

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, SOUTH
SAKET COURT, NEW DELHI**

CIVIL SUIT NO. _____ OF 2020

IN THE MATTER OF:

1. Tirthankar Lord Rishabh Dev,

2. Lord Vishnu, Principal Deity,

3. Hari Shankar Jain

4. Ranjana Agnihotri,

5. Jitender Singh "Vishen",

...PLAINTIFFS

Versus

1. Union of India
Through the Secretary Ministry of Culture,
Government of India,
C-Wing, Shastri Bhavan, New Delhi, Delhi 110015,
Email Id:- office-hcm@gov.in
2. Director General,
Archeological Survey of India,
Dharohar Bhawan, 24 Tilak Marg,
New Delhi-110001
Email Id:- dg.asi@gov.in
3. Superintending Archaeologist Delhi Circle,
Archeological Survey of India,
Puratatva Bhawan, General Pool Office Complex,
D- Block, 3rd Floor, INA New Delhi- 110023.
Email Id : circledel.asi@gmail.comDEFENDANTS

**SUIT FOR DECLARATION, PERMANENT AND
MANDATORY INJUNCTION**

Sir,

**THE PLAINTIFFS MOST RESPECTFULLY SUBMIT AS
UNDER:-**

1. That the subject matter of the present suit is a huge temple complex which later on came to know as Quwwat-Ul-Islam Mosque situated at Mehrauli within the area of Tehsil / Sub Division Hauz Khas Police Station Mehrauli, District South Delhi. The Government of India vide notification No. DL, 387-Edu, dated 16.01.1914 declared the building as 'Protected Monument' in exercise of the powers under section 3 of Ancient Monuments Preservation Act, 1904. This property hereinafter is being referred to as 'PROPERTY IN QUESTION'.

The description of the property 'in question' with location, Notification Number, brief history etc. along with a sketch map has been published by Archaeological Survey of India in the book known as 'Inventory of Monuments and Sites of National Importance' (Volume-1 Part-3) Delhi Circle as item no.99 (6) under title The 'Qutub Archaeological Area Quwwat-Ul-Islam Masjid Mehrauli'.

2. That this suit is being filed to preserve and protect the religious and cultural heritage of India, and to exercise the right to religion guaranteed by Article 25 and 26 of Constitution of India by restoring 27 Hindu and Jain temples with respective deities which were dismantled, desecrated and damaged under the command and orders of Qutub-Din-Aibak, a commander of invader Mohammad Gauri, who established slave dynasty and to show the 'Might of Islam' raised some construction at the same very place of temples naming it as, 'Quwwat-Ul-Islam Mosque'.
3. That the plaintiffs through this suit are seeking the relief for restoration of deities within the temple complex and also for issuance of direction to Central Government to frame scheme of administration and create a Trust to manage the Puja, Worship, Maintenance of the property and carry out necessary work in accordance with the provisions contained in sections 14, 16, 17, 18 and 19 of The Ancient Monuments and Archaeological Sites and Remains Act, 1958, hereinafter referred to as 'AMASR Act'.
4. That plaintiff No.1 is the deity, Lord Rishabh Dev also named as 'Aadi Nath Bhagwan' incarnated on earth in Treta Yug. His holiness was the first Jain Tirthankar and he was also King of Ayodhya in Treta Yug. In Jain temples constructed within temple complex, "the property in question", Lord Rishabh Dev was consecrated as presiding deity along with other Tirthankars. The deities Lord Vishnu, Lord Shiva, God Ganesh, God Sun and Goddess Shakti Maa, Lord Hanuman are installed and worshipped in Jain temples. In ancient times Jain and Vaishnav Temples were constructed side by side at a number of places. Plaintiff No.1 is filling this suit through devotee Hari Shankar Jain, the next friend, Plaintiff No.3.
5. That plaintiff No.2 is Lord Vishnu the Principal Deity, consecrated along with Lord Shiva, Goddess Gauri Ji, Lord Ganesh and God Sun in Temple complex now known as Qutub Complex area, Mehrauli District- South-West Delhi-110030, Plaintiff No.2 is

filling this suit through devotee Ranjana Agnihotri, the next friend, Plaintiff No. 4.

6. That Hari Shankar Jain, is plaintiff No.3. He believes, professes and propagate Jain religion since birth. He is worshipper of Jain Tirthankars, Lord Vishnu, Lord Shiva, Lord Ganesh, Lord Sun, Goddess Gauri and Lord Hanuman. His forefathers had constructed a Jain temple at Zero road Prayagraj Uttar Pradesh where Puja and rituals are being performed regularly.
7. That Ranjana Agnihotri, is plaintiff No.4. She professes, believes, propagate and follows Vedic Sanatan Hindu Dharma since birth and Lord Vishnu is her Aaradhya Dev. She is an idol worshipper and performs puja and rituals regularly as per religious commands.
8. That Jitender Singh, is plaintiff No.5 follows both Hindu and Jain religion. He is worshipper of Lord Vishnu, Lord Shiva, Lord Ganesh, Lord Sun, Goddess Gauri, Lord Hanuman and Jain Tirthanakars.
9. That from the facts emerging from the book published by ASI it is clear that Central Government is the owner and Archeological survey of India has administrative control over the property in question. The building known as Quwwat-Ul-Islam Masjid is a protected monument and figures at serial no. 11 in first schedule of The Ancient Monuments and Archaeological Sites and Remains Rules 1959. The Superintending Archaeologist Delhi Circle in its letter dated 17.09.2020 in reply to notice has stated that monument in question has been declared the monument to be of National importance by Central Government and being a custodian ASI is maintaining and preserving these monuments as per provision of AMASR Act.
10. That in Mahabharata era the present city Delhi was known as 'Indraprastha'. Mihira-wali (today called Mehrauli) was one of the prominent towns of Indraprastha. Mihira-wali is a Sanskrit word and signifies the township where the world famous prominent astronomer Varah-Mihira of Chandra Gupta Vikramaditya court,

who has been King in between 375 to 414 C.E., had lived along with his helpers, associates and disciples in the town of Indraprastha.

