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[SECTION:II

IN THE SUPREME COURT OF INDIA  
CIVIL/CRIMINAL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION © NO.9388 OF 2022

**IN THE MATTER OF:**

*COMMITTEE OF MANAGEMENT OF ANJUMAN*

Intezamia Masjid Varanasi & Ors.

... Petitioners

Versus

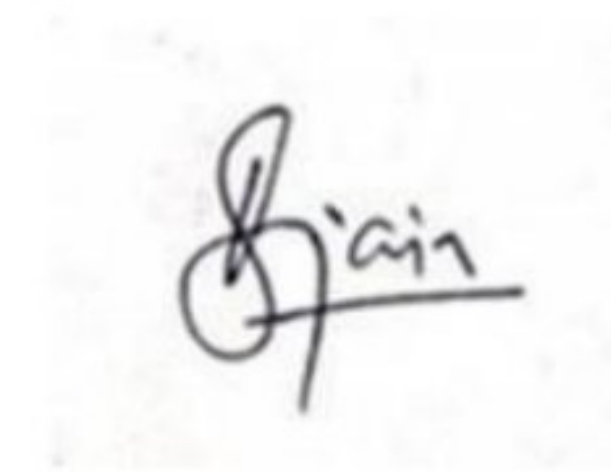
**RAKHI SINGH & ORS.**

... Respondents

I N D E X

Sr. No.	Particulars	Copies	COURT FEES
1.	APPLICATION ON BEHALF OF RESPONDENT NOS. 2 to 5 FOR DIRECTIONS	1+3	
2.			
	Proof of service		

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. No. OF 2024

IN

SPECIAL LEAVE PETITION (C) No.9388 of 2022

**IN THE MATTER OF:**

Committee of Management of Anjuman  
Intezamia Masajid Varanasi & Ors.

Petitioners

Versus

Rakhi Singh & Ors.

Respondents

APPLICATION ON BEHALF OF RESPONDENT NOS. 2 to 5 FOR  
DIRECTIONS

TO,  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUDGES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF  
THE ABOVE-NAMED  
APPLICANTS

**MOST RESPECTFULLY SHOWETH:**

1. There is Temple of Lord Adi Visheshwar in the city of Varanasi which is being claimed as Gyanvapi Mosque by the members of Muslim Community. A number of suits in respect of the aforesaid property are pending in the courts of Ld. Civil Judge and District Judge Varanasi.



2. A list of few cases filed in respect of the Temple in District Court, Varanasi are being given hereunder:-

Sl. No.	Case No.	Parties' Name	Name of court
1.	610/1991	Ancient Idol of Swambhu Lord Visheshwar & Ors. Vs. Anjuman Intezmia Masjid, Varanasi	Civil Judge, Senior Division, Fast Track Court
2.	C.S. No. 761/2021	Sadhwi Poornamba vs. State of U.P.	Civil Judge, Senior Division
3.	O.S. No. 18/2022	Smt. Rakhi Singh & Ors. Vs. State of U.P. & Ors.	District Judge
4.	C.S. No. 889/2022	Bhagwan Avimukteshwar Virajman vs. C/M Anjuman Intejamia	Civil Judge, Senior Division
5.	CS No. 913/2022	Mukhtar Ahmad Ansari vs. Govt. U.P.	Civil Judge, Senior Division
6.	O.S. No. 05/2023	Satyam Tripathi & Ors. Vs. Union of India & Ors.	District Judge
7.	O.S. No. 04/2023	Goddess Maa Shringar Gauri & Ors. Vs. Union of India & Ors.	District Judge
8.	O.S. No. 06/2023	Maa Ganga & Ors. Vs. Union of India & Ors.	District Judge
9.	O.S. No. 02/2023	Lord Shri Aadi Visheshwar Jyotirlinga & Ors. Vs. U.P. Sunni Central Waqf Board & Ors.	District Judge
10.	O.S. No. 03/2023	Shri Nandiji Maharaj & Ors. Vs. U.P. Sunni Central Waqf Board & Ors.	District Judge
11.	O.S. No. 01/2023	Bhagwan Aadi Visheshwar vs. State of U.P.	District Judge
12.	O.S. No. 07/2023	Swami Shri Avimukteshwaranand vs. State of U.P.	District Judge
13.	CS No. 716/2023	Sanchit Rastogi vs. Anjuman Intejamia	Civil Judge, Senior Division
14.	CS No. 34/2023	Shailendra Kumar Pathak vs. Committee of Management, Anjuman	District Judge
15.	C.S. No. 1415/2023	Shri Nandiji Maharaj vs. UOI	Civil Judge, Senior Division

3. It is submitted that in the Civil Suits pending before either Civil Judge or District Judge, the substantial questions of law and fact are



involved and need to be decided only by superior courts. In substance, the Suits concern the complex questions namely:-

