

**A25**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 4768-71 OF 2011**

**IN THE MATTER OF:**

BHAGWAN SRI RAMA VIRAJMAN  
AND ORS.

...APPELLANTS

VERSUS

SRI RAJENDRA SINGH & ORS

...RESPONDENTS

**COMPILATION OF RELEVANT  
DOCUMENTS RELATING TO 145 CR.P.C.**

**FILED BY  
P. V. YOGESWARAN  
ADVOCATE FOR APPELLANTS**

BHAKTI VARDHAN SINGH  
Advocate-on-Record  
69, Lawyers Chamber  
Supreme Court of India  
New Delhi-110001  
M-9818249711

## INDEX

S. No.	Particulars	Page No.
1.	Copy of relevant portion of the order dated 29.12.1949	1-2
2.	Copy of the relevant portion of the Inventory made by the Receiver on 5.1.1950	3-5
3.	Copies of the Affidavits filed by Muslims Residents of Ayodhya in pursuance of Notice issued in the proceedings under section 145 Cr.P.C.	6-33
4.	A Copy of the order dated 30.7.1953	34-35
5.	A copy of the Application dated 22.7.1954 filed by Gopal Singh Visharad	36-37

1

"Whereas I, Markendeya Singh, Magistrate First Class and Additional City Magistrate, Faizabad-cum-Ayodhya, am fully satisfied from information received from Police sources and from other credible sources that a dispute between Hindus and Muslims in Ayodhya over the question of rights of proprietorship and worship in the building claimed variously as Babari Masjid and Janam Bhoomi Mandir, situate at Mohalla Ram Kot within the local limits of my jurisdiction, is only to lead to a breach of the peace.

I hereby direct the parties described below namely:-

- 1) Muslims who are bonafide residents of Ayodhya or who claim rights of proprietorship or worship in the property in dispute;
- 2) Hindus who are bonafide residents of Ahodhya or who claim rights of proprietorship or worship in the property in dispute;

To appear before me on 17th day of January at 11 A.M. at Ayodhya Police Station in person or by pleader and put in written statements of their respective claims with regard to the fact of actual possession of the subject of dispute.

And the case being one of the emergency I hereby attach the said buildings pending decision.

The attachment shall be carried out immediately by Station Officer, Ayodhya Police Station, who shall then put the attached properties in the charge of Sri Priya Datt Ram, Chairman Municipal Board, Faizabad-cum-Ayodhya who shall thereafter be the receiver thereof and shall arrange for the care of the property in dispute.

The receiver shall submit for approval a scheme for management of the property in dispute during attachment, and the cost of management shall be defrayed by the parties to this dispute in such proportions as may be fixed from time to time.

This order shall, in the absence of information regarding the actual names and addresses of the parties to dispute to be served by publication in:-

1. The English Daily, "The Leader" Allahabad,
2. The Urdu Weekly "Akhtar" Faizabad
3. The Hindi Weekly "Virakta" Ayodhya.

Copies of this order shall also be affixed to the walls of the buildings in dispute and to the notice board at Ayodhya Police Station.

Given under my hand and the seal of the court on this the twenty ninth day of December, 1949 at Ayodhya."

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109. The Receiver, Priya Dutt Ram took charge of the premises on 05.01.1950 and executed a Supurdaginama (Inventory) verifying the following items he received/attached :

"1. मूर्ती ठाकुर जी 1-(अ) श्रीराम ललाजी दो मूर्ती एक बड़ी एक छोटी  
(ब) श्री शालीगराम जी की 6 मूर्ती।

"1. Idols of Thakur Ji

1-(a) Two idols of Sri Ram Lala Ji, one big and another small.

(b) Six idols of Sri Shaligram Ji.