11. That there existed huge and lofty Hindu and Jain temples of Lord Vishnu and Lord Rishabh Dev as presiding deities along with Lord Shiva, Lord Ganesh, God Sun and Goddess Gauri and Jain Tirthankars along with constellations, within the precincts of Dhruv / Meru Dhvaj / Meru Tower now termed as Qutub Minar / Qutub Tower herein after referred to, as the 'TEMPLE COMPLEX'.
12. That the Delhi was ruled by celebrated Hindu Kings upto 1192 when invader Mohammed Gauri defeated King Prithviraj Chauhan in the battle in 1192 AD. Thereafter, Qutubdin Aibak a commander of Mohammed Gauri dismantled/ destroyed Shree Vishnu Hari temple and 27 Jain and Hindu temples along with constellations with respective deities and raised some inner constructions within the temple complex. The temple complex was renamed as 'Quwwat-Ul Islam Mosque', in Arabic language which means 'Might of Islam'.
13. That 27 temples were actually sites for 27 Nakshatra or Constellations. The Vedic scriptures and Jain Aagams contain a lot of knowledge and were the important centers of astronomical research for ages.
14. That Qutubdin Aibak failed to completely demolish the existing temples and only partial demolition was carried out and after reusing the material of the temples a construction was erected which was named as 'Quwwatul Islam Masjid', referred to as 'alleged Mosque'. On the walls, pillars and roof of the existing building the images of Gods and Goddess including other religious/pious Hindu symbols and deities like Shri Ganesh, Vishnu, Yaksha, Yakshini, Dwarpal, Lord Parshvanath, Lord Mahavir, Natraj and symbols like Mangal Kalash, Shankh (Conch), Gada, Lotus motifs, Shri Yantra, Temple Bells and Sacred Lotus etc. are engraved. The

Structural inner and outer outlook of the building complex symbolizes with ancient Hindu and Jain temple Architecture. The corridor is completely of vedic style having rectangular galleries with holy symbol engraved pillars. The invader had dismantled and defaced the idols only to degrade Hindu deities and demoralizes the worshipers.

15. That it is historically established that Varahmihir was a prominent Mathematician, Astronomer, Astrologer and one of the 'Navratana' i.e. principal courtiers of King Chandragupta Vikramditya Court, Varahmihir came to Indraprastha and constructed/erected a seven storied polar pillar connoting an astronomical observation tower famous by different names such as Meru Stambh/ Dhruv Stambh/ Vishnu Stambh which is now termed as "Qutub Minar" (herein after referred as 'Tower') for astronomical studies and research. The main entrance of tower faces towards North and is slanted slightly backward towards South at a angle of 5 degrees. Its foundation is 26 yards deep and its actual height was 84 yards which has now been reduced to 76 yards. The tower was erected at a sacred place of temple, dedicated to Lord Vishnu with Lord Shiva, Lord Ganesh, Lord Sun and Goddess Gauri and also the temples dedicated to Jain Tirthankars and constellation.
16. That in course of time the name of Sultan Qutubuddin came to be un-wittingly associated with the tower to name it as 'Qutub Minar' leading to the misleading assertions that Sultan Qutubuddin built the said tower. In Arabic language the word Meru is called as "Qutub" and Minar for Stambh/Tower. In Arabic "Qutub" literally means 'axis', 'pivot' or 'pole'. Qutub can refer to celestial movements and used as an astronomical term or a spiritual symbol. So the term 'Qutub Minar' also signifies an astronomical Tower.
17. That within Qutub Minar /Dhruv Sthambh/ Temple complex area, managed by ASI more than one thousand year old a black coloured Statue/ Idol of Lord Vishnu was found in the year 1960.

18. That 1600 years ancient Iron Pillar exists, within the court yard of temple complex / alleged Quwwat–Ul-Islam Mosque. The Iron Pillar i.e. Vishnu Pillar is an object of worship for the devotees of Lord Vishnu. The pillar is also known as Garuddwajh i.e. Garuda, the seat of Lord Vishnu.
19. That the Iron Pillar is 23 feet 8 inches (7.2 meters) high with 16 inches diameter, weighing about six-seven tons that was constructed during the rule of King Chandra, probably under the kingship of Chandra Gupta Vikramaditya who reigned during 375-415 C.E.
20. That the oldest inscription on the Iron pillar is that of a King named Chandra, namely identified as Chandragupta-2-Vikramaditya. The inscription contains verses composed in Sanskrit language. J.F. Fleet translated the inscription in 1888. These verses have been published in the journal The Royal Asiatic Society published under the authority of Archeological Survey of India in July,1896. The translation of the verses as published at page 6 and 44 in the said journal are reproduced below:-
- i. “(Verse line 1) He, on whose arm fame was inscribed by the sword, when, in battle in the Vanga countries (Bengal), he kneaded (and turned) back with (his) breast the enemies who, uniting together, came against (him); – he, by whom, having crossed in warfare the seven mouths of the (river) Sindhu, the Vahlikas were conquered; – he, by the breezes of whose prowess the southern ocean is even still perfumed; –
- (Verse line 3) He, the remnant of the great zeal of whose energy, which utterly destroyed (his) enemies, like (the remnant of the great glowing heat) of a burned-out fire in a great forest, even now leaves not the earth; though he, the king, as if wearied, has quit this earth, and has gone to the other world, moving in (bodily) from to the land (of paradise) won by (the

merit of his) actions, (but) remaining on (this) earth by (the memory of his) fame; –

(Verse line 5) By him, the king, attained sole supreme sovereignty in the world, acquired by his own arm and (enjoyed) for a very long time; (and) who, having the name of Chandra, carried a beauty of countenance like (the beauty of) the full-moon,-having in faith fixed his mind upon (the god) Vishnu, this lofty standard of the divine Vishnu was set up on the hill (called) Vishnupada.

