

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

(ORDER XXXVII S.C.R. 2013)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

- 1) Satish S/o Chindhuji Shambharkar,

.....Petitioners

VERSUS

- 1) Union of India,
Ministry of Home affairs,
Through its Secretary,
North Block, New Delhi-110001.

- 2) Union of India, Ministry of Culture
Through its Secretary,
Room No. 501, 'C' Wing, Shastri Bhawan,
New Delhi-110015.

- 3) State of Utter Pradesh
Through Secretary,
Home Department,
1st, 2nd & 3rd Floor,
Lal Bahadur Shastri Bhavan,
Sarojini Naidu Marg,
Lucknow-226001, U.P.

- 4) The Director General,
Archeological survey of India,
Dharohar Bhavan, 24, Tilak Marg,
New Delhi.

- 5) The District Magistrate Faizabad,
DM Office, Civil Lines, District Faizabad,
Uttar Pradesh-224001.

- 6) The Chairman,
Shri. Ram Janmabhoomi Teerth
Kshetra Trust, Ayodhya,
Office at: R-20, Greater Kailash, Part-1,
New Delhi-110048.

.....Respondents

**WRIT PETITION UNDER ARTICLE 32 & 29(1)
OF THE CONSTITUTION OF INDIA FOR
ISSUANCE OF WRIT OF MANDAMUS OR ANY
OTHER APPROPRIATE WRIT DIRECTING THE
RESPONDENTS TO SECURE AND PROTECT
THE ANCIENT MONUMENTS AND ARTIFACTS
FOUND DURING THE DIGGING AND
LEVELING OF BIRTH LAND OF LORD RAM FOR**

**CONSTRUCTION OF TEMPLE AND DIRECTION
TO EXCAVATE AND LEVEL THE LAND UNDER
THE SUPERVISION AND CONTROL OF
ARCHEOLOGICAL SURVEY OF INDIA**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA,
AND HIS OTHER COMPANION JUDGES OF THE
SUPREME COURT OF INDIA.

THE WRIT PETITION OF THE
PETITIONERS ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. The Petitioners are constrained to invoke extraordinary jurisdiction of this Hon'ble court for protection and conservation of ancient's remains, artifacts, antiquities and monuments found recently in the month of May 2020 at the time of leveling and excavating the land of birth of place of Lord Ram for construction of Ram Temple at Ayodhya, District Faizabad, State Utter Pradesh on the basis of several news articles and reports

reflected at print media, electronic media and social media. The artifacts which are found during digging and leveling of land are under grave apprehension of being destroyed, damaged or modified. There is every likelihood that the similar monuments shall be unearthed during the process of leveling and digging the land and therefore directions for supervision of excavation by the Archeological survey India are also sought through present petition.

All the Petitioners herein are the citizens of India by birth under Article 5 of Constitution of India and permanent resident of address mentioned below their name in the title clause. Petitioner No.1, 3 & 4 are associated with cultural organization named Samyak Vishwa Sangh from last 4 years. This organization is dedicated to study of ancient caves and artifacts at various ancient caves and museums in India. The

Petitioner No.2 is President of World of Humanity, Jalgaon, Maharashtra, since six years. The organization of Petitioner is associated with human welfare through building of Hospitals etc. the Petitioner No.2 is also associated with Samyak Vishwa Sangh from last 4 years.

2. **BRIEF FACTS OF THE CASE:**

- i. The organization of Petitioners named above is engaged in carrying studies and research of ancient caves, monuments, artifacts, antiquities and sites throughout India. The organization named Samyak Vishwa Sangh is registered under the provisions of Bombay Public trust Act and provisions of Societies Registration Act. True copy of certificate of registration of organization named Samyak Vishwa Sangh dated 28.2.2018 and 19.7.2018 are annexed herewith and marked as **ANNEXURE P-1** (Pages **26-27**).

- ii. That it is on record that by Judgment dated 09.11.2019, delivered in Civil Appeal Nos.10866-10867 of 2020, M. Siddhiki through LRs. Vs. Mahant Suresh & Others along with other Civil Appeals, resolved the long pending dispute of Shri. Ram Janm Bhoomi and Babri Masjid and declared that at the site of Babri Masjid, there was temple of Shri. Ram and same was the birth place of Shri. Ram. By said judgment, it was also directed to establish trust for construction of Shri. Ram Temple and its administration. Accordingly the trust of Respondent No.5 is established and construction of Ram temple at said site of Ayodhya has begun. The Petitioners crave leave of this Hon'ble court to refer said judgment at the time of hearing of present Petition since these are the evidence of Indian history and National Heritage.