2. सिंघासन चांदी दो फीट ऊचा एक।  
2. *A two feet high silver throne.*
3. मूर्ती हनुमान जी की एक।  
3. *One idol of Hanuman Ji.*
4. (a) गिलास जर्मन सिलवर का एक।  
(a) *One glass of German Silver.*  
(b) गिलास चांदी का छोटा एक।  
(b) *One small glass of silver.*  
(c) गिलास चांदी का बड़ा एक।  
(c) *One big glass of silver*
5. गरुड़ घंटी एक।  
5. *One Garun bell.*
6. धूपदानी एक।  
6. *One incensory.*
7. आरती एक।  
7. *One Arti vessel.*
8. दीवट एक  
8. *One lamp stand*
9. हुरसा व चंदन एक।  
9. *'Hursa' and one sandal.*
10. फोटू बड़ी राम जानकी की दो।  
10. *Two big photographs of Ram Janki.*
11. गमला चार।  
11. *Four flower pots.*
12. फोटू बद्रीनाथ जी (छोटा) एक।  
12. *One (small) photograph of Badrinath Ji.*
13. फोटू राम चन्द्र जी छोटा एक।  
13. *One small photograph of Ramchandra Ji.*
14. भगवान के आभूषण  
दो टोपी राम लला जी और एक हनुमान जी की टोपी।  
तथा भगवान के वस्त्र आठ लगा

14. *Ornaments of Deity*

*Two caps of Ramlala and one cap of Hanuman Ji.*

*And eight robes of Deity.*

15. इमारत - तीन गुम्बद दार इमारत में सहन के तथा चहार दीवार जिसकी चौहद्दी नीचे लिखी है।

उत्तर:- हाता छट्टी आंगन और निर्मोही अखाड़ा

दक्षिण:- आराजी परती व परिक्रमा

पूरब:- चबूतरा मन्दिर राम जी का ममलूक निर्मोही अखाड़ा व सहन मन्दिर हाता

पश्चिम:- परिक्रमा

15. *Building- Three domed building with courtyard and boundary wall, which is bounded as under.*

*North- Premises comprising Chhathi courtyard and Nirmohi Akhara.*

*South-Vacant land and 'Parikrama' (circumambulation path)*

*East- 'Chabutara' (platform) of Ram temple under possession of Nirmohi Akhara, and courtyard of temple premises.*

*West- Parikrama' (circumambulation path)*

16. छोटा पीतल का गिलास

16. *Small brass glass*

17. चन्दन की फूल की कटोरी एक।

17. *One bowl of 'Phool' (an alloy) for sandal.*

18. पंच पस तथा थाली पीतल की एक।

18. *'Panch Pas' and one brass plate.*

19. तशतरी पीतल की छोटी एक।

19. *One small brass plate.*

20. छोटा पटरा लकड़ी का एक।

20. *One small wooden board."*

(English Translation by Court)

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya

U/s 145 Cr.P.C.

I, Abdu Gani Age 40 years S/o Alla Baksh R/o Mohalla City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That the place where at present Babri Masjid situated, this place was the birth place of Rama and same was broken and built Mosque.
2. That after built of this mosque, the Hindus did not give up their possession and by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
3. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
4. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims. Muslims believed that going to Mosque threatens to the lives of those people. Since that



time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.

5. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Applicant  
Abdul Gani

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7 (8)

IN THE COURT OF JOINT COMMISSIONER, FAIZABAD

Sworn statement of Hasnu Wali Mohammad

State Vs. Muslim Ayodhya

Case U/s 145 Cr.P.C.

PS : Ayodhya

We, Hasnu S/o Aladin and Walli Mohammad S/o Hasnu, Age 40 years & Age 18 years, residents of Mohalla Katra PS Ayodhya Tehsil and District Faizabad states on affirmation that:-

1. That Babri Masjid is built by breaking the birthplace.
2. That on this land and in the mosque, both Hindus and Muslims continued to pray. After the *gadar* Muslims were continuing reading Namaz in the Mosque on the day of Juma and the idol of Sriram Ji was being worshiped outside the yard, but apart from Juma Hindus were also continuing worship inside the mosque.
3. That regarding this mosque, there was often riots in Hindu Muslims. In the riots of 1934 some part of the mosque was broken, but all the Hindus were acquitted in the case. Thereafter Muslims had stopped reading Namaz here and Hindu people started worshiping there and are doing so.

