

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 3341 of 2017

Petitioner :- Anjuman Intazamia Masazid Varanasi

Respondent :- Ist A.D.J. Varanasi And Others

Counsel for Petitioner :- A.P.Sahai,A.K.

Rai,D.K.Singh,G.K.Singh,M.A. Qadeer,S.I.Siddiqui,Syed

Ahmed Faizan,Tahira Kazmi,V.K. Singh,Vishnu Kumar Singh

Counsel for Respondent :- C.S.C.,A.P.Srivastava,Ajay Kumar

Singh,Ashish Kr.Singh,Bakhteyar Yusuf,Prabhash

Pandey,R.S.Maurya,Rakesh Kumar

Singh,V.K.S.Chaudhary,Vineet Sankalp

Hon'ble Prakash Padia,J.

Heard Sri S.F.A. Naqvi, learned Senior Counsel assisted by Sri Syed Ahmad Faizan, learned counsel for petitioner and Sri Ajay Kumar Singh, and Sri Vijay Shankar Rastogi, learned counsel for contesting respondents.

Sri Vijay Shankar Rastogi, learned counsel for contesting respondents has filed additional written arguments in the Court today which is taken on record.

It is argued by Sri Rastogi that the petitioner has initially filed application under Order VII Rule 11(d) CPC for rejecting the plaint but the petitioner did not press the same for a considerable time and instead of pressing the aforesaid application, he chose to file written statement in the plaint. He further argued that on the basis of pleadings in the suit, the issues were framed and the trial Court passed the order declaring issues No.1 & 2 as preliminary issues. It is further argued that it is clear from the averments of the plaint that the property in question, i.e. the temple of Lord Visheshwar has been in existence from ancient time, i.e., Satyug (सतयुग) up till now and the Swayambhu Lord Visheshwar is situated in the disputed structure, therefore, the aforesaid land in dispute is

itself an integral part of Lord Visheshwar. It is further argued that the temple irrespective of its shape and size, the ground floor cellar is still in possession of the plaintiff which is the structure of old temple built prior to the 15th Century. It is argued that religious character of the place of worship remained the same as on the day of 15.08.1947, therefore, the provisions of Place of Worship Act, 1991 cannot be applied.

Due to paucity of time, arguments could not be concluded.

List this matter on 29.3.2022 along with other connected matters at 2:00 P.M.

It is further made clear that the arguments shall continue thereafter on regular basis till its conclusion.

Order Date :- 24.3.2022
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