

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

((Petition under Article 32 of the Constitution of India read with
Under Order XXXVIII of the Supreme Court Rules 2013)

WRIT PETITION (CIVIL)-PIL NO. of 2020

IN THE MATTER OF:

1. Shishir Chaturvedi

...Petitioners

-Versus-

1. Union of India
 Through its Secretary,
 Ministry of Home Affairs,
 North Block,
 New Delhi-110 001.
2. State of Uttar Pradesh
 Through Principal Secretary Home,
 Civil Secretariat, Lucknow,
 Uttar Pradesh-226001.
3. U.P.Sunni Central Waqf Board
 Through Chairman,
 3-A Mall Avenue,
 Lucknow-226001,
 Uttar Pradesh.

...Respondents

PUBLIC INTEREST LITIGATION UNDER ARTICLE 32
OF THE CONSTITUTION OF INDIA

TO,
THE HON'BLE THE CHIEF JUSTICE OF INDIA AND
OTHER COMPANION JUSTICES OF THE HON'BLE
SUPREME COURT OF INDIA;

HUMBLE PETITION OF THE
PETITIONER ABOVENAMED;

MOST RESPECTFULLY SHEWETH;

1. That the Petitioners, citizens of India, are invoking the jurisdiction of this Hon'ble Court in Public Interest under Article 32 of the Constitution of India for issuance of direction to the Central Government to create a trust consisting of nominees of the Government belonging to Sunni Muslim Community for proper administration of the land and construction to be raised over 5 acres land allotted to U.P.Sunni Central Waqf Board in pursuance of judgment and order dated 9.11.2019 in famous Ayodhya dispute case, in Suit No.4 of 1989 filed by U.P.Sunni Central Waqf Board connected with leading Civil Appeal No.10866-67 of 2010 (Mohd. Siddiqe vs. Mahant Suresh Das) reported in 2020 (1) SCC Pg.1.

1.A That in compliance of Order XXXVIII Rule 12 (2) it is stated that necessary particulars of the Petitioners are as follows:-

(i)(a) The Petitioner No.1 is Shishir Chaturvedi, S/o Late Jugal Kishore Chaturvedi, Postal Address- 215/460 Ichha Bawan, Sabji Madi, Charbagh Lucknow, Uttar Pradesh- 226001, Occupation:-Advocate, Annual Income is- 7 Lacks, PAN No. AEBPC6672F, Aadhar No. 8763 5288 1810, Email id- shishir.adv@gmail.com, Mobile No.- 08542839052. The Petitioner No.1 is practicing Advocate

at Civil Court Lucknow. He was paiokar, holding power of attorney of the Appellant-Kamlesh Tiwari in Civil Appeal No.4739 of 2011. He has filed Writ Petition (c) No.151 of 2019 challenging the Constitutional validity of 'The Acquisition of Certain Area at Ayodhya Act,1993', which has lost its efficacy after the judgment passed in Ayodhya case by the Hon'ble Court. In proof of Identity copy of Aadhar Card is annexed hereto and marked as **ANNEXURE P-1**.(pages to)

The Petitioner No.2 is Karunesh Kumar Shukla, S/o Sri Ram Narayan Shukla, R/o Village-Pakri Bhikhi, Post-Belhra, Pakri Bhikhi, District- Basti Uttar Pradesh-272182, Occupation- Petitioner is a Naga Sadhu of Hanuman Garhi. For protection of Dharma Petitioner became an Advocate and joined the legal battle of Shri Ram Janmabhoomi case. The Petitioner is also practising Advocate, Supreme Court of India, Annual Income is- 2.5 Lacks, PAN No. DUUPS 8112 J, Aadhar No.5231 61134226, Email id- advkaruneshshukla@gmail.com, Mobile No.-09044933422. He is member of Supreme Court Bar Association. He was junior counsel for Mahant Dharam Das the Respondent No.11 in leading appeal.

In proof of Identity copy of Aadhar Card is annexed hereto and marked as **ANNEXURE P-2**(pages to)

(b):- Facts constituting the cause of Action:-

That as per the press release dated 29.7.2020 issued by U.P. Sunni Central Waqf Board, the Board has declared to constitute a trust titled as 'Indo Islamic Cultural Foundation' which proposes to build a mosque and other facilities for the benefit of general

public at Dhannipur village, District Ayodhya where 5 acre land is allotted to U.P.Sunni Central Waqf Board. In the said trust there is no declaration for nominating officers of the Government like the trust created by Central Government on 5.2.2020 for Plaintiff No.1 in Suit No.5. It is being felt among various residents of Ayodhya that in public interest there should be some representation of Central and State Government nominees in the Trust created by U.P. Sunni Central Waqf Board. The trust will have contributions from foreign countries also and Ayodhya being sensitive place will require a strict vigilante and supervision to maintain public peace and to control the misuse of funds of the trust. In these circumstances this petition being filed in larger public interest.

- (d) The Petitioners have no personal interest in the matter. They have interest in the matter as citizen of India and residence of Ayodhya and Lucknow respectively. The Petitioners are raising the voice of the residents of Ayodhya as the Petitioners feels that representation of the Government in the trust created by U.P.Sunni Central Waqf Board is important.
- (e) The Petitioners are not involved in any civil, criminal, or revenue litigation which could have a legal nexus with the issues involved in the present Public Litigation.
- (f) That the Petitioners have not filed any representation before the Central Government.

- (ii) The Petitioners have no personal gain in the present litigation. They have no private motive or oblique reason in filing the present Public Interest Litigation. An affidavit is being filed to this effect and same is annexed hereto and marked as **ANNEXURE P-3** (page to)

2. **Brief of facts are as follows:-**

- 2.1 It is submitted that on 9.11.2019 this Hon'ble Court rendered the judgment in Ayodhya dispute case, leading case being Civil Appeal No.10866-67 of 2010 connected with other civil appeals including Civil Appeal No.821 of 2011 filed by Sunni Central Waqf Board.
- 2.2 It is submitted that on 12.12.2019 this Hon'ble Court was pleased to reject all the Review Petitions filed against the judgment dated 9.11.2019.
- 2.3 It is submitted that in pursuance of the directions issued by this Hon'ble Court the Central Government created a trust on 5.02.2020 known as "Sri Ram Janambhoomi Teerth Kshetra" and trust deed was executed with registration No.76 registered in the office of Sub-Registrar-VII, New Delhi in Book No.4, Volume No.1683 whereby framing scheme for administration including the matter relating to the trust properties and funds and the strength of the members of the trust was created. The trust deed provides that there will be one representative each nominated by the Central Government and the State Government and District Collector, District Ayodhya will be ex-officio trustee. It further provides that only trustees No.1 to 10 and trustee representing Nirmohi Akhara shall have right to vote. Therefore, the representatives of the Central and

State Government, the District Collector and Chairman of the Committee for development and administration (trustees No.12 to 15) have no right to vote. A true copy of trust deed dated 5.02.2020 Executed by Central Government is annexed hereto and marked as **ANNEXURE P-4** (page _____ to _____).

At the same time 5 acres land was also allotted to U.P. Sunni Central Waqf Board in Ayodhya.

- 2.4 It is submitted that vide notification No.S.O.568 (E) dated 05.02.2020 it has been provided that possession of the inner and outer courtyard of the disputed site shall be handed over to the trust, namely “Sri Ram Janambhoomi Teerth Kshetra”. The Central Government after consultation with the State Government of Uttar Pradesh decided to effectuate the allotment of suitable land ad measuring 5 Acres to U.P. Sunni Central Waqf Board at a prominent place in Ayodhya. The allotment letter to U.P. Sunni Central Waqf Board was issued by the Government of Uttar Pradesh vide G.O. No. 61 GI/6-Sanipra-2020-200(14)/2019 TC, dated 5th February, 2020. A true copy of Notification vide G.O. No. 61 GI/6-Sanipra-2020-200(14)/2019 TC dated 05.02.2020 published in Extra Ordinary Gazette of India is annexed hereto and marked as **ANNEXURE P-5**(page _____ to _____).