(9)

8

4. We Hasnu and Wali Mohammad do not have any objection if Govt. gives this mosque to Hindus.

TI Wali Mohammad

TI Hasnu

We, Hasnu and Wali Ahmad, do hereby verify on 8.2.50 at Court Faizabad, that the above contents are true and correct to the best of my knowledge and belief and nothing has been concealed or false.

Thumb impression of Wali Mohd. TI of Hasnu

I Identified Hasnu and Wali Mohammad

Lallanji

Application writer

Civil Court Faizabad

8.2.50

## IN THE COURT OF JOINT COMMISSIONER, FAIZABAD

State Vs. Muslim Ayodhya

U/s 145 Cr.P.C.

PS : Ayodhya

Statement of Hasnu S/o Aladin and Wali Ahmad S/o  
Hasu resident of Mohalla Katra, Kandharpur Godiayan, PS and  
City Ayodhya.

1. That Babri Masjid is built by breaking the birthplace.
2. That on this land and in the mosque, both Hindus and Muslims continued to pray. After the *gadar* Muslims were continuing reading Namaz in the Mosque on the day of Juma and the idol of Sriram Ji was being worshiped outside the yard, but apart from Juma Hindus were also continuing worship inside the mosque.
3. That regarding this mosque, there was often riots in Hindu Muslims. In the riots of 1934 some part of the mosque was broken, but all the Hindus were acquitted in the case. Thereafter Muslims had stopped reading Namaz here and Hindu people started worshipping there and are doing so.
4. That applicants do not have any objection if Govt. give this mosque to Hindus.

Applicant

(11) 12

Hasnu S/o Aladin R/o Mohalla Katra  
Kandharur, Godiana City, Ayodhya  
Date 8.2.50

Today this application has  
been filed by Hasnu,  
Wali Mohammad  
Ordered  
to include in the file  
8.2.50

TI Hasnu S/o Aladin

TI Wali Mohmmad

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[www.vadaprativada.in](http://www.vadaprativada.in)

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State Vs. Muslim Ayodhya  
U/s 145 Cr.P.C.

I, Mohammad Umar Age 50 years, S/o Wazir R/o Navgaji,  
City Ayodhya, PS Ayodhya, Dist Faizabad, do hereby solemnly  
affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, the Muslims stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of 3 Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature illegible

I, Mohammad Umar, do hereby declare today on 11.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

Signature illegible

I, identify Mohammad Umar  
Sd/- Suresh Dutt Mishra  
Application writer

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State Vs. Muslim Ayodhya  
U/s 145 Cr.P.C.

I, Ajimulla s/o Rajab, Age 45 years, R/o Chooti De Vakali, City Ayodhya, PS Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, the Muslims stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of 3 Muslims.



6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Shariah* of Muslims.

Signature illegible

I, Azimullah, age 45 years do hereby declare today on 13.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

25 (16)

Exh. 6

IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State

Plaintiff

Versus

Muslim Ayodhya

Defendants

U/s 145 Cr.P.C.

I, Latif S/o Abdul Aziz, Age 22 years, R/o Singar Haat, City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this

reason that Hindu rioters were acquitted in the murder case of 3 Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Shariah* of Muslims.

Signature illegible

I, Laitf, age 22 years do hereby declare today on 13.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State Versus Muslim Ayodhya

U/s 145 Cr.P.C.

I, Mohammad Hussain Age 35 years S/o Basau R/o Mohalla Miranpur Derabibi City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of 3 Muslims.

30 (19)

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature illegible

I, do hereby declare today on 13.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

(contents in urdu) 14.2.50

TI Mohammad Hussain

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya  
U/s 145 Cr.P.C.

