

ITEM NO.301

COURT NO.1

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).9388/2022

(Arising out of impugned final judgment and order dated 21-04-2022 in MUA227 No. 2946/2022 passed by the High Court of Judicature at Allahabad)

COMMITTEE OF MANAGEMENT ANJUMAN
INTEZAMIA MASAJID VARANASI

Petitioner(s)

VERSUS

RAKHI SINGH & ORS.

Respondent(s)

(WITH IA No. 78311/2022 - APPLICATION FOR PERMISSION, IA No. 76921/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 85932/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 79012/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 146635/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 103072/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 78298/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 75323/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 76923/2022 - EXEMPTION FROM FILING O.T., IA No. 75326/2022 - EXEMPTION FROM FILING O.T., IA No. 78313/2022 - EXEMPTION FROM FILING O.T., IA No. 76985/2022 - INTERVENTION APPLICATION, IA No. 85930/2022 - INTERVENTION APPLICATION, IA No. 98885/2022 - INTERVENTION APPLICATION, IA No. 79439/2022 - INTERVENTION/IMPLEADMENT, IA No. 79009/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Huzefa A. Ahmadi, Sr. Adv.
 Mr. Fuzail Ahmad Ayyubi, AOR
 Mr. Mohd Nizamuddin Pasha, Adv.
 Ms. Shahrukh Alam, Adv.
 Mr. Ibad Mushtaq, Adv.
 Ms. Akanksha Rai, Adv.

For Respondent(s)
for R 2 to 3 Mr. Ranjit Kumar, Sr. Adv.
 Mr. Vishnu Shankar Jain, AOR
 Mr. Hari Shankar Jain, Adv.
 Mr. Parth Yadav, Adv.

Ms. Mani Munjal, Adv.
Ms. Manbiang Khongwir, Adv.

for R 6 to 8

Ms. Garima Prashad, AAG
Mr. Sharan Dev Singh Thakur, AAG
Ms. Ruchira Goel, AOR
Mr. Siddarth Thakur, Adv.
Ms. Priyanka Swami, Adv.
Mr. Adit Jayeshbhai Shah, Adv.

for R 1

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Barun Kr Sinha, Adv.
Ms. Pratibha Sinha, Adv.
Mr. Mudit Kaul, Adv.
Mr. Rakesh Mudgal, Adv.
Ms. Bebi Devi Boniya, Adv.
Mr. Aditya Sharma, AOR
Mr. Ashwini Kumar Upadhyay, Adv.

Mr. Barun Kr Sinha, Adv.
Ms. Pratibha Sinha, Adv.
Mr. Mudit Kaul, Adv.
Mr. Abhishek, AOR

Mr. Suvidutt M.S., AOR

Mr. Ashwani Kumar Dubey, AOR

Mr. Gautam Singh, Adv.
Mr. Rishabh Raj, Adv.
Mr. Pranav Diesh, Adv.
Ms. Sneha Misran, Adv.
Mr. Amol B. Karande, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

IA No 169097 of 2022

- 1 Mr Vishnu Shankar Jain, counsel appearing on behalf of the applicants, seeks the permission of the Court to withdraw the IA so as to enable the applicants to move the District Judge, Varanasi for consolidation of the suits.
- 2 The applicants are granted liberty to do so.

- 3 In the event that a similar application is made before the District Judge, Varanasi in respect of similar suits, it would be open to the District Judge to determine as to whether consolidation of those suits is also warranted.
- 4 IA is accordingly disposed of.

IA No 169693 of 2022

- 1 Mr Huzefa A Ahmadi, senior counsel, states that a reply would be filed to the IA within three weeks.
- 2 List the IA thereafter.

SLP(C) No.9388/2022

- 1 By an order dated 20 May 2022, this Court passed the following order:

“... (iv) The interim order of this Court dated 17 May 2022 shall continue to remain in operation pending the disposal of the application under Order VII Rule 11 CPC and thereafter for a period of eight weeks so as to enable any party which is aggrieved by the order of the District Judge to pursue its rights and remedies in accordance with law; “
- 2 Earlier on 17 May 2022, this Court had clarified that the operation and ambit of the order dated 16 May 2022 of the trial Judge was restricted to the extent that the District Magistrate, Varanasi shall ensure that the area where the Shivalinga has been stated to have been found, as indicated in the order, shall be duly protected. The interim direction dated 17 May 2022 was to continue for a period of eight weeks after the disposal of the application under Order VII Rule 11 of the Code of Civil Procedure 1908. The application under Order VII Rule 11 was dismissed by the District Judge, Varanasi on 12 September 2022. A civil revision, being Civil Revision No 101 of 2022, is pending before the High Court of Judicature at Allahabad.

- 3 In the above backdrop, Mr Ranjit Kumar, senior counsel, submits that since the direction that was issued by this Court on 20 May 2022 would end upon the expiry of eight weeks from the order dated 12 September 2022, a further extension may be granted.
- 4 Mr Huzefa A Ahmadi has stated that he has no objection to the continuation of the arrangement.
- 5 Pending further orders, the interim order dated 17 May 2022, as extended by the order dated 20 May 2022, shall continue to remain in operation.
- 6 Counter affidavit to the Special Leave Petition shall be filed within a period of three weeks.
- 7 Rejoinder, if any, be filed within a period of two weeks thereafter.
- 8 List the Special Leave Petition thereafter.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR