

# Govt moves SC to release land around Ayodhya site

**FRESH PLEA** Modify order to maintain status quo on 'non-disputed' land: Centre

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**NEWDELHI:** In a politically significant move ahead of this summer's Lok Sabha elections and 25 years after the Centre acquired 67.703 acres of land in Ayodhya, including the disputed Babri Masjid-Ram Janmabhoomi site, the Narendra Modi government on Tuesday sought the Supreme Court's permission to hand over most of the "excess" land to its original owners.

That will benefit the Ram Janmabhoomi Nyas (RJN), the trust set up to build a temple at the site, and please the Rashtriya Swayamsevak Sangh (RSS) and the Vishwa Hindu Parishad (VHP), both of which have been lobbying the central government to make a temple possible at the disputed site through legislation or an executive order.

The Supreme Court was expected to begin hearings on the long-pending Ram Janmabhoomi-Babri Masjid dispute in October last year, but the case was deferred to January and is yet to begin.

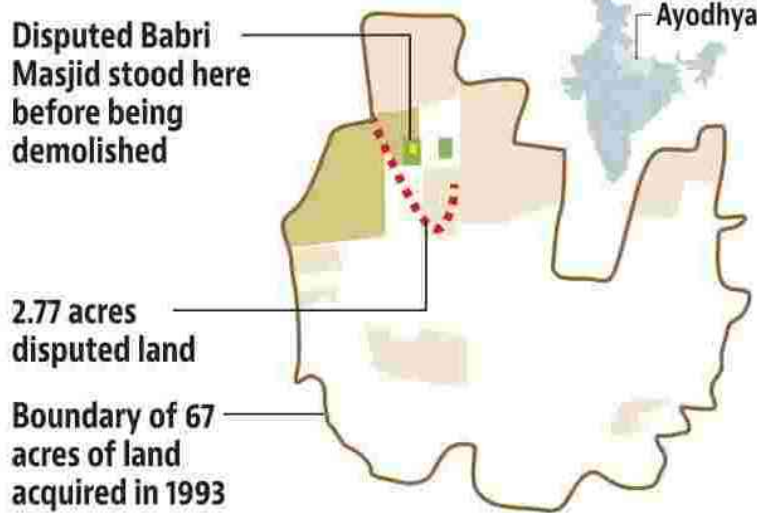
A 33-page petition filed by the Centre made a distinction between the disputed site of 0.313 acre, on which the Babri Masjid stood before it was demolished by a mob in 1992, and 67.703 acres, "which includes both the disputed site and surrounding lanes which are not in dispute".

Forty-two acres of this land was originally owned by the RJN and was taken over by the Centre.

The government petition wants the land to be restored to the owners from whom it was

## GROUND ZERO

Plea comes amid growing pressure on govt to act on the Ram temple issue



**0.313 ACRE**

The area on which the actual disputed structure stood

**2.77 ACRES**

The total expanse of the disputed site, including the outer courtyard. The Allahabad high court ordered its trifurcation in 2010

**67.703 ACRES**

Land acquired by the central government in 1993, including the disputed site. Approximately 42 acres of this was owned by the Ram Janmabhoomi Nyas

### CASE HISTORY

**1992:** Babri Masjid demolished by a mob

**1993:** Centre enacts law to acquire around 67 acres of land around disputed site

**1994:** SC upholds the law, says mosque not an essential part of the practice of religion of Islam

**1996:** Ram Janmabhoomi Nyas, which owned 42 of the 67 acres, asks Centre to return the land; is unsuccessful

**1997:** Nyas moves court, petition dismissed

**2010:** Allahabad high court orders trifurcation of the entire 2.77-acre land between the Nirmohi Akhada, the Sunni Waqf Board and the child deity Ram Lalla

### BJP's last-ditch attempt to motivate Sangh cadre

The Centre's decision is being seen as a last-ditch effort by the BJP to placate the RSS cadre and Hindu saints. Senior Sangh functionaries said the step was aimed to pre-empt any move by the saints to gather at the disputed site to start an agitation.

### Plea political statement about commitment to issue: BJP

The ruling BJP has made a "political statement" about its commitment to build a Ram Temple in Ayodhya, a senior minister said, adding the move was discussed at the highest level in the government for "last 7-8 days" before it decided to file the petition.

### Clerics question timing of petition, Shia board hails it

Muslim clerics termed the move one-sided. "...there is land belonging to (a) graveyard and other Muslims also," said Maulana Khalid Rashid Farangi Mahli of the AIMPLB. Shia Board's Waseem Rizvi, though, welcomed the move. »P8

acquired in 1993, as "it is not a subject matter of dispute in the Supreme Court".

"The central government has no objection in principle if the land is restored/reverted/handed over back to RJN and other original owners claiming superfluous/excess land," the petition read.

The acquisition, done through the Acquisition of Certain Areas

of Ayodhya Act, 1993, was a temporary arrangement, the petition argued, and that "continuous vesting of superfluous land in the central government defeats the very temporary nature of the acquisition under the 1993 Act and would be contrary to the constitution bench judgment of this court in Ismail Faruqui case."

The Ismail Faruqui case

refers to a 1994 judgment by the Supreme Court, which upheld the 1993 law and ordered that the acquired land remain with the central government and not be released in anyone's favour until the dispute was decided. This arrangement was continued and reasserted by the Supreme Court by a 2003 order in the Aslam Bhure petition.

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## Ayodhya

Relying on the 1994 judgment, the Centre's petition on Tuesday de-linked the disputed site and the "sites not in dispute".

The petition argued that the "Supreme Court has also held that if the superfluous area is not returned to its owners even after the exact area needed for the purpose is determined, it would be open to the owners of any such property to challenge the superfluous acquisition being unrelated to the main purpose of the acquisition of the disputed site".

The Centre's petition contended that "...one thing is clear that the issues concerning the superfluous land acquired in the

year 1993 will not be gone into and adjudicated in the said appeals [in the Supreme Court] which is confined to the inter se claims regarding the "disputed land" admeasuring 0.313 acres only. It is, therefore, in the larger interest of justice that the central government be permitted to restore the lands to its owners."

Advocate MR Shamshad, who represents Muslim parties in the dispute, said, "The central government should not be enthusiastic to rake up the issue when the party, the Ram Janmabhoomi Nyas, itself has not filed any litigation to take the land back. As per the 2003 verdict of the top court, the adjacent land is intrinsically connected to the

land in dispute and defining the area of dispute to only 0.313 acres is wrong". Union minister Prakash Javadekar said the Bharatiya Janata Party (BJP) had always said that a temple should be built in Ayodhya through a legal route and the government's step was a legal one. "We are confident that the government will get permission from the court at the earliest," he said. The Congress party said it had nothing to do with the matter, but pointed out that the central government has asked for a modification of the 2003 order just months before the general elections. "Given the facts, judge for yourself, and the Supreme Court has to decide. We don't have an opinion and we

don't intend to have an opinion on an application by the government to the SC," Congress leader Abhishek Manu Singhvi said. Mahant Nritya Gopal Das, head of the Nyas, welcomed the petition. "If the Centre gets back the land, the Nyas will request the government to hand over the land to us, so that we start construction of Ram Mandir." The Nyas spearheaded the Ram temple movement in the 1980s and 1990s. But Mahant Dinendra Das of the Nirmohi Akhara, a Hindu religious group, disagreed. "The Nyas is not a petitioner in the case. If the Centre gives land to the Nyas, then Hindu litigants in the case will come face-to-face on the issue," he added.