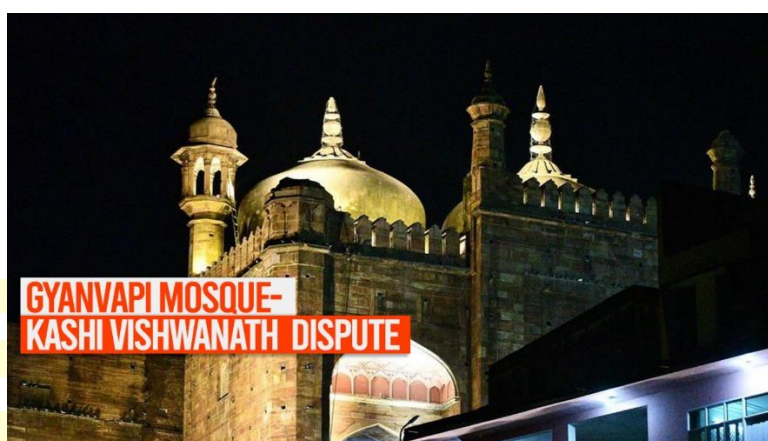


Court Rejects Gyanvapi Mosque Petitions

Why In News

- The **Allahabad High Court** dismissed five petitions by the **UP Sunni Central Waqf Board** and the Gyanvapi mosque committee, holding that a suit filed in 1991 over the Varanasi mosque is not barred under provisions of the Places of Worship Act.



- The case will now be heard by the **Varanasi Civil Judge's court**, which has been directed "to proceed with the matter expeditiously and conclude the proceedings" within six months.
- The **Gyanvapi mosque abuts the Kashi Vishwanath temple**.
- The Waqf Board and the Gyanvapi mosque committee had challenged the maintainability of the original suit — Ancient Idol of Swayambhu Lord Vishweshwar and others vs. Anjuman Intezamia Masajid and another — filed in 1991, saying it was barred by the Places of Worship Act.

Places Of Worship Act, 1991

- The Places of Worship Act states that the **religious character of any place of worship** as it existed on **August 15, 1947**, must be maintained. The long title describes it as "An Act to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship

as it existed on the **15th day of August, 1947**, and for matters connected therewith or incidental thereto.”

- **Section 3 of the Act bars** the conversion, in full or part, of a place of worship of any religious denomination into a place of worship of a different religious denomination — or even a different segment of the same religious denomination.

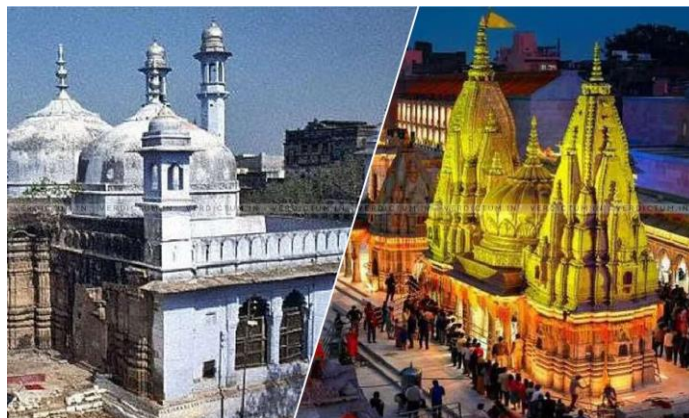


Places of Worship Act, 1991 & Gyanvapi Masjid Dispute



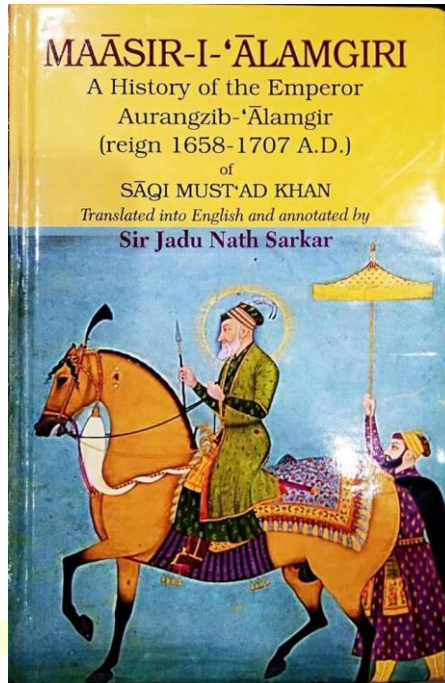
Claims In The 1991 Petition

- The **1991 suit seeks** an order that the “structure” (mosque) on top of the cellars (taikhana), the adjoining part of the “**old temple**” of Lord Vishweshwar, and some other structures are the property of Lord Visheshwar and devotees.
- Claiming that the **Muslim community** had illegally occupied the property, the plea said that Hindus have every right to use it as a place of worship and to renovate and reconstruct their temple.



- It also said that the defendants (Waqf Board and Anjuman Intezamia Masjid Committee) have no right, title or interest or any kind whatsoever and the entire Muslim community represented by the defendants have **no right to occupy the structure**.

- The 1991 suit had also asked the court to pass an order directing the defendants “to remove its effects” from the said property and hand over possession “over the said structures to the plaintiffs”.



- As per the plea, the “temple was constructed by **King Vikramaditya** about 2050 years ago and duly consecrated the idol of Lord Vishweshwar therein”.
- It said that due to religious antipathy it was pulled down several times during Muslim Rule in the country.
- It also said that besides the **original temple of Lord Vishweshwar**, there are four mandaps **around the temple** known as Mukti Mandap, Gyan Mandap, Aishwarya Mandap and Shringar Mandap.



- The plaint said that in **1669 AD**, “on a wrong information reaching **Emperor Aurangzeb**, he ordered for demolition of such schools and temples of infidels

(kafirs)”. “The aforesaid event of demolition has been mentioned in Ma-Asir-iAlamgiri printed in Arabic in 1871 by Asiatic Society of Bengal,” the plaint said.

Muslim Side’s Counter

- Lawyers appearing on behalf of the **mosque committee and the Sunni Waqf Board** said that the petitioners “have **every right to offer** their prayer in temple in question and are neither debarred nor anybody has stopped them to perform religious rites inside the temple”.



- As per the lawyers, the **Places of Worship Act, 1991** was promulgated with “purpose to foreclose any controversy in respect of any places of worship”.
- “It was an **Act made by Parliament** under constitutional mechanism and operates within the four corners of Constitution of India,” Senior Advocate SFA Naqvi submitted in court.

ASI Survey

- **ASI Carried Out A Survey Of Gyanvapi** Premises, Located Next To Kashi Vishwanath Temple, To Determine Whether Mosque Was Constructed Over The Pre-existing Structure Of A Hindu Temple.



- The Survey Was Carried Out On The **Direction Of The District Court's** July 21 Order That Mentioned The Need To Survey Beneath The Mosque's Domes, The Cellars And The Western Wall.
- It said that the ASI should also examine the **plinth and pillars** to determine the age and nature of the building. The court had asked the ASI to ensure that there was no damage to the structure standing on the disputed land.