- iii. After aforesaid judgment, the Central Government has established the trust by name **“Shri. Ram Janmbhoomi Teerth Kshetra Trust Ayodhya”**. The said trust has started construction of Lord Ram temple at said site. However, some ancient article, art effect and monuments are found during removing debris and land leveling underway at site since 11th May 2020. Said artifacts, if observed minutely are ancient and appear to be the replica and symbols of ancient culture. **Shri. Ram Janmbhoomi Teerth Kshetra Trust Ayodhya”** on its twitter handle on 20.5.2020 has published photographs of some artifacts & sculptures found during removing debris and land leveling underway at site and approved said fact. Following the same several articles are published in news papers claiming those artifacts & sculptures are the Indian Ancient artifacts & cultural heritage. Photographs shared by Shri.

Ram Janmbhoomi Teerth Kshetra Trust Ayodhya” on its twitter handle on 20.5.2020 are annexed herewith and marked as **ANNEXURE P-2** (Pages **28-31**).

- iv. That the present Petitioners have learnt through various news papers, reports at electronic media and print media that at the Shri. Ram Janmabhoomi site of Ayodhya Temple, some ancient article, artifact and monuments are found during removing debris and land leveling underway at site since 11th May 2020. It is further learnt that the said artifacts and monuments are not handed over to the Central Government and Archeological Survey of India and dumped at the site without any care and protection. It is also learnt that said ancient artifacts and monuments are under grave threats of being damaged and destroyed at the site. Therefore the Petitioner being aggrieved by the said apprehension of loss

of recovered ancient Indian artifact are constrained to approach before this court being researchers in the field of ancient caves and monuments. True typed copy of the news paper article published in Hindustan Times Lucknow publication dated 22.05.2020 is annexed herewith and marked as **ANNEXURE P-3** (Pages **32-34**).

- v. It is further submitted here that the said artifacts and sculptures are the remains of reach ancient Indian culture and therefore those are required to be protected and scientific, archeological research at to their origin is required to be made. However, it is learnt that those artifacts and sculptures are projected as shivling and the remains of Hindu culture and religion without any scientific, archeological research, study and analysis by the Respondent No.5. It is also learnt that though said site has many histories and ancient stories, the digging and leveling of land is not done and

carried under the observation of Respondent No.4 who is competent authority for protection and conservation of ancient sites and monuments. Even it is learnt that the local authorities and the competent officers of archeological survey of India are not remaining present at the time of leveling and digging at the said site and are also not recovering the unearthed artifacts and sculptures.

- vi. After having noticed aforesaid fact, several organizations including Petitioner No.1 made representation dated 24th May 2020 to the authorities of Respondent No.4 and other respondent authorities for protecting artifacts and sculptures. Moreover Secretary of Samyak Vishwa Sangh has also sent a mail to the Respondent No. 4 and other respondent authorities requesting them to take into the custody and preserve the artifacts and sculptures as per section 30, Clause (1) sub clause (i) of the Ancient Monuments and

Archaeological Sites and Remains Act 1958(ACT No.24 of 1958) Amended in 2010. True copy of the communication dated 24.5.2020 sent by the Petitioner to the Respondent No.4 through email is annexed herewith and marked as **ANNEXURE P-4** (Pages **35-36**) & True copy of the communication dated 24.5.2020 send by the Secretary of Samyak Vishwa Sangh to the Respondent No.4 by e-mail is annexed herewith and marked as **ANNEXURE P-5** (Pages **37-38**).

- vii. However there is no reply by the Respondent No.4 till date to the Petitioners. It also appears that the entire leveling of land and digging is going on without supervision of competent officers of archeological survey of India and therefore there is every possibility that the said artifacts and antiquities shall be perished, damaged and destroyed without protection and conservation by the Archeological survey of India. Not only that

the local authority of Faizabad also appears to be stand still though such an ancient reach heritage is discovered at said place.

- viii. It is submitted that on 31.05.2020, one article published in the tribune Sunday 31, May 2020, written by Malapalli Laxmaiah, Chairperson, Centre for Dalit Studies Hyderabad, has claimed that said remains found during leveling of land at said site have close link with ancient Buddhist culture and literature. True typed copy of the article published in The Tribune on 31.05.2020 is annexed herewith and marked as **ANNEXURE P-6** (Pages **39-43**).
- ix. That it is clear from the aforesaid facts and circumstances that if Respondents are failed to protect the foresaid ancient monuments, artifacts and sculptures then it is clear cut violation of 30, Clause(1) sub clause(i) of the Ancient Monuments and Archaeological Sites and Remains

Act 1958(ACT No.24 of 1958) Amended in 2010 and Article 29(1) of the Constitution of India.

- x. Be that as it may, the submission and prayer of the present petitioners is very limited and restrictive. The Petitioners are only interested for safeguarding and conserving the ancient artifacts and sculptures which are found or likely to be found at said site of Lord Ram Janmbhumi and also seek scientific, archeological research of same through appropriate body of Archeologist to be appointed by the Respondent No.1 and 2.