- 2.5 It is submitted that in “Sri Ram Janambhoomi Teerth Kshetra Trust” the Central Government has provided that there will be total 15 members out of which 9 permanent and 6 nominated members in the Trust. According to scheme there will be one nominee of the Central Government, one nominee of the Uttar Pradesh and

District Magistrate Ayodhya Ex-officio member in the Trust.

- 2.6 It is submitted that U.P. Sunni Central Waqf Board has issued press release on 29.07.2020 declaring that it has constituted a trust namely 'Indo Islamic Cultural Foundation' which proposes to build a mosque, cultural and research centre and public utility facilities that will include a community kitchen, a hospital and library within 5 Acres land allotted by the State Government in compliance of judgment passed by this Hon'ble Court. A true copy of press release dated 29.7.2020 issued by Chairman of U.P.Sunni Waqf Board is annexed hereto and marked as **ANNEXURE P-6**(page
- 2.7 It is submitted that on 7.8.2020 the U.P.Sunni Central Waqf Board in a press release has further declared that:-
- “U.P. Sunni Central Waqf Board has constituted a Trust called Indo-Islamic Cultural Foundation which proposes to build a mosque, a cultural and research centre and public utility facilities that will include a community kitchen, a hospital and library at Dhannipur village, District Ayodhya place where 5 acre of land given to U.P. Sunni Central Waqf Board as per Hon'ble Supreme Court judgment is situated....”
- 2.8 That the Central Government keeping in view the sensitivity prevailing in Ayodhya must have a reasonable control over the working of both the Trusts “Sri Ram Janambhoomi Teerth Kshetra Trust” and ‘Indo Islamic Cultural Foundation Trust’.
- 2.9 It is submitted that the Central Government while establishing “Sri Ram Janambhoomi Teerth Kshetra Trust” has provided that there will be one nominee of the Central Government and State Government each and District

magistrate will be Ex-officio member. The representation of 3 members of the Government out of 15 members of the trust is sufficient to have proper control on the functioning of the Trust.

2.10 It is submitted that Article 25 (2) (a) of the Constitution provides that-

‘Nothing in this Article shall affect the operation of any existing of law or prevent the State from making any law-

(a) regulating or restricting any economic , financial, political or other secular activity which may be associated with religious practice.’

2.11 It is respectfully submitted that it is expected that ‘Indo Islamic Cultural Foundation Trust’ will get donations from various places including Foreign Countries and a numbers of persons may visit the said place at Ayodhya. It is the duty of the Government to control any malpractice and to ensure that money received by the trust is not misused.

2.12 It is submitted that every activity in Ayodhya may have some connection with peace, tranquillity, law and order situation concerning the integrity of India and therefore it is necessary in public interest and also in National interest to have an eye on the functioning of both the Trusts established in the pursuance of the judgment passed by this Hon’ble Court.

2.13 It is submitted that keeping in view the importance of Ayodhya and circumstances prevailing there and situations which may arise in future, the Petitioners as citizen of India feel duty bound to this writ petition before the Hon’ble Court.

- 2.14 It is submitted that on 05.08.2020 Bhoomi Pujan for construction of Shri Ram Temple has been performed.
- 2.15 It is submitted that no provision has been made for nominating officers of the Government, like the trust created by Central Government on 5.2.2020 for Plaintiff No.1 in Suit No.5, in Indo Islamic Foundation Trust. It is being felt among various residents of Ayodhya that in public interest there should be some representation of Central and State Government nominees in the Trust created by U.P. Sunni Central Waqf Board. The trust will have contributions from foreign countries also and Ayodhya being sensitive place will require a strict vigilante and supervision to maintain public peace and to control the misuse of funds of the trust. In these circumstances this petition being filed in larger public interest.
- 2.16 It is expected that the Islamic Trust will also start construction activities in the near future. It has come to the knowledge that contributions from foreign countries are being given to the Islamic Trust.