- ii. The Sanskrit inscription and Brahmi script on the non-rusting Iron Pillar close by proclaims that the lofty standard of Vishnu was raised on the hillock named Vishnupad Giri. That description indicates that a statue of the rec-lining Vishnu initiating the creation was consecrated in the Central/shrine. The pillar was raised at the com-mand is an ancient Hindu king who had made great conquests in the East and the West. The Translation of the inscription in the same book at page 6 in the said journal is as follows:-

Translation

“This lofty standard of the divine Visnu was erected on Mount Visnupada by Kind Chandra, whose thoughts were devoted in faith to Visnu. The beauty of that king’s countenance was as that of the full moon [candra]; by him, with his own arm, sole worldwide dominion was acquired and long held;- and although, as if wearied, he has in bodily form quitted this earth, and passed to the other-world country won by his merit, yet, like the embers of a quenched fire in a great forest, the glow of is foe-destroying energy quits not the earth;- by the breezes of his prowess the southern

ocean is still perfumed;- by him, having crossed the seven mouths of the Indus, were the Vahlikas vabquished in battle;- and when, warring in the Vanga countries, he breasted and destroyed the enemies confederated against him, fame was inscribed on [their] arm by his sword.”

21. That from the above translation it appears that the iron pillar symbolizes Garud Dhvaj or Garud Stambh i.e. the sentinel post of the Vishnu Temple. On one side of Iron Pillar was an elliptical enclave formed by 27 Nakshatra (constellation) temples.
22. That the name Vishnu Dhvaj is also engraved on Iron Pillar. When seen from the gate of structure called ‘Quwwat-ul-Islam Masjid’ the pillar seems in center. It appears that the efforts to extirpate the pillar by Muslim invaders had failed.
23. That it is not certain when the pillar was moved to Delhi from its original location. Alexander Cunningham attributed the relocation to the Tomara King Anangpal, based on the short pillar inscription ascribed to this king. The identification of this pillar with the iron pillar lends support to the theory that the pillar was already in Delhi during Anangpal's reign.
24. That according to yet another legend, this pillar was planted atop the head of Vasuki, the king of the Serpents (Nagas). Interestingly, there is a small inscription by Anangapal on the pillar, dated to 1052 CE. According to Sir Alexander Cunningham, founder-director of the Archaeological survey of India, the inscription reads, ‘Samvat Dihali 1109 Ang Pal bahi’ or ‘In Samvat 1109 [1052 CE], Ang [Anang] Pal peopled Dilli’.
25. That after victory of new territory Aibak to leave the imprint of his religion decided to erect a construction epitomizing the might of Islam and chose his site, the heart of the captured Rajput citadel of Qilla Rai Pithora. The 14th century Arab traveler Ibn Batuta

regarding selecting the site for constructing the Mosque by Aibak has written that:-

“..... before the taking of Delhi it had been a Jain temple, which the Jains called elbut-khana, but after that event it was used as a mosque.”

Ibn Batuta also writes that:-

“..... near the eastern gate of the Mosque were two big idols of copper connected together by stones. Everyone who left the mosque treaded over them.”

26. The central arch of the alleged mosque building is ogee in shape and is 6.5 M. (21ft.) wide and 16 M (52 ft) tall. The said construction has been raised on a courtyard measuring 141 ft (43 meter) by 105 ft. (32 meter surrounded by pillared cloisters. Entrances to the courtyard, also uses ornate mandap dome from temples, whose pillars are used extensively throughout the edifice, and in the sanctuary beyond the tall arched screens. Today survives the sanctuary on the western side, the arched screens in between, which once led to a series of aisles with low-domed ceilings for worshippers.

27. That short history displayed by ASI narrates that the 27 temples were demolished and reusing the materials of demolished temples the construction of Quwwat-ul-Islam Mosque was raised. That Archeological Survey of India at the main eastern entrance gate of the alleged Mosque has displayed the following information:-

“Quwwatul-Islam Masjid

Known as the Quwwatul-Islam (Might of Islam) Masjid, it is the earliest extant Mosque in India. It consists of a Rectangular courtyard 43.2 M by 32.9 enclosed by cloisters which were erected by Qutbuddin Aibak with the carved columns and other Architectural members of twenty-seven Hindu and Jain Temples.

The construction of Mosque was begun in A.D. 1193 by Qutbuddin Aibak of the Mamluk Dynasty and complete in A.D. 1197. A massive stone screen of lofty five arches was put up in front of its prayer hall which imparted an Islamic character to the building. The screen is beautifully carved with borders of inscriptions and geometrical and arabesque designs but the hand of craftsmen used to Hindu motifs is nonetheless clear in naturalistic curved lines.

Subsequently, the Mosque was enlarged by two later rulers Shamsuddin Iltutmish (A.S. 1211-36) and Alauddin Khalji (A.D. 1296-1316). The screens of these two sultans are carved with purely Islamic motifs abounding in geometric patterns.”

28. That the Arabic inscription on the inner eastern gateway of Quwwat-ul-Islam Mosque, states that it was built by using the materials of 27 demolished temples. The construction was named as Quwwat-ul-Islam which means might of Islam and purpose was to humiliate / dishonor and degrade Hindu Deities and demoralize their devotees.
29. There is report for the year 1871-72-Volume IV of Archeological Survey of India relating to Delhi authored by J.D. Beglar, the then Assistant ASI working under the Superintendence of A. Cunningham the Director General ASI. In the report the facts relating to the Quwwat-ul-Islam Masjid has been elaborately discussed and conclusions have been drawn. In preface of the report in para 6 is has been mentioned that:-

“In the upper rooms of the north-east and south-east corners many of the roofing slabs appears to have been taken from a Jain Temple, as the faces of several of the stones which reduce the size of the square openings by covering the angles are filled with figures of men, elephants, and horses, with a single squatted figure in the middle, quite naked, and with

both hands lying in the lap, exactly after the fashion of Jain statues. If then, as Mr. Beglar argues, these cloisters are the colonnades of a single Hindu temple, that temple must have been dedicated to the Jain worship, a conclusion which is directly negative by the inscription on the iron pillar standing in the midst of the court-yard, in which the pillar itself is called the “ arm of Vishnu.” It is also at variance with the several Vaishnava sculptures which are built into the surrounding walls, such as the Ten Avatars, and Narayan reposing on the folds of the snake Ananta.”