I, Abdul Sattar Age 30 years S/o Shamsheer Khan R/o Mohalla Sedwada, Tehsil and District Faizabad, City Ayodhya, Dist Faizabad, do hereby solemnly affirm and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since than their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature illegible

I, Abdul Sattar do hereby declare today on 16.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya

U/s 145 Cr.P.C.

I, Ramzan Age 45 years S/o Jumman R/o Mohalla Katra, City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.



6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature  
Ramzan

I, do hereby declare today on 16.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

Sd/-  
Ramzan

41 (24)

Exh. 10

IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State Versus Muslim Ayodhya

U/s 145 Cr.P.C.

I, Hosaldar Age 60 years S/o Ghirau R/o Mohalla Matgod,  
City Avadh, Dist Faizabad, do hereby solemnly affirms and  
declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.

(25)  
42

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Shariah* of Muslims.

Signature  
Hosaldar

I, do hereby declare today on 16.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

Sd/-  
Hosaldar

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya

U/s 145 Cr.P.C.

I, Abdul Shakur Age 30 years S/o Idan caste Shekh R/o Mohalla Urdu Bazar, City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature  
Abdul Shakur

I, Abdul Shakur, do hereby declare today on 16.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

Sd/-  
Abdul Shakur

## IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya  
U/s 145 Cr.P.C.

I, Adul Razak Age 30 years S/o Wazir R/o Rajsadan City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Sharah* of Muslims.

Signature  
Abdul Razak

I, Abdul Razak do hereby declare today on 16.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

Sd/-  
Abdul Razak

53

30

Exh. 13

IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya

U/s 145 Cr.P.C.

I, Abdu Zalil Age 19 years S/o Abdul Wahid R/o Mohalla Tedhi, City Ayodhya, Dist Faizabad, do hereby solemnly affirms and declare that:-

6. That Babri Masjid is built by breaking the birthplace of Rama.
7. That after built of this mosque, the Hindus did not give up their possession.
8. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
9. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
10. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.



11. That Muslims believed that going to Mosque threatens to the lives of those people.
12. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
13. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Shariah* of Muslims.

I, do hereby declare today on 14.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

(contents in urdu) 14.2.50

TI  
14.2.50

59 (32)

Exh. 14

IN THE COURT OF CITY MAGISTRATE, FAIZABAD

Sworn statement under order 19 Rule 1 CPC

State                      Versus                      Muslim Ayodhya

U/s 145 Cr.P.C.

I, Peeru Age 30 years S/o Barati R/o Sarai Chwok City and PS and District Faizabad, do hereby solemnly affirms and declare that:-

1. That Babri Masjid is built by breaking the birthplace of Rama.
2. That after built of this mosque, the Hindus did not give up their possession.
3. That by the force of Nawabs, Muslims people could read Namaz in the Mosque only on Friday and Hindu people continued to worship their idol there.
4. That after the British Rule also Muslims were reading Namaz in the Babri Mosque only on Friday.
5. That in the year 1934 after the Hindu-Muslim feud, Muslims had stopped going to the Babri Masjid for this reason that Hindu rioters were acquitted in the murder case of three Muslims.

6. That Muslims believed that going to Mosque threatens to the lives of those people.
7. That since that time, Hindus have taken possession of the main place in the mosque, since then their possession is continued.
8. That I do not have any objection if possession of the mosque is handed over to the Hindus because reading of namaz at that place is against the *Shariah* of Muslims.

TI  
Peeru

I, Peeru do hereby declare today on 11.2.50 at Court Faizabad, do hereby verify that above contents are true and correct to the best of my knowledge and belief, nothing material has been concealed or false.

(contents in urdu)

I recognize Peeru  
Suresh Dutt Mishra

34

State Vs. Janam Bhumi & Babri Mosque  
under section 145 Cr.P.C.