3. That, therefore, it will be infringement of Fundamental Rights to conserve culture, script of the Petitioners guaranteed under Article 29(1) of Constitution of India and as such the Petitioners are filing the present Writ Petition on following amongst other grounds:-

GROUND

- A) The ancient artifacts and sculptures found during removing debris and land leveling underway at Shri. Ram Janmbhoomi site since 11th May 2020 are required to be protected in view of Article 49 of Constitution of India which cast obligation upon the state to protect every monument or place or object of artistic or historic interest to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be. Therefore the said artifacts are required to be protected and conserved.
- B) As per the provisions of "the Ancient Monuments and Archeological sites and remains Act, 1958, the said site is protected, then as per Section 23 of said Act, the archeological officer as soon as practicable has to examine such antiquities and submit a report to a Central Government in such manner and containing such particular as may be

prescribed. However in the present case, it appears that no such examination or similar procedure has been followed which is required under said act. Therefore those artifacts and antiquities are required to be recovered, examined and protected under the said act.

- C) There is dispute regarding origin of artifacts and antiquities found at said site and there are various claim made through articles and news published in news papers and print media. Not only that since the artifacts are of ancient importance and part of rich Indian culture they are required to be protected though its acquisition by the Central Government and Archeological Survey of India. Section 13 & 14 of The Ancient Monuments and Archeological sites and remains Act, 1958, is relevant in order to protect and maintain said monument and antiquities.

- D) There is dispute as to the origin of said ancient antiquities found at said site, therefore scientific, archeological research is also required to be done by appointing the expert team of archeologist. For that purpose the possession of said artifacts by the archeological survey of India shall be necessary exercise.
- E) The excavation work was carried out in the year 2003 after the direction of Allahabad High Court. However, the excavation work was not done on the site of Ram Temple construction. Hence, the respondent no. 4 should be directed to excavate the area allocated to respondent no. 6 and its adjoining area as per the requirement of excavation.
4. In the above circumstances, petitioners are constrained to approach this Hon'ble Court by filing this Writ Petition.

5. That the Petitioner has got no other alternative or efficacious remedy except to file the present Writ Petition before the Hon'ble Court, by invoking Article 32 of the Constitution of India.

6. That no other similar Writ Petition has been preferred by the Petitioners before this Hon'ble Court or any other High Court seeking the same relief.

PRAYERS

In the above circumstances that this Hon'ble Court may be pleased to:-

a) issue Writ of Mandamus directing Respondent No.1, 2, 3, 4& 5 to acquire the ancient's remains, artifacts, antiquities and monuments from Respondent No. 6 which was found in the month of May 2020 at the time of leveling, digging and excavating the land of birth of place of Shri. Ram for construction of Ram Temple at Ayodhya, District Faizabad, State Utter Pradesh and conserve and

protect them as per Article 29(1) & 49 of Constitution of India, 1950 and the provisions of The Ancient Monuments and Archeological sites and remains Act, 1958; and/or

- b) Issue Writ directing Respondent Nos.1, 2, 3 & 4 to appoint a expert committee/team of Archeologist upon acquisition and recovery to make scientific, archeological research and analysis of ancient's remains, artifacts, antiquities and monuments found in the month of May 2020 at the time of leveling and excavating the land of birth of place of Shri. Ram for construction of Ram Temple at Ayodhya, District Faizabad, state Utter Pradesh; and/or
- c) direct the Respondent 4 to supervise the leveling of land of birth of place of Lord Ram during further removing debris and land leveling underway at site since 11th May 2020 and with further direction to

seize and acquire the ancient's remains, artifacts, antiquities and monuments, if found; and/or

- d) as a ad-interim relief, direct the Respondent Nos.3, 5 & 6 to take all steps from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be of ancient's remains, artifacts, antiquities and monuments found in the month of May 2020 at the time of leveling, digging and excavating the land of birth of place of Lord Ram for construction of Ram Temple at Ayodhya, District Faijabad, State Utter Pradesh, during the pendency of present Petition; and/or
- e) direct the Respondent No.4 to excavate the site of proposed Ram Temple Construction along with the adjoining area as per requirement of excavation; and/or
- f) direct the Respondent No. 5 to video record the entire process of leveling, digging & excavation of

the land while constructing Shri. Ram Temple at Ayodhya, District Faijabad, State Utter Pradesh; and

- g) Allow two representatives from Samyak Vishwa Sangh to remain present during the process of custody of already found artifacts, objects and remains and also during excavation process and its consequent unearthing of materials till its custody to Respondent No.4; and
- h) Pass such further Order/s as Your Lordships' deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, YOUR PETITIONERS AS IN DUTY BOUND, SHALL EVER PRAY.

Drawn & Settled by
**(Akash B Moon, P.R. Dahat
& Vishal Jogdand)**
Advocates

Drawn on: 08.06.2020
Filed on: 13.06.2020

Filed by



[MANJU SHARMA JETLEY]
Advocate for the Petitioners