

**Court No. - 1**

**Case :-** P.I.L. CIVIL No. - 8732 of 2020

**Petitioner :-** Bhante Sumit Ratna & Another

**Respondent :-** Union Of India Thru. Secy. Min. Of Culture N.Delhi & Ors.

**Counsel for Petitioner :-** Manoj Kumar Gupta

**Counsel for Respondent :-** C.S.C., V. Pandey

**Hon'ble Pankaj Kumar Jaiswal,J.**

**Hon'ble Dinesh Kumar Singh,J.**

1. Heard Mr. Manoj Kumar Gupta, learned counsel for the petitioners, and Mr. H.P. Srivastava, learned Additional Chief Standing Counsel for respondent no. 2-State.

2. The petitioner has filed this writ petition captioned as 'Public Interest Litigation' for the following reliefs:-

"i) issue a writ order or direction in the nature of Mandamus Commanding thereby respondent/respondents concerned to preserve the "remains" whatever found at the site of proposed "Ram Janm Bhoomi Mandir Campus" Ayodhya during the leveling of the said site;

ii) issue a writ, order or direction in the nature of Mandamus commanding thereby to the respondent No. 3 to excavate the whole site of "Ram Janm Bhoomi Mandir Campus" in proper manner so that the possible remains lying under the earth of said site may be discovered/unearthed in the national interest/in the interest of justice and if such remains are found further, same may also be preserved;

iii)....."

3. Learned counsel for the petitioners has submitted that Regular Suit No. 2 of 1950 in respect of "Ram Janam Bhoomi" has been finally decided by the Supreme Court in Civil Appeal No.10866-10867 of 2010 on 9th November, 2019 with following directions in paragraph 805, which reads as under:-

"805. We accordingly order and direct as follows:

1 (i) Suit 3 instituted by Nirmohi Akhara is held to be barred by limitation and shall accordingly stand dismissed;

(ii) Suit 4 instituted by the Sunni Central Waqf Board and other plaintiffs is held to be within limitation. The judgment of the High Court holding Suit 4 to be barred by limitation is reversed; and

(iii) Suit 5 is held to be within limitation.

2 Suit 5 is held to be maintainable at the behest of the first plaintiff who is represented by the third plaintiff. There shall be a decree in terms of prayer clauses (A) and (B) of the suit, subject to the following directions:

(i) The Central Government shall, within a period of three months from the date of this judgment, formulate a scheme pursuant to the powers vested in it under Sections 6 and 7 of the Acquisition of Certain Area at Ayodhya Act 1993. The scheme shall envisage the setting up of a trust with a Board of Trustees or any other appropriate body under Section 6. The scheme to be framed by the Central Government shall make necessary provisions in regard to the functioning of the trust or body including on matters relating to the management of the trust, the powers of the trustees including the construction of a

temple and all necessary, incidental and supplemental matters;

(ii) Possession of the inner and outer courtyards shall be handed over to the Board of Trustees of the Trust or to the body so constituted. The Central Government will be at liberty to make suitable provisions in respect of the rest of the acquired land by handing it over to the Trust or body for management and development in terms of the scheme framed in accordance with the above directions; and

(iii) Possession of the disputed property shall continue to vest in the statutory receiver under the Central Government, until in exercise of its jurisdiction under Section 6 of the Ayodhya Act of 1993, a notification is issued vesting the property in the trust or other body.

3 (i) Simultaneously, with the handing over of the disputed property to the Trust or body under clause 2 above, a suitable plot of land admeasuring 5 acres shall be handed over to the Sunni Central Waqf Board, the plaintiff in Suit 4.

(ii) The land shall be allotted either by:

(a) The Central Government out of the land acquired under the Ayodhya Act 1993; or

(b) The State Government at a suitable prominent place in Ayodhya; The Central Government and the State Government shall act in consultation with each other to effectuate the above allotment in the period stipulated.

(iii) The Sunni Central Waqf Board would be at liberty, on the allotment of the land to take all necessary steps for the construction of a mosque on the land so allotted together with other associated facilities;

(iv) Suit 4 shall stand decreed to this extent in terms of the above directions; and

(v) The directions for the allotment of land to the Sunni Central Waqf Board in Suit 4 are issued in pursuance of the powers vested in this Court under Article 142 of the Constitution.

4 In exercise of the powers vested in this Court under Article 142 of the Constitution, we direct that in the scheme to be framed by the Central Government, appropriate representation may be given in the Trust or body, to the Nirmohi Akhara in such manner as the Central Government deems fit.

5 The right of the plaintiff in Suit 1 to worship at the disputed property is affirmed subject to any restrictions imposed by the relevant authorities with respect to the maintenance of peace and order and the performance of orderly worship."

The learned counsel for the petitioners has further submitted that on the basis of a news item published in daily Hindustan on 21st May, 2020 the petitioners came to know that during digging work at the site "Ram Janam Bhoomi" Ayodhya some old temples, relating to Buddha, were found and, therefore, the petitioners, who are Bouddh Bhikshu and follower of Buddhism, have filed this petition for issuance of appropriate direction to Archaeological Department to decide their representation and keep remains before appropriate site of Archaeological Department.

4. The law in respect of a news item has been decided by this Court vide judgment and order dated 26th August, 2019 passed in **PIL Civil No.22649 of 2019 'Mahant Bhagwati Pratap Das Vs. Chancellor, KGMU, Lucknow and others'**.

5. On the basis of aforesaid, no PIL can be entertained. Secondly, detail particulars have not been given by the petitioners regarding the representation made before the Archaeological Survey of India.

6. Considering the aforesaid, we are not inclined to entertain this public interest litigation petition in view of law laid down by the Supreme Court in the case of *State of Uttaranchal vs. Balwant Singh Chauhal and others*, reported in (2010) 3 SCC 402 as there is no compliance of Sub-Rule 3-A of Rule 1 of Chapter XXII of Allahabad High Court Rules, 1952.

7. For the above mentioned reasons, the writ petition has no merit and is, accordingly, **dismissed**.

[D.K. Singh, J.]      [P. K. Jaiswal, J.]

**Order Date :-** 11.6.2020

MVS/-