLP No. 22744 / 2017 filed after delay of about 70 years why should we condone the delay.

Mr. Dhingra: The order sheet of High Court records 1/3 portion to each party, however so far as Muslims are concerned it uses word Muslims, either Shia or Sunni not decided. So as per my claim it's Shia.

CJI: OK MR. DHINGRA, WE HAVE HEARD YOU. MR. DHAVAN WILL START ON MONDAY.

MR. RAJEEV DHAWAN WILL START HIS ARGUMENT ON MONDAY FOR SUNNI CENTRAL WAQF BOARD IN SUIT 4.

**Notes Prepared by:
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