There is necessity that like the trust created by Central Government there should also be representation of officers of the Government belonging to Sunni Muslim Community in the Islamic Trust.

3. QUESTIONS OF LAW:

The following substantial questions of law arise for consideration of this Hon'ble court

- 3.1 Whether the State in exercise of powers under Article 25(2)(a) can make provision for nomination of officers of

the Government in Indo Islamic Cultural Foundation Trust?

- 3.2 Whether in pursuance of judgment dated 9.11.2019 reported in 2020(1) SCC Pg.1 there is necessity for making some provision for representation of nominee of the Central/State Government in Indo Islamic Cultural Foundation Trust?
- 3.3 Whether in Indo Islamic Cultural Foundation Trust at Ayodhya there should be nominees of Central/State Government in the Trust like “Shree Ram Janmbhoomi Teerth Kshetra” created by Central Government on 5.02.2020?

4. DECLARATION:

It is most respectfully submitted that the Petitioners further declare that they have not filed any other petition before any court or in this Hon’ble Court in respect of the subject matter of this petition.

5:- GROUND:

The writ petition is being preferred on the following grounds:

- 5.1 Because it is expected that hundreds of persons will visit at the site of ‘Islamic Trust’ and it will get contributions from within India and also from foreign countries.
- 5.2 Because it is the desire of every Indian that there should be peace and tranquillity in Ayodhya and that there should be proper management of the funds and the property vested in the Islamic trust.
- 5.3 Because in public interest that the Central Government and the State Government may have all relevant information

about the working of the trust to maintain public order and to ensure that no malpractices take place and the funds are not mis-utilised or misappropriated by any trust.

- 5.4 Because in these circumstances it is necessary that the Central Government may be directed to create a trust making provision for nomination of the officers of the Government in the same manner provision has been made in Ayodhya Teerth Kshetra Trust created by Central Government vide order dated 5.2.2020.
- 5.5 Because the Central Government keeping in view the sensitivity prevailing in Ayodhya must have a reasonable control over the working of both the Trusts “Sri Ram Janambhoomi Teerth Kshetra Trust” and ‘Indo Islamic Cultural Foundation Trust’.
- 5.6 Because the Central Government while establishing “Sri Ram Janambhoomi Teerth Kshetra Trust” has provided that there will be one nominee of the Central Government and State Government each and District magistrate will be Ex-officio member. The representation of 3 members of the Government out of 15 members of the trust is sufficient to have proper control on the functioning of the Trust.
- 5.7 Because it is expected that ‘Indo Islamic Cultural Foundation Trust’ will get donations from various places including Foreign Countries and a numbers of persons may visit the said place at Ayodhya. It is the duty of the Government to control any malpractice and to ensure that money received by the trust is not misused.

- 5.8 Because every activity in Ayodhya may have some connection with peace, tranquillity, law and order situation concerning the integrity of India and therefore it is necessary in public interest and also in National interest to have an eye on the functioning of both the Trusts established in the pursuance of the judgment passed by this Hon'ble Court.
- 5.9 It is submitted that keeping in view the importance of Ayodhya and circumstances prevailing there and situations which may arise in future, the applicants feel duty bound to file this writ petition.
- 5.10 Because no provision has been made for nominating officers of the Government, like the trust created by Central Government on 5.2.2020 for Plaintiff No.1 in Suit No.5, in Indo Islamic Foundation Trust.
- 5.11 Because it is being felt among various residents of Ayodhya that in public interest there should be some representation of Central and State Government nominees in the Trust created by U.P. Sunni Central Waqf Board. The trust will have contributions from foreign countries also and Ayodhya being sensitive place will require a strict vigilante and supervision to maintain public peace and to control the misuse of funds of the trust. In these circumstances this petition being filed in larger public interest.
- 5.12 Because it is expected that the Islamic Trust will also start construction activities in the near future. It has come to the knowledge that contributions from foreign countries are being given to the Islamic Trust.

