

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 10866-10867 OF 2010

MOHAMMED SIDDIQ @ HAFIZ MOHAMMAD SIDDIQ  
 JAMIAT ULAMA-I-HIND ETC.

Appellant (s)

VERSUS

MAHANT SURESH DAS & ORS.ETC.ETC.

Respondent(s)

(With appln(s) for c/delay in filing substitution application, impleadment, clarification of court's order, substitution for bringing on record Lrs of deceased petitioner, seeking permission to implead more respondents and office report )

Date: 25/02/2013 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
 HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For the Applicant(s)

Mr. S.P. Singh, Sr. Adv.  
 Mr. M.S. Khan, Adv.  
 Mr. B.S. Bilowaria, Adv.  
 Mr. Tripurari Rai, Adv.  
 Mr. Hasan Anzar, Adv.  
 Mr. Akram Khan, Adv.

Mr. Rajiv Dhawan, Sr. Adv.  
 Mr. Huzefa Ahmadi, Sr. Adv.  
 Mr. Ejaz Maqbool, Adv.  
 Mr. Mrigank Prabhakar, Adv.  
 Mr. M.R. Shamshad, Adv.

Mr. Ravi Shankar Prasad, Adv.  
 Mr. Bhupendra Ydav, Adv.  
 Mr. S.S. Shamshery, Adv.  
 Mr. Vikramjit Benerjee, Adv.  
 Mr. D. Subhashis R. Soren, Adv.  
 Mr. P.V. Yogeshwaran, Adv.  
 Mr. V.M. Vishnu, Adv.  
 Mr. Bharat Sooe, Adv.  
 Mr. Anish Kumar, Gupta, Adv.

Mr. Anoop George Choudhary, Adv.  
 Ms. June Choudhary, Sr. Adv.  
 Mr. Syed Shahid Hussain Rizvi, Adv.

Mr. C.S. Vaidyanathan, Sr. Adv.  
 Mr. H.P. Rawal, ASG  
 Mr. Abhinav Mukerji, Adv.  
 Mr. Angad Kochhar, Adv.  
 Mr. B.K. Prasad, Adv.

Mr. Sanjay Hegde, Adv.  
 Mr. A. Rasheed Qureshi, Adv.  
 Mr. D.K. Sinha, Adv.

Mr. Mukesh Verma, Adv.  
 Mr. Pawan K. Shukla, Adv.  
 Mr. Yash Pal Dhingra, Adv.

Ms. Ranjana Agnihotri, Adv.  
Ms. Sangeeta Mandal, Adv.  
Ms. Swati Sinha, Adv.  
Ms. Vineeta Bhardwaj Atri, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. R.C. Gubrele, Adv.

Mr. Ashok K. Srivastava, Adv.

Mr. B.K. Satija, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Amit Pawan, Adv.

Ms. Manjusha Wadhwa, Adv.

Md. Shahid Anwar, Adv.

Mr. Shakil Ahmed Syed, Adv.

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

I.A. Nos.29-30 of 2012 In Civil Appeal Nos.10866-67 of 2010

These applications are filed by the Authorized Person/Commissioner, Faizabad Division, Faizabad, Uttar Pradesh, stating that the tarpaulin, polythene sheet and the ropes, fastening the cover over the makeshift structure have become old and weak and need to be replaced at the earliest.

As any prayer for any interim direction can only be made by a party to the proceedings, a prayer is also made for impleadment in the pending appeals.

In the facts of the case, there is no need for impleadment of the Authorized Person/Commissioner, Faizabad Division, Faizabad, Uttar Pradesh in these appeals. The prayer is, accordingly, disallowed.

Nonetheless, the issue brought to the notice of the Court certainly needs to be addressed. Hence, it is directed that the Authorized Person/Commissioner, Faizabad Division, Faizabad, Uttar Pradesh, shall replace the old and worn out tarpaulin, 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.

I.A. Nos.29-30 of 2012, are, accordingly, disposed of.

I.A. Nos.19-20 of 2012 In Civil Appeal Nos.10866-67 of 2010

These applications are filed by the Registrar General, Allahabad High Court, who seeks impleadment in the pending appeals in order to seek clarification as to whether the observers appointed by the High Court during the pendency of the trial would still be required to visit the disputed site and the disputed land every fortnight on Sunday and would continue to submit the reports as before.

In the facts of the case, there is no need for any formal impleadment of the Registrar General in the appeals and the prayer for impleadment is, therefore, disallowed.

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.

I.A. Nos.21-22 of 2012 & 23-24 of 2012

I.A. Nos.5-6 & 7-8 of 2010

Mr. Ravi Shankar Prasad, learned senior advocate, prays for some time to respond to the prayer for substitution as made in the aforesaid applications.

Put up after two weeks.

I.A. Nos. 17-18 of 2011

Applications for intervention are rejected.

I.A. Nos. 25-26 of 2012

In view of the order passed in I.A. Nos. 19-20 of 2012, these I.As do not survive and are dismissed as such.

| (Neetu Khajuria)

| (Sneh Bala Mehra)

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| Sr.P.A.

| Court Master

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