30. That the historical records compiled by Muslim historian ‘Maulana Hakim Saiyid Abdul Hai’ accepted the iconoclasm of Qutb-ud-din Aibak. This pattern of iconoclasm was common during his reign. Some medieval Muslim historians and travelers often ascribed the construction of the complex to Mamluk Sultan Iltutmish, rather than to Qutb ud-Din Aibak as is commonly adopted.
31. That many historians are of the view that the structure so raised was termed as ‘Quwwatul Islam’ Mosque as ‘Jami Masjid’ (Friday mosque). This structure was built to the North East of Tower i.e. so called Qutub Minar. The construction raised at the temple place consist of a rectangular courtyard enclosed by cloisters, erected with the carved columns and materials of Vishnu temple, 27 Hindu and Jain temples and constellations.
32. That as per the historians the construction raised at the place of demolished temples complex was termed as ‘Quwwat-ul-Islam’ Mosque which means ‘Might of Islam’. The object behind destruction was not only to humiliate Hindu devotees but to destroy the rich culture of the country and to pressurize them to accept the supremacy of Islam over infidels (Kafirs). This building was raised using material of Hindu, Jain temples and constellations. It was built over the site of huge temple located in the centre of citadel.

33. That chronicler of Qutub-al-Din Aibak 'Hassan Nizami Taj-ul Massir' mentions that:-

“the conqueror entered the city and its vicinity was freed from idol worship; and in the centuries of images of the Gods, mosque were raised by the worshippers of one God.”

34. That the inscriptions found in the alleged Mosque, have been translated in English Language in the book titled as 'Memoirs Of The Archeological Survey Of India' No. 22 under the heading 'An Historical Memoir On The Qutub: Delhi' authored by J.A. Page, the then Superintendent Archeological Survey of India, published at Calcutta in 1926 by Government of India. The inscriptions translated in English Language at page 29-30 are in Appendix II (a) are reproduced herein below:-

INSCRIPTIONS

QUTUB MOSQUE (MASJID QUWWATUL-ISLAM)

I. On the inner lintel of the eastern gateway,

Quran, Sura III, verses 91-2; and

Translation

“This fort was conquered and this Jami Masjid was built in (the months of) the year 587 (1191-2 A.D.) by the Amir, the great and glorious commander of the army, (named) Qutbu-d-daulatwa-d-did, the Amirul-umara Aibak Sultani, may God strengthen his helpers. The materials of 27 temples, on each of which 2,000,000 Deliwals has been spent, were used in (the construction of) this mosque. May God the great and glorious have mercy on him who should pray for the faith of the good builder.”

II. In the Arch tympanum of the eastern gateway

Translation

“This mosque was built by Qutbu-d-din Aibak. May God have mercy on him who should pray for the faith of this good builder.”

III. In the arch tympanum of the north gate.

Quran, Sura X, verse 26; and

Translation

“In (the months of) the year [5] 92 (1197 A.D.) this building was erected by the high order of the exalted Sultan Muizu-d-dunyawa-d-din Muammad-ibn-Sam, the helper of the prince of the faithful.”

IV. On the south pier at the foot of the inscribed band framing the central arch of the great screen.

Translation

“..... date, the 20th of Zil Qada of the year 594.” (1199 A.D.)

V. On the south end pier (east face) of the southern arch of Altamish’s southern extension of the great screen.

Translation

“..... in (the months of) the year 627.” (1229 A.D)

VI. On a pillar in Aibak’s prayer chamber.

Translation

“Under the supervision (mutavalliship) of the slave Fazl ibn Abil Ma’ali.”

35. That the translation of the inscription written on the walls of alleged Mosque (done by Thomas in his book-Chronicles of Pathan Kings) has been published under the title “Kutub Minar Delhi” compiled

by Rustamji Nasarvanji Munshi edition 1911 from Bombay. At page 52-53 it has been mentioned that:-

“We have seen that the great Mosque of Kutub-ul-Islam was built by Sultan Kutub-ud-din. This can be shown from the following inscriptions on the Mosque from which we learn that it was built by Sultan Kutub of the materials from 27 idols temples.”

.....

Translation

“Kutb-ud-Din Aibak, on whom be the mercy of God, constructed this mosque. This fortress was conquered and this Masjid Jami was built during the months of the year 587 by the great and mighty commander-in-chief Kutb-ul-Dawlat-wa-ul-Din, the commander of commanders, Aibeg Sultan. May God exalt his helpers. Materials from 27 idol temples, each of which cost twice thousand into thousand Diliwals, have been used in this Masjid. May Almighty God send mercy on him, who prays for the rest of the builder.”

36. That historical records compiled by Muslim historian Maulana Hakim Saiyed Abdul Hai attest to the iconoclasm of Qutub-din-Aibak and states that anybody looking to the disfigured Hindu statues and idols can admire the structure built by the invader.
37. That the legendary world Traveler Ibn Batuta was categorical about the mosque being a conversion from a cluster of temples. On the site of the mosque, he wrote, there was a butkhana or a house of idols. After the conquest of Delhi, it was turned into a mosque. Even today one cannot fail to notice the image of Ganesh on the rear plinth of the mosque.
38. That the mosque was located at the citadel which came to known as Qila Rai Pithora. The Conversion began soon after the second battle of Tarain, in 1192 A.D., after the defeat of Prithvi Raj Chauhan.

39. That there is book titled as “The Seven Cities of Delhi” written by Gordon Risley Hearn published from London in 1906 this book mentions about Quwwat-ul-Islam Mosque which is reproduced below:-

“**MOSQUE** (p.94)- The Kuwwat-ul-Islam or strength of Islam, Mosque is now unused it is entered from the east by a short flight or steps, the original ones leading to a Hindu temple, which once occupied this site. Those who have seen the beautiful Jain temples of Dilwara, on Mount Abu, will perceive the resemblance in the arrangement of the pillars, which divide the roof of the surrounding colonnades into small compartments, each section being differently ornamented. The old Mahomedan kings, while they could not approve of the carving of images, prohibited by their Koran, were quite willing to use the materials of Hindu temples to build their mosques: there are examples of this at Ajmere, in the “Arhai din ki Jhonpri” Mosque, and at Mahaban, about six miles from Muttra. But the figure carving were defaced, and covered with plaster, which has now fallen off: fortunately some figures were left intact, especially those in two raised rooms at the corners. It may be mentioned that the prohibition against the making of images is not taken so seriously in these days, for the ivory miniature paintings of Delhi are done by Mahomedan artists. These pillars are certainly eight hundred years old, but are not in their original positions, having been rearranged by the Mahomedans.