- 5.13 Because there is necessity that like the trust created by Central Government there should also be representation of officers of the Government belonging to Sunni Muslim Community in the Islamic Trust.
- 5.14 Because the State in exercise of powers under Article 25(2)(a) can make provision for nomination of officers of the Government in Indo Islamic Cultural Foundation Trust.
- 5.15 Because in pursuance of judgment dated 9.11.2019 reported in 2020(1) SCC Pg.1 there is necessity for making some provision for representation of nominee of the Central/State Government in Indo Islamic Cultural Foundation Trust.
- 5.16 Because in Indo Islamic Cultural Foundation Trust at Ayodhya there should be nominees of Central/State Government in the Trust like “Shree Ram Janmbhoomi Teerth Kshetra” created by Central Government on 5.02.2020.

PRAYERS

The Petitioner therefore, most humbly prays that this Hon’ble court may be pleased to:-

- a) Issue a writ order or direction in the nature of mandamus directing the Central Government to create a Trust making provision for representation of the nominees of the Central and State Government belonging to Sunni Muslims in the Indo Islamic Cultural Foundation Trust which may carryout construction work and manage the affairs over 5 Acres land allotted in Dhannipur Village, District Ayodhya, U.P. to Sunni Central Waqf Board in pursuance of judgment and order dated 9.11.2019 passed by the Hon’ble Court; and/or

- b) Pass any other and further order and/or directions be given as in the nature and circumstances of the case may require;

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS SHALL AS IN DUTY BOUND EVER PRAY.

Drawn By

FILED BY

HARI SHANKAR JAIN
Advocate

Counsel for the Petitioners

Drawn on: 11th August.2020
PLACE: NEW DELHI;
FILED ON: 13th August 2020

IN THE SUPREME COURT OF INDIA
[CIVIL ORIGINAL JURISDICTION]
WRIT PETITION CIVIL-PIL NO. of 2020

IN THE MATTER OF :

Shishir Chaturvedi & Anr.

...Petitioners

- Versus -

Union of India & Ors.

...Respondents

AFFIDAVIT

I, Karunesh Kumar Shukla, S/o Sri Ram Narayan Shukla, aged about 29 years, Occ: Advocate, R/o Village-Pakri Bhikhi, Post-Belhra, Pakri Bhikhi, District-Basti Uttar Pradesh-272182, present address:-803, Green Wich-A, Grant Omaxe, Sector 93-B, Noida, U.P.-201304, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Petitioner No.2 in the above mentioned application. I have been authorized by Petitioner No.1 to file this affidavit on his behalf also. I am competent to file this affidavit. I am fully conversant with the facts and circumstances of the case herein after deposed.

2. I say that the contents of Synopsis & List of Dates at pages B to F and contents of Writ Petition as contained at para 1 to 5 at pages 1 to are true to my knowledge and information derived from the record of the case and questions of law raised in the petition, grounds and para 1 of the Writ Petition are true as per the legal advice received and believe by me are true and correct.

3. That the contents of averments made in the writ petition are true and correct to the best of my knowledge. I say that the Annexure P-1 to P-6 contained in pages to produced alongwith the Writ Petition are true and correct.

4. That the averments of facts stated herein above are true to my knowledge and belief, no part of its false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the above deponent hereinabove do hereby verify the contents of para 1 to 4 of this affidavit to be true and correct to the best of my knowledge and belief. I state that no part of this affidavit is false and nothing material has been concealed therefrom.

Verified at New Delhi on this day of 13th, August, 2020.

DEPONENT