

**CASE COMMENT: M SIDDIQ (D) THR LRS VS MAHANT SURESH DAS & ORS
(AYODHYA DISPUTE CASE)**

Sharanya Agarwal*

DATE OF JUDGEMENT: November 9, 2019

PETITIONER: Ram Lalla Virajman, Nirmohi Akhara, Uttar Pradesh Sunni Central Waqf Board

RESPONDENT: State of Uttar Pradesh, Other parties

BENCH: Chief Justice Ranjan Gogoi, Justice S.A. Bobde, Justice D.Y. Chandrachud, Justice Ashok Bhushan, Justice S. Abdul Nazeer:

CITATION: 2020-1 SCC 1

FACTS OF THE CASE

The 16th-century Babri Masjid mosque is situated in Ayodhya, Uttar Pradesh. Many Hindus also hold the belief that Lord Ram (Shri Ram Janmabhoomi) was born at the mosque's location. Conflicts about who owns the land have resulted from this on several occasions.¹

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This legal dispute spans almost seven decades. This lawsuit concerns a land dispute involving 1500 square meters in the Ramjanmabhoomi, the birthplace of Lord Ram. Respondents assert that the Mughal Emperor Babur destroyed the Hindu temple that stood on the land to construct a mosque and that the land is the property of Lord Shri Ram. Jai Singh II, a Rajput noble in the Mughal court, is credited with creating the first known historical record of a mosque when he bought the mosque's property and the surrounding area in 1717. The three-domed building in his writings looks a lot like the mosque, but it's called the "birthplace" (chhathi)²

Conversely, the appellants assert that Babur did not destroy the Hindu temple and that the respondents' claims are false. They think that the Hindus were the ones who first began to pray in their mosque and lay claim to the land. Muslims are reported to have worshipped inside the

*BA LLB, THIRD YEAR, AMITY UNIVERSITY, LUCKNOW.

¹ Ayodhya Title Dispute, (<https://www.scobserver.in/cases/m-siddiq-v-mahant-das-ayodhya-title-dispute-case-background/>)

² Ayodhya dispute (https://en.wikipedia.org/wiki/Ayodhya_dispute#)

mosque, while Hindus are claimed to have prayed outside the mosque but still within the grounds. The Central Government was authorized by the Ayodhya Act of 1993³ to purchase a portion of land, approximately 68 acres, which included the disputed buildings.

BEGINNINGS OF DISPUTE

Fighting broke out between Muslims and Hindus in the area of this building in 1856–1859. Violence increased as a result of this. Because it contained many Hindu components, such as the Sita Rasoi and Ramchabutra, the colonial authority chose to partition the entire territory into two halves, one for the Hindus and one for the Muslims, to maintain law and order in British India. Additionally, the British government built an entrance on the northern side of the outer courtyard, which the Hindus were to oversee. Sant Digvijay Nath, a member of ABRM organized a nine-day nonstop recitation of Ramcharit Manas at the end of which Hindu activists broke into the mosque and inside installed idols of Rama and Sita. The idols had miraculously materialized within the mosque, people were told. The incident happened on December 22, 1949.

The ownership of the land was still up for debate, though. Mahant Raghubir Das applied with the Faizabad district court requesting authorization to build a temple. This changed when a group of 50–60 persons vandalized the mosque on the evening of December 22–23, 1949. The mosque's locks were broken, and Lord Ram's idols were positioned inside the central dome. This led to riots and the implementation of Section 144 of the Criminal Procedure Code, which forbids gatherings of more than four individuals in a public setting.

Gopal Singh Visharad filed a lawsuit in 1950 to get the go-ahead to do puja within the mosque. However, the court denied both parties access. The judge of the Faizabad district court later allowed Hindus to pray inside the mosque in 1986. Ultimately, on December 6, 1992, 2,000,000 karsevaks destroyed the Babri Masjid.