IRON PILLAR (p.96)- In the court of the mosque is that most interesting object, the Iron Pillar, nearly twenty-four feet long, and a marvelous piece of forging, weighing about six tons; such a piece of work would not have been possible in Europe in the days in which it was made, or indeed until many centuries after, for the age of this pillar may be as much as sixteen centuries. It has often been doubted whether the material is really iron, and not a mixture of metal, for one would long ago have rusted

away, but analysis has shown it to be composed of pure malleable iron. It is not a natural phenomenon, as the ornamented top will show; a dent made by a cannon-ball fired as it, so tradition says, by Ghulam Kadir, shows that the workmanship is good, for the blow was only sufficient to crack the pillar.”

40. That there is “Archeological Survey of India Report 1862-63-64-65” by Alexander Cunningham in volume-I, at page 186-187, there is description of Quwwat-Ul-Islam Mosque wherein there were idols before construction of the alleged mosque. A few lines relevant for the purpose of the case are being reproduced below:-

“I have already noticed that the whole of the beautiful Hindu pillars in these cloisters were originally covered with plaster by the idol-hating Musalmans as the readiest way of removing the infidel images from the view of true believers. A distinct proof of this may be seen on two stones in the north side of the court, one fixed in the inner wall in the north-east angle just above the pillars, and the other in the outer wall between the north gate and the north-east corner. The inner sculpture represents several well known Hindu gods, 1st, Vishnu, lying on a couch with a lotus rising from his navel, and covered by a canopy, with two attendants, one standing at his head and one sitting at his feet; 2nd, a seated figure not recognized; 3rd Indra, on his elephant; 4th, Brahma, with three heads seated on his goose; 5th, Siva, with his trident seated on his bull Nandi; 6th, a figure with lotus seated on some animal not recognized. The outer sculpture is a different description. The scene shows two rooms with a half-opened door between them. In each room there is a female lying on a couch with a child by her side, a canopy over her head, and an attendant at her feet. In the left hand room two females are seen carrying children towards the door, and in the right-hand room two others are doing the same. The whole four of these females appear to be hastening towards the principal figure in the right-hand room. I am unable to offer any explanation of

this very curious scene, but as it is very unlikely that these figures would have been exposed to the sight of the early Musalmans, I conclude that these stones must also have been carefully plastered over”.

41. That the Oxford history of Islam, edited by John L. Esposito at page 399 mentions that:-

‘The immense congregational mosque in Delhi known as Quwwat al-Islam (Might of Islam) was one of the first built in India. Begun in 1191, the mosque stands on the site of a pre-Islamic temple whose ruins were incorporated in the structure. The tall iron pillar in the courtyard, originally dedicated to the Indian god Vishnu around 400, was re-erected as a trophy to symbolize Islam’s triumph over Hinduism.’

42. That there is a book published under the title “Architecture of Ancient Delhi” authored by the then Superintendent of Archeological Survey of the North Western Provinces, India in the chapter ‘The Architecture Of Ancient Delhi, especially the building around the Qutub Minar’ has mentioned several facts regarding Quwwatul Mosque. At page 53 of the book it mentions that:-

‘A carved architrave in the North East corner in the inner court yard, subject, Vishnu laying on a couch with a lotus rising from his naval and covered by a canopy. Indra on an elephant. Bramha, with three heads on a goose. Siva on a bull.

A piece of stone carving on an architrave measuring about four feet long by nine inches deep, situated inside the north-east corner of the Colonnade. Subject; on the left are two men carrying circular vessels (i.e. “Gharras”) in “Banghis,” [i.e. slung at both ends of a bamboo, which is carried on the shoulder]. They probably contain milk, for next to them is a female figure engaged in churning milk into butter and she is doing this in the same way as frequently practiced in India at the present day. A long bamboo stick with prongs at the end is

being twisted in a vessel by means of a leather strap which is passed two or three times round it. The operation is very similar to that practiced by sailors in spinning the water out of a mop.

The next figure is caring a vessel on her head, then follows a sentinel holding stick, and in the centre of the carving a small building or temple, inside which is a standing figure. Outside this and on the right is another sentinel, with his hand placed over his mouth as if to restrain a burst of laughter. Beyond are four figures seated on low stools round a Rajah and his wife; the latter is being fanned by a female attendant. The party seem to be enjoying a feast, and their fun has no doubt excited the merriment of the sentinel. In most native entertainments butter is very largely used and its preparation on the left compartment is probably in reference to the repast here portrayed. The heads of all the figures are a good deal mutilated, but the remarkable mode of dressing the hair into a sort of "chignon" may be easily traced."

43. That from the facts recorded in history, literary works, Gazetteers, reports of Archaeological Survey of India and the recitals made on inscriptions found in the building it transpires that there was an old temple dedicated to Lord Vishnu with Lord Shiva, Lord Ganesh, Lord Sun and Goddess Gauri. It is also clear that there were 27 Jain temples dedicated to Tirthankars with constellations. All these temples were partly demolished by Qutubdin Aibak a General in the Army of Mohamad Gauri.
44. That in view of the fact that the pictures of Hindu God and Goddess, Jain Tirthankars and also Hindu/Jain temple architectural design are clearly visible on pillars, walls, roof, bracket, staircase and several other places, the Mohamdans did not use the so called Mosque and abundant the same. Naturally the only purpose was to demoralize Hindu and Jain devotees and subjects residing there to feel that that they had been crushed by the Islamic forces.