**ORDER**

This is a case under Section 145 Cr.P.C. in which Shri Markandey Singh, Magistrate Ist class and Additional City Magistrate, Faizabad cum Ayodhya on 29<sup>th</sup> December, 1949 passed an order for attachment of the building claimed as Babri Mosque/Janam Bhumi Mandir and handed over possession of the same to Shri Priya Dat Ram, Chairman, Municipal Board, Faizabad cum Ayodhya as receiver for arranging for the care of the property in dispute. Shri Priya Dat Ram on January 5, 1950 assumed charge of the premises in dispute in Janam Bhumi Ayodhya.

An application for transfer of the case was moved in the high court of the judicature at Allahabad by Anisur Rahman s/o Molvi Waziruddin, but it was rejected on 30.5.50 by the Hon'ble High Court.

A Regular suit no. 2 of 1950 was filed in the civil court by Shri Gopal Singh Visharad against Zahoor Ahmad and others and the U.P. State, Deputy Commissioner, Faizabad, City Magistrate, Faizabad and Superintendent of Police, Faizabad are also parties to that suit. A temporary injunction as follows was issued on 3.3.51 by the learned civil judge, Faizabad.

"The parties are hereby restrained by the means of temporary injunction to refrain from removing the idols in question from the site in dispute and from interfering with puja etc. as at present carried on. The order dated 16.1.50 stands modified accordingly."

This case under Section 145 has been lingering on unnecessarily and dates are being fixed in the hope that the civil suit might be disposed of or the temporary injunction vacated.

The disputed property i.e. Babri Mosque/Janam Bhumi

35

premises are already in possession of the receiver Sri Priya Dat Ram appointed by the Additional City Magistrate under his order dated 29<sup>th</sup> December, 1949 referred to above and the said receiver has been looking after the property since 5.1.1950, the date of assuming charge. As the finding of the civil court will be binding on the criminal court, it is no use starting proceedings in this case under Section 145 Cr.P.C. and recording evidence specially when a temporary injunction stands, as it cannot be said what may be finding of this Court after recording the evidence of the parties. From the administrative point of view the property is already under attachment and no breach of peace can occur.

I, therefore, order that the file under Section 145 Cr.P.C. be consigned to record as it is and will be taken out for proceeding further when the temporary injunction is vacated.

Sd/- Prem Shanker  
City Magistrate, Ist class,  
Faizabad.

30.7.53.

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The District Magistrate,  
Faizabad.

In the matter of case under Section 145 Cr.P.C. relating to  
Ramjanambhumi and Babri Mosque.

36

In the Court of the City Magistrate, Faizabad.

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Sir,

I beg to submit for your kind consideration and favourable  
orders:-

- 1) That in December 1949 proceedings referred to above were started in the court of the City Magistrate, Faizabad.
- 2) That I filed a Civil suit for declaration and injunction in the court of the Civil Judge, Faizabad suit No. 2 of 1950.
- 3) That one Ram Chandra Paramhans also filed a similar suit in the same court no. 250 of 1950.
- 4) That on the application of Mohammadan defendants the two suits were consolidated.
- 5) That in the case under Section 145 Cr.P.C. certain Muslim residents of Ajodhya had filed their written statements with affidavits.
- 6) That certified copies of about 20 affidavits were taken from the case under Sec. 145 Cr.P.C. and were filed in the said civil suits.
- 7) That I have come to know in the case under Section 145 Cr.P.C. no dates are now being fixed.
- 8) That the said filed of the case under Sec. 145 Cr.P.C. will be required in the court of the Civil Judge, Faizabad but as the file is before the High Court at Allahabad the Civil Judge, Faizabad will not be in a position to summon it.

**PRAYER**

The applicant therefore prays that the entire file of the case

under Section 145 Cr.P.C. referred to above be preserved ( and not  
weeded out) until such time as it is not summoned by the Civil  
court, even though under the rules time may come or its weeding  
out.

37

Applicant.

Fauza bad

The 22<sup>nd</sup> July 1954

Gopal Singh Vishwasad

[www.vadaprativada.in](http://www.vadaprativada.in)

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