

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 and Sri Punit Kumar Gupta, assisted by Devendra Kumar Mishra, learned counsel for petitioner and Sri Ajay Kumar Singh, Sri Vijay Shankar Rastogi, Sri Sunil Rastogi, Sri Tejas Singh and Sri Vineet Sankalp, learned counsel for contesting respondents, Sri Shashi Prakash Singh, Senior Counsel/Assistant Solicitor General of India assisted by Sri Manoj Kumar Singh learned counsel for respondent No.7 and Sri M.C. Chaturvedi, learned Additional Advocate General/Senior Advocate assisted by Vineet Pandey, learned Chief Standing Counsel, Vijay Sharnkar Prasad and Ved Mani Pandey learned Standing Counsel for the respondent No.8.

It is argued by Sri Vijay Shankar Rastogi that character of the religious structure is ascertained on the basis of whole property not on the basis of part of property and the religious character of the property cannot be changed mere changing of a part only. It is argued that when the whole evidence can come only thereafter the religious character of a property would be determined. It is further argued that mere declaration of masque as Waqf Property, the Waqf Act would not be applicable

because it is the dispute between Hindus and Muslims and not between two sets of the Muslim Community, therefore, the Waqf Act could not be applicable in this case.

It is argued that present dispute is not a dispute of property simplicitor but it is a national dispute with emotions of millions of people attached to it. Hindu Community believes that the disputed site is a temple of Lord Vishweshwar where as the Muslim Community believes that the disputed site is a Mosque. It is further argued that the decision in the Ram Janambhumi case has increased the importance of present case.

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

List this case on 08.04.2022 at 10:00 a.m. along with other connected matters.

Order Date :- 4.4.2022

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