45. That Hindu and Jain devotees regularly visit the temple place occupied by alleged mosque and pay homage to deities, Tirthankars and Planets where they were being worshiped from ages.
46. That after the judgment in Ayodhya case delivered on 9 November 2019 the plaintiffs along with several other devotees visited Qutub Minar two three times and lastly on 23 December 2019, purchased books from the Book sale counter available at entrance gate. Thereafter the plaintiffs have studied a number of historical books, literary works and available materials regarding the history of Qutub Complex.
47. Then plaintiffs were shocked to see a large number of pictures of mutilated idols at the pillars of the building and came to know about the barbaric action of first Mohammedan Sultan Qutubdin Aibak to show 'Might of Islam' partly demolished the temples and constructed a structure and termed the same as mosque.
48. That in case at one point of time the Invader in madness of power demolished the Hindu temples to show the Might of Islam, it will not change the legal character, position and the status of temple and deities in court of law as and when the court is called upon particularly after independence to grant appropriate relief against vandalism and barbarian action of an invader by applying the law applicable to such deity and temple property.
49. That an Islamic Structure or mosque raised/ constructed after demolishing a Hindu temple will not gain any legal sanction in law as no Waqf could be created thereat and no mosque could have been constructed over the property dedicated to the deity.
50. That the deities and devotees have right to reconstruct the temple/s at same very place where it was before demolition of the temple.
51. That from the well established historical fact it is clear that a number of temples with deities were existing within the temple complex before the construction of the alleged Quwwat-ul-Islam Mosque but

nature of Hindu religious property continued and the Muslims never declared the place as Waqf property before or after the construction raised under the command of Qutub-din Aibak and therefore the construction could not be used as Mosque at any point of time.

52. That it is well established that atleast for more than eight hundred years the alleged Quwwat-UI-Islam mosque has never be used by Muslims for any religious purpose or otherwise. It may be further pointed out that Muslims had to abandon the alleged Quwwatul Islam Masjid for the reason that the entire structure, the pillars, the beams and architecture where depicting Hindu God and Goddess and Muslims have reservations to use such type of places as Mosque and the other reason is that the purpose of constructing the structure was to show Might of Islam, to establish superiority and to humiliate Hindu and Jain devotees.
53. That it is relevant to mention that lakhs of Hindus visit every year at the place called Quwwatul Islam Masjid considering the area as place of worship dedicated to Lord Vishnu and Trithankars. The Hindu and Jain devotees worship there in restricted manner by paying homage to Lord Vishnu and Tirthankars who were established thereat thousands of years ago to whom the property was dedicated. The Hindu and Jain devotees pay homage to the “Supreme Being” as existing there.
54. That Iron Pillar standing within the court yard of the alleged Masjid Structure is an object of worship for devotees of Lord Vishnu for the last hundreds of years. The devotees perambulate at the Iron Pillar and pay homage to deities and Tirthankars exist there as “Supreme Being”.
55. That the temple within the suit complex is standing for the last more than 1000 years and the deities are there in mutilated condition at the pillars and there existed a great Iron pillar an object of worship and is being worshiped by devotees of Lord Vishnu whosoever visit there.

The deities are entitled to be reinstalled / reestablished with due honor and dignity.

56. That the structure called Quwwatul Islam Masjid was declared as Protected Monument by Government of India under the provisions of Ancient Monuments Preservation Act 1904. In exercise of powers under said Act the Government of India vide Notification no. DL. 387. Edu. Dated 16.01.1914 acquired ownership of entire area of Quwwatul Islam Masjid and administrative control was handed over to Archeological Survey of India Delhi Circle, Delhi. This Notification has been published by ASI in a book titled as 'Inventory of Monuments and Sites of National Importance Vol.1; Pt.3 (Delhi Circle) at page 141.
57. That it is relevant to mention that on the date of Acquisition of the area (16.01.1914) of the structure Quwwatul Islam Masjid, nobody was representing the temples and deities and no opportunity was given them as required under section 10 of Ancient Monuments Preservation Act 1904.
58. That from the historical evidence and material placed on record it is clear that:-
 - I. The area was known as Mihira-wali founded by great astronomer Varahamhir.
 - II. Varahamihir had constructed Meru Stambh / Vedh Shala.
 - III. There existed a huge Hindu temple known as temple complex consisting of number of Jain and Hindu idols with constellations.
 - IV. That puja and worship in all the temples and constellations being performed till Prithivi Raj Chauhan was King .
 - V. Mohammed Gauri defeated Prithivi Raj Chauhan in the battle of 1192.

- VI. Qutubdin Aibak a commander of Mohammed Gauri with a view to show might of islam ordered to demolish the existing temples and partially the demolition work was carried out and the construction so raised was named as Quwwat-ul-Islam Mosque in 1198 but same was never used for any religious purpose by Muslims because a number of images of deities are found on the pillars, roofs, walls of the building.
- VII. That Muslim historian has also mentioned the fact about existence of temples at the time of Gauri invaded India and that 27 Jain and Hindu temples were got demolished by Qutubdin Aibak after demolishing those temples.
- VIII. The Archeological survey of India in its earliest report 1862 onwards has confirmed the fact about the demolition of Hindu and Jain temples and construction of the alleged mosque at the same place. The ASI has also displayed an information at the main entry gate of alleged Quwwat-ul-Mosque that said construction was erected after demolishing 27 Hindu and Jain temples.
- IX. The Archeological survey of India has declared that no the building is not been used for any religious purpose and therefore it is clear that the building is not being used for religious purposes by Muslims.
- X. It is an admitted fact that an Iron pillar which is also known as Garud Dwajh is more than 1600 years old and is standing within temple complex/ Qutub area much before the battle of 1192 between Mohammed Gauri and Prithvi Raj Chauhan.
- XI. That Iron Pillar is object of worship for Hindu and Jain devotees.

- XII. The ASI has published photographs of entire Qutub area showing the existence of Iron Pillar and the engraved deities and Hindu-Jain religious images on the walls, roofs and the pillars of the existing structure.
- XIII. The Government of India in the year 1914 through notification acquired ownership right of the entire Qutub area and appointed ASI to manage the building.
- XIV. The deities are rightful owner of the entire Qutub area.
- XV. The Government of India without giving notice to the members of Hindu community acquired the ownership right under the Ancient Monuments Preservation Act 1904 and same has been declared as monument of National Importance within the meaning of section 4 of Ancient Monuments and Archeological Sites & Remains Act 1958.
59. That Hindu temple, the deity and idol is never lost. The divinity is attached to an Idol which is understood as the “Supreme Being” the Supreme Being defies form and shape, yet its presence is universal. The legal personality is conferred on the ‘purpose behind the idol’. It is well established principle of Hindu law that:-
- “God is omnipotent and omniscient and its presence is felt not by reason of a particular form of image but by reason of a particular form or image but by reason of the presence of the omnipotent. It is formless, it is shapeless and it is for the benefit of the worshippers that there is a manifestation in the images of the Supreme Being. The supreme being has no attribute, which consists of pure spirit and which is without a second being i.e. God is the only being existing in reality, there is no other being in real existence excepting Him.”
60. That it is undisputed that Quwwat-ul-Islam Mosque, the property in suit is in administrative control of the Archeological survey of India

and Central Government is its owner by virtue of notification issued in 1914 under Ancient Monument Act 1904.

61. That it appears that in 1914 the Central Government in exercise of powers under section 6 of Act 1904 had issued the notification taking over ownership right and possession of the building complex but no opportunity of hearing was given to any member/worshipper of Hindu or Jain community even though the property was already vesting in the deity and continue to be vesting in the deity in perpetuity.
62. That in case there was no Shebait or caretaker of the temple complex, the Central Government should have issued public notice but it was not done and the Government acting arbitrarily took ownership right and possession of the building but such action cannot impede the right of deities and its worshippers in free India governed by written constitution wherein right to worship has been bestowed in Article 25 and 26 as a fundamental right. The worshippers have right to exercise their right to religion conferred by Article 25 and 26 of the Constitution of India and they have right to ensure that deities are restored at original place with due dignity.
63. That now the deity through Next Friend is there to safeguard its right and interest in the property and to assert for restoration of the temple at the same very place where it was and to ensure that its devotees are allowed to perform Darshan and Pooja at the said place.
64. That devotees have also right to pray to the Hon'ble Court to protect their interest and safe guard their rights of worship conferred by Article 25 of the Constitution of India and Defendants may be directed to take appropriate steps in consonance with constitutional scheme to protect fundamental rights of citizens.
65. That it is submitted that our constitution is transformative in nature and we, the citizens of India are not supposed to carry on the shameful and black spot of history on our head in the changed of the circumstances with the change of the sovereign of the State.

66. That it is relevant to point out that Article 13(1) of the Constitution of India in unequivocal terms declares that all laws enforce in the territory of India in so far they are inconsistent with any fundamental rights guaranteed in part 3rd of the Constitution are void. The term 'Law' includes the enactments, orders, rules, regulations or customs having the force of law.
67. It is submitted that the order passed by invader glorifying Islam at the cost of glory, pride, culture and religious sentiments of Hindus have become nonest w.e.f. 26.1.1950 as soon as new sovereign has recognized the religious rights of the citizens with the declaration that all laws in operation against fundamental rights are void.
68. It is relevant to mention that Parliament has enacted the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (AMASAR Act) keeping in view the constitutional provisions embodied in part 3rd of the Constitution of India. Section 16 of the Act permits to continue worship of the religion which may be in consonance with the character of the building. For convenience Section 16 of the Act is reproduced below:-

Section 16. Protection of place of worship from misuse, pollution or desecration.—

- (1) A protected monument maintained by the Central Government under this Act which is a place of- worship or shrine shall not be used for any purpose inconsistent with its character.
- (2) Where the Central Government has acquired a protected monument under section 13, or where the Director-General has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of a protected monument under section 5 and such monument or any part thereof is used for religious worship or observances by any community, the Collector shall make due provision for the protection

of such monument or part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the persons, if any, in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

69. That Section 14 of the AMASAR Act permits the Central Government to maintain the protected monument. Section 18 of the Act provides that the public shall have a right of access to any protected monument.

70. That the term protected area has been defined in Section 2(i) and protected monument in Section 2(j). These sections are being reproduced below:-

Section 2. Definitions:-

(i) “Protected area” means any archaeological site and remains which is declared to be of national importance by or under this Act;

(j) “Protected monument” means an ancient monument which is declared to be national importance by or under this Act;

71. That Section 19 of the Act provides that construction can be raised within the area protected monument only on the permission of the Central Government. For convenience sake Section 19 is produced below:-

Protected Areas

Section 19. Restrictions on enjoyment of property rights in protected areas.—

- (1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the Central Government:

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

- (2) The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

72. That from scheme of the Act it is clear that Central Government is under legal obligation to protect an ancient and historical monument. At the same time there is provision that worship within the monument in accordance with the religious character of the building may be performed and repair works can also be carried out according to need and the public has right to enter in the premises fulfilling the conditions which may be provided in rules.
73. That the defendants are ignoring the right of deity and devotees flowing from Article 25 and 26 of the Constitution of India and they are continuously committing wrong with plaintiff deities and they have not cared about the religious sentiments of Jain and Hindu

devotees. The broken and mutilated deities are shame for the nation and they are showing our weakness and cowardness from invaders. This National shame must be vanished without any further delay.

74. That a five judges bench in famous Ayodhya case titled as Mohd. Siddiq Vs Mahant Suresh Das Reported in 2019 (15) SCALE page 1 in para 116 has held that:-

“ the idol constitutes the embodiment or expression of the pious purpose upon which legal personality is conferred. The destruction of the idol does not result in the termination of the pious purpose and consequently the endowment. Even where the idol is destroyed or the presence of the idol itself is intermittent or entirely absent, the legal personality created by the endowment continues to subsist. In our country, idols are routinely submerged in water as a matter of religious practice. It cannot be said that the pious purpose is also extinguished due to such submersion. The establishment of the image of the idol is the manner in which the pious purpose is fulfilled. A conferral of legal personality in the idol is, in effect, a recognition of the pious purpose itself and not the method through which that pious purpose is usually personified. The pious purpose may also be fulfilled where the presence of the idol depending on the deed of dedication. In all such case the pious purpose on which legal personality is conferred continues to subsist.”

75. That in Ayodhya Judgment the apex court has held that worshipper has a right to institute a suit to recover the property of a idol. In this regard paragraph 346 and 351 of the judgment:-

Para “**346**. The position in law with respect to when a worshipper may institute proceedings is settled. A worshipper can institute a suit to protect the interests of the deity against a stranger where a shebait is negligent in its duties or takes actions that are hostile to the deity.

The question whether the remedy available to the worshipper is a suit in a personal capacity or a suit on behalf of the idol (as next friend) is one which must be answered. The suit in *Vemareddi Ramaraghava Reddy*[*Vemareddi Ramaraghava Reddy v. Konduru Seshu Reddy*, 1966 Supp SCR 270 : AIR 1967 SC 436] was a suit filed by worshippers in their personal capacity and the Court had no occasion to determine whether a suit by a next friend on behalf of the idol itself would be maintainable. However, given the express observations that a worshipper cannot exercise the deity's right to sue, this matter must be considered.

