

SECTION XI
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Listed On : 10.08.2015
Court No. :
Item No. :

CIVIL APPEAL NOS. 10866-10867 OF 2010

MOHAMMAD SIDDIQ (D) THR. LRS. MAULANA ASSHAD ETC. ...Appellants

VERSUS

MAHANT SURESH DAS & ORS. ETC. ETC. ...Respondents

OFFICE REPORT FOR DIRECTIONS

The matters above mentioned were listed before the Hon'ble Court on 25.02.2013, when the Court was pleased to inter- alia pass the following order:

“I.A. Nos. 29-30 of 2012.....
.....I.A. Nos. 19-20 of 2012 In Civil Appeal Nos. 10866-67 of 2010.....”

As regards the two observers who have been visiting the disputed site since their appointment by the orders of the High Court, dated March 26, 2003, and April 26, 2010, we direct that the two observers, namely, Mr. S.K. Singh and Mr. T.M. Khan, shall continue to visit the site and perform the duties assigned to them by the High Court. They would additionally see that the direction of this Court as contained in the order dated May 9, 2011 to maintain status quo at the site is duly observed by everyone. They would continue to keep a vigil over the articles brought out in course of excavation of the site and shall also continue to submit their fortnightly reports to this Court.

I.A. Nos. 19-20 of 2012, are, accordingly, disposed of.....”

It is submitted that in compliance of above order, the reports for the period from 03.03.2013 to 16.02.2014 received from two Observers appointed by this Hon'ble Court, namely Mr. S.K. Singh and Mr. T.M. Khan, have already been circulated before the Hon'ble Court through office reports from time to time and lastly on 07.03.2014 when the Court was pleased to pass the following order:-

“These applications have been filed by the Authorised person/Commissioner, Faizabad Division, Faizabad, U.P. stating therein that the tarpaulin polythene sheet and the ropes, fastening the cover over the makeshift structure have become old and need to be replaced at the earliest.

We have heard learned counsel for all the parties.

All the parties are agreed that instead of issuing any general direction, as- prayed for in the applications, specific directions may be issued similar to the directions issued by this Court on February 25, 2013, We

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therefore, direct that the authorised person/commissioner Faizabad is permitted to replace the old and worn out tarpaulin sheet, jute matting, bamboo, polythene sheet and ropes over the makeshift structure by new ones of the same size and quality and exactly in the same manner as they were previously placed.

The process of replacement of the Old cover by the new one will be undertaken and completed under the supervision of the two observers who have been visiting the site.

It is also brought to our notice that due to natural decay, the sand and soil over the excavation by ASI has also worn out. Therefore, in order to maintain status quo at the site, the permission is required to cover the polythene sheet with six inches of soil. We accept the aforesaid prayer. The applicant is permitted to cover the polythene sheet with six inches of soil.

With the above observations, the applications are disposed of”.

It is further submitted that thereafter the two Observers, namely, Mr. S.K. Singh and Mr. T.M. Khan have sent the reports dated 02.03.2014, 23.03.2014, 30.03.2014, 13.04.2014, 27.04.2014, 11.05.2014, 25.05.2014, 08.06.2014, 22.06.2014, 06.07.2014, 20.07.2014, 03.08.2014, 17.08.2014, 31.08.2014, 14.09.2014, 28.09.2014, 12.10.2014, 26.10.2014, 09.11.2014, 23.11.2014, 07.12.2014, 21.12.2014, 11.01.2015, 18.01.2015, 01.02.2015, 15.02.2015, 01.03.2015, 15.03.2015, 29.03.2015, 12.04.2015, 26.04.2015, 10.05.2015 , 24.05.2015, 07.06.2015, 21.06.2015 & 05.07.2015 i.e. total 36 reports.

It is further submitted that in report dated 26.04.2015 it has been mentioned that one of the observer, namely, Mr. T.M. Khan is completing his five years term as Chairman, Permanent Lok Adalat, Varanasi and further directions are sought regarding his continuance.

(Report dated 26.04.2015 has been placed at page no. 57 of the Paper-books containing reports of the observers)

It is further submitted that in report dated 05.07.2015 the observers have inter-alia stated as under:

“- - - - As stated in several earlier reports, the tent covering fan over the Make Shift Structure has been damaged to a great extent and it requires immediate replacement. The Authorized Person has moved the Central Government for seeking permission from the Hon'ble Supreme Court for Permission to replace the same. We are waiting for necessary orders in this regard. - - - - -
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(Report dated 05.07.2015 has been placed at page no. 62 of the Paper-books containing reports of the observers)

It is lastly submitted that no such I.A. has been filed by the Central Government for seeking permission from the Hon'ble Supreme Court for Permission to replace the same as above.

The office report alongwith the above noted reports of the Observers is listed before the Hon'ble Court for further directions.

Dated this the 05th day of August, 2015.

ASSISTANT REGISTRAR

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