Several parties seeking division and possession of the disputed Ayodhya land initiated the current lawsuit in 2010. The Sunni Waqf Board, the Nirmohi Akhara, and the Hindu parties were given equal portions of the disputed territory after the Allahabad High Court divided it into three halves. The parties filed an appeal with the Supreme Court because they were

³ Ayodhya case: The SC ruling makes no difference to the title suit by Valay Singh (<https://economictimes.indiatimes.com/news/politics-and-nation/no-shove-fromcourt/articleshow/66009611.cms>)

dissatisfied with the High Court's decision. Chief Judge of India Ranjan Gogoi constituted a five-judge bench in 2019, and on November 9 of the same year, the verdict was delivered.

ISSUES RAISED

- Is the Allahabad High Court's dispute of the land title of Ayodhya amongst the three petitions filed by Nirmohi Akhada, Sunni Waqf Board, and Ram Lalla legitimate?
- Is Ram Janmabhoomi, the site of Ram's birth, a legitimate entity that exists regardless of the presence of idols and as a legal entity, is it protected against claims of possession if this is the case?
- Do the three lawsuits have a chance of succeeding and are they exempt from the 1908 Limitation Act?

CONTENTION OF THE PARTIES

1. **Nimrohi Akhara:** The Akhara should be allowed to continue serving the god even if the Hindu side wins the case. The permission to erect a Ram temple in a contentious location, as well as permission for Nirmohi Akhara to oversee the property after the temple is constructed. The court should request that the Muslim parties surrender the Hindu parties their portion of the land if it decides to uphold the High Court of Allahabad's 2010 ruling and the Muslim parties state that they would not build on the disputed location. on a long-term lease to enable the construction of a huge Ram temple. The party contented that land should be allocated to the Muslim party to build a mosque outside the conflict area.
2. **Ram Lalla Virajman:** Ram Lalla Virajman's written submission requests that the court award Ram Lalla ownership of all the disputed lands. The declaration declared that neither the Muslim parties nor the Nirmohi Akhara should get any portion of the contested area.
3. **Sunni Central Waqf Board:** The Sunni Central Waqf Board argued that the **Babri Masjid** was a waqf property, having been constructed in **1528 by Babur**, the first Mughal ruler. The petitioner sought possession of the disputed land, claiming it belonged to the Sunni Waqf Board.
4. **Bhavya Ram Janmabhoomi Trust:** The Bhavya Ram Janmabhoomi Trust argued that the disputed location belonged to the god and was the birthplace of Lord Ram. The petitioner requested custody of the contested territory.

5. **Uttar Pradesh Sunni Central Waqf Board:** The Uttar Pradesh Sunni Central Waqf Board contended that the disputed land was waqf property and was under its management and control so the petitioner claimed the title to the disputed land.
6. **Shia Waqf Board:** They argued that the Muslim parties ought to relinquish their claim to the disputed land and turn it over to the Hindu parties so that they could construct a Ram temple during their relief casting before the Allahabad High Court. The board of directors of Shia Waqf stated in writing that a Ram temple ought to be erected on the contentious Ayodhya site. They declared that rather than the Waqf Sunni council, the Waqf Shiite council is the rightful owner of the contested land. The Hindu parties should now receive the land that was granted to the Sunni Waqf Council in the High Court ruling.
7. **Gopal Singh Visharad:** With centuries of rituals conducted on the temple site by his forefathers, Gopal Singh Visharad claimed he had a constitutional right to pray to Ram Janmabhoomi. His statement said that there should be no compromise in the Ram Janmabhoomi case.

RATIONALE DECIDENDI

The rationale decidendi, or the reasoning behind the judgment, was based on a combination of historical, religious, and legal arguments. Here's a breakdown of the key points:

- **Historical Findings:** The court acknowledged the historical evidence such as archaeological findings, travelogues of foreign visitors, and historical documents, suggesting the existence of a temple at the disputed site predating the construction of the Babri Masjid. However, the court also recognized that the historical record was not entirely conclusive and that there were ambiguities regarding the exact location and nature of the temple.
- **Religious Significance:** The court acknowledged the deep religious significance of the site for both Hindus and Muslims. For Hindus, it is considered the birthplace of Lord Rama, a revered deity. For Muslims, the Babri Masjid was a place of worship for centuries. The court balanced these competing claims by stating that while the religious importance of the site for Hindus could not be denied, it did not automatically translate to legal ownership.
- **Legal Arguments:** The court applied the principles of adverse possession and limitation to determine the legal ownership of the disputed land. Under these principles, if someone possesses a property for a certain period without any challenge, they can

acquire legal ownership over it. The court found that the Sunni Waqf Board, which claimed ownership of the Babri Masjid, had not been in exclusive possession of the disputed site for the required period. Hindus had exercised certain rights and performed rituals at the site throughout the years, even during the period of Muslim control.