Para 351. In view of these observations, it is apparent that where the interests of the idol need to be protected, merely permitting interested worshippers to sue in their personal capacity does not afford the deity sufficient protections in law. In certain situations, a next friend must be permitted to sue on behalf of the idol—directly exercising the deity's right to sue. The question of relief is fundamentally contextual and must be framed by the court in light of the parties before it and the circumstances of each case.

76. That Article 13 (1) of the Constitution of India provides that any law which includes custom and usages which are in violation of the provisions contained in part 3rd of the Constitution shall be void. From the narration of the fact emerging on record it is clear that the worshippers right to worship are being infringed and the atrocities is committed before the enforcement of the Constitution can be remedied in furtherance of exercise of right to religion guaranteed by Article 25 of the Constitution of India.

NOTICE U/S 80 CPC

77. That the plaintiffs have sent notice dated 11.08.2020 u/s 80 CPC to the defendants through speed post which was served on all the Defendants but in response to said notice only Defendant No.3 has sent reply dated 17.09.2020 stating that there is no provision to hand over the possession of the CPM to any Trust or else in the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

CAUSE OF ACTION

78. That this is a case of continuous infringement of fundamental right to worship guaranteed by Article 25 of the Constitution of India and there is continuing wrong giving cause of action for filling the suit everyday and every moment. The cause of action for filling the suit has also arisen on 17.09.2020 when Superintending Archaeologist Delhi Circle in response to notice sent by the plaintiffs declined to accede to the prayer of the plaintiffs contained in the notice dated 11.08.2020 and cause of action is accruing everyday within the territorial and pecuniary jurisdiction of the Hon'ble Court. The Hon'ble court has jurisdiction to entertain and adjudicate the issues involved in the suit.

TERRITORIAL JURISDICTION

79. The property involved in the suit is situated within the area of Qutub Complex in Mehrauli, District South-West Delhi. The Hon'ble Court has territorial jurisdiction to entertain the suit and adjudicate the issues involved in the suit.

VALUATION AND COURT FEE

80. That for the purposes of court fee and jurisdiction of the court the reliefs made in the suit are being valued as Rs.130/-. The Hon'ble Court has pecuniary jurisdiction to entertain and try the suit. The court fee is being paid in the following manner:-

Sr. No.	Nature of Relief	Valuation	Court Fee Paid
1.	For declaration- relief No. (a)	Rs. 200/-	Rs. 20/-
2.	For mandatory Injunction relief No. (b)	Rs. 130/-	Rs. 13/-
3.	For mandatory Injunction relief No. (c)	Rs. 130/-	Rs. 13/-
4.	For Permanent Injunction relief No. (d)	Rs. 130/-	Rs. 13/-

DECLARATION

81. That it is declared that the plaintiffs have not filed any suit before the Hon'ble Court or the Hon'ble High Court of Delhi or Hon'ble Supreme Court of India in respect of the issues involved in this suit.

PRAYER

It is therefore, respectfully prayed that Hon'ble Court may be pleased to grant following reliefs:-

- a. Decree the suit in nature of declaration, declaring that Principal Deity Tirthankar Lord Rishabh Dev and Principal Deity Lord Vishnu, along with Lord Ganesh, Lord Shiva, Goddess Gauri, God Sun, Lord Hanuman including presiding deities of 27 temples, have right to be restored and worshiped with rites & rituals, performance of regular pooja within the temple complex situated in the area of Qutub Complex in Mehruli, District South West Delhi included in the notification No. DL, 387-Edu, dated 16.01.1914 issued by Central Government published in the book 'Inventory of Monuments and Sites of National Importance' (Volume-1 Part-3) Delhi Circle as item no. 99 (6) under title The Qutub Archaeological Area Quwwat-Ul-Islam Masjid (Mehrauli).

- b. Issue mandatory injunction directing the Central Government to create a Trust, according to Trust Act 1882, and to hand over the Management and Administration of the temple complex situated within the area of Qutub Complex in Mehrauli, District South West Delhi included in the notification no. DL, 387-Edu, dated 16.01.1914 issued by Central Government published in the book 'Inventory of Monuments and Sites of National Importance' (Volume-1 Part-3) Delhi Circle as item no. 99 (6) under title The Qutub Archaeological Area Quwwat-ul-Islam Masjid (Mehrauli), after framing scheme of administration to such Trust.
- c. Decree be passed in the nature of mandatory injunction, directing the Trust, to be created by Central Government, to manage the affairs of 27 Hindu and Jain temples with Iron Pillar, in accordance with scheme of administration framed by Central Government, situated within the area of Qutub Complex in Mehrauli, District South West Delhi included in the notification no. DL, 387-Edu, dated 16.01.1914 issued by Central Government published in the book 'Inventory of Monuments and Sites of National Importance' (Volume-1 Part-3) Delhi Circle as item no. 99 (6) under title The Qutub Archaeological Area Quwwat-ul-Islam Masjid (Mehrauli), to that extent the aforesaid notification shall stand modified.
- d. Decree be passed in the nature of permanent injunction, restraining the defendants permanently from interfering in making necessary repair works, raising construction and making arrangement for Pooja, Darshan and Worship of Deities in accordance

with section 16 and 19 of 'The Ancient monuments and Archaeological Sites and Remains Act, 1958' by a Trust, to be created by Central Government within the area of Qutub Complex in Mehrauli, District South West Delhi included in the notification no. DL, 387-Edu, dated 16.01.1914 issued by Central Government published in the book 'Inventory of Monuments and Sites of National Importance' (Volume-1 Part-3) Delhi Circle as item no. 99 (6) under title The Qutub Archaeological Area Quwwat-UI-Islam Masjid (Mehrauli), created by the Central Government under the Indian Trust Act 1882.

- e. Any other decree as Hon'ble Court may deem fit and proper may also be passed under circumstances of the case to meet the ends of justices.
- f. Award cost of the suit to the plaintiffs from defendants.

PLAINTIFFS