JUDGMENT

The bench of 5 judges of the Supreme Court in a unanimous verdict on November 9, 2019, cleared the way for the construction of a Ram Temple at the disputed site at Ayodhya and directed the Centre to allot a 5-acre plot to the Sunni Waqf Board for building a mosque.

The following are the judgment's key points:

- The SC cleared the path for the construction of the Ram temple by ruling that **Ram Lalla Virajman**, whom it recognized as a juristic person, was the rightful owner of the contested 2.77 acres of property.⁴
- The court further ruled that the government's 1993 acquisition of the land was lawful. The establishment of the Shri Ram Janmabhoomi Teerth Kshetra trust was mandated by the court to supervise the building of a temple at the site of contention. The trust was to have 15 members, including one member from the Nirmohi Akhara, who was granted the right to be a part of the trust without any voting rights.
- The court ordered the Centre and the UP government to allocate to the Sunni Central Waqf Board **five acres of land** at a different location in Ayodhya so they can build a mosque there in three months.⁵
- Evidence proving ownership of the contested land was used in the decision. It stated that Hindu worship at **Ramchabutra, Sita Rasoi**, and other holy sites indicated their open, exclusive, and unhindered possession of the outer courtyard. Additionally, the SC followed its understanding that, before 1857, namaz was not continuously provided in the inner portion. On the other hand, evidence suggests that Hindus have been

⁴ Ayodhya Verdict| Here's why the 5-judge bench unanimously held that the disputed site belongs to Hindus [Detailed report] by Prachi Bhardwaj <https://www.sconline.com/blog/post/2019/11/09/ayodhya-verdict-heres-why-the-5-judge-bench-unanimously-held-that-the-disputed-site-belongs-to-hindus-detailed-report/>

⁵ Ayodhya verdict: Understanding the Supreme Court judgment <https://www.hindustantimes.com/india-news/ayodhya-verdict-understanding-the-supreme-court-judgment/story-G7mzXfBFEDJ88PmuLj8CpL.html>

worshipping continuously. It concluded, therefore, that Ram Lalla was entitled to possession more than the Sunni Waqf Board.⁶

- The Supreme Court said that the structure below the disputed site in Ayodhya was not an Islamic structure, but the Assistant Sub-Inspector (ASI) did not establish whether a temple was demolished to build a mosque.
- The Supreme Court declared that the illegal demolition of the mosque was the reason why Muslims were given the land.

With the verdict, a protracted court battle over who owned the contested Ayodhya site came to a close.

DEFECTS OF LAW

Decades passed while the Ayodhya dispute remained unsolved, causing substantial delays in the administration of justice that exacerbated tensions and sectarian problems. Critics claimed that the legal system's emphasis on property rights failed to sufficiently handle the religious and historical aspects of the disagreement, and the case mainly included a title action. Politicians have frequently meddled in the Ayodhya controversy, which led to the 1992 destruction of the Babri Mosque. Critics contend that secular values were not sufficiently upheld in the handling of the Ayodhya issue.

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The case's implications highlight the difficulties in striking a balance between historical, religious, and legal factors while highlighting the significance of maintaining the rule of law and fostering social cohesion. The case demonstrated the use of factual evidence in court decisions concerning historical disputes since it entailed a thorough analysis of historical and archaeological data to establish the existence of a temple beneath the Babri Masjid. The case brought up issues about the legal and religious separation of powers. The court upholds the notion that legal decisions ought to be made following the law rather than personal beliefs.

⁶ Ayodhya verdict: Understanding the Supreme Court judgment <https://www.hindustantimes.com/india-news/ayodhya-verdict-understanding-the-supreme-court-judgment/story-G7mzXfBFEDJ88PmuLj8CpL.html>