- (i) The questions related to historical facts;
  - (ii) The questions related to archaeology;
  - (iii) The questions related to interpretation of Hindu law;
  - (iv) The questions related interpretation of Muslim law;
  - (v) The constitutional validity of some enactments/legislations;
  - (vi) The ratio decidendi of the judgments rendered by this Hon'ble Court;
  - (vii) The constitutional validity of law of adverse possession;
  - (viii) The interpretation of different provisions contained in Part III of the Constitution of India particularly Article 13, 21 and 25;
  - (ix) The interpretation of Article 300A of the Constitution of India;
  - (x) The substantial questions of law of general importance as envisaged under Article 133(1)(a);
4. That Civil Suit No. 693 of 2021 was filed by Respondent Nos. 1 to 5 in the Court of Civil Judge Senior Division Varanasi. This Hon'ble Court vide order dated 20.05.2022 directed to transfer said suit to the Court of District Judge, Varanasi and the suit was renumbered as O.S. No. 18 of 2022. Thereafter, the Respondent Nos. 2 to 5 filed an Application in the Court of District Judge for transferring some other suits also to his court. The Ld. District Judge vide order dated 17.04.2023 passed an order to transfer all such suits to his court in exercise of powers u/s 24 of CPC and O.S. No.18 of 2022 was made the leading Suit. The Respondents have also come to know that there are number of other suits also which are pending in the Court of Civil



Judge even though in pith and substance the controversy involved in the said are very much connected with O.S. Suit No 18 of 2022.

5. The Hon'ble Court while passing order dated 20.05.2022 has observed that the issues involved in the case should be decided by senior judicial officer.
6. It is submitted that some suits are being tried by the Ld. Civil Judge (Senior Division) and some Suits are being tried by Ld. District Judge, Varanasi. A number of proceedings in the nature of either Revision or under Article 227 of the Constitution of India have been preferred either before the Ld. District Judge or before the Hon'ble High Court. The irony is that in some cases Revision is being heard by Ld. District Judge and he is also trying the Suits. In some cases, proceedings under Article 227 of the Constitution of India or by way of revision have been instituted in the Hon'ble High Court. There is every possibility of passing contradictory orders in such proceedings.
7. It is submitted that a Civil Suit No. 610 of 1991 was filed on behalf of Deity and devotees in the Court of Civil Judge (Senior Division), Varanasi to, inter alia, use the disputed property as Place of Worship and to renovate and to reconstruct their Temple and to restrain the Muslims from interfering in peaceful possession of Plaintiffs. An application u/s 24 CPC has been filed on behalf of Respondent Nos. 2 to 5 for transferring the said Suit to the Court of District Varanasi and the same is pending.
8. In the years 2021, 2022, 2023 several Civil Suits have been filed by different parties asserting right for Darshan and Pooja of the deities



existing at the property in question and also right to restore the Temple and also for removal of the present structure illegally raised by Muslims which is being managed by Anjuman Intezamia Masajid Committee.

9. It is submitted that questions involved in all the Suits are interlinked as the subject matter is Lord Adi Visheshwar Temple and Swayambhu Jyotirlinga which is in existence from the time immemorial.

10. It is submitted that in view of the complexity of the questions involved in the Suits filed in District of Varanasi as mentioned above, it would be expedient in the interests of justice that all the Suits be transferred to the Hon'ble Allahabad High Court to be decided by Three Judges' Bench.

### **PRAYER**

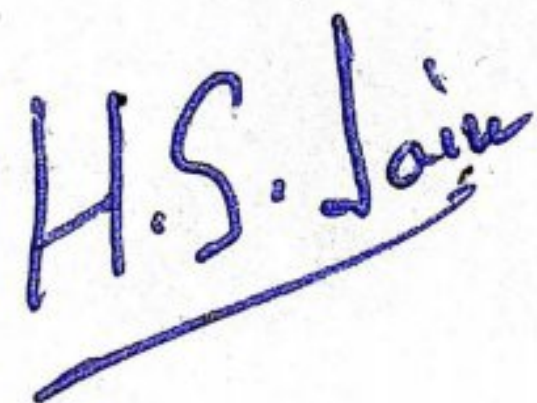
For the facts stated herein above it is most respectfully submitted that this Hon'ble Court may be pleased to;

A) Direct to transfer Original Suit Nos. 18 of 2022, 01 of 2023, 02 of 2023, 03 of 2023, 04 of 2023, 05 of 2023 and 06 of 2023, 07 of 2023 and 34 of 2023 pending in the Court of District Judge, Varanasi and Civil Suit No. 610 of 1991 pending in the Court of Civil Judge (Senior Division)- Fast Track Court, Varanasi, Civil Suit Nos. 761 of 2021, 889 of 2022, 913 of 2022, 716 of 2023, 1415 of 2023 pending in the Court of Civil Judge, Senior Division, Varanasi to the Hon'ble High Court for Trial;



- B) Pass such other orders as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS AS  
IN DUTY BOUND SHALL EVER PRAY



HARI SHANKAR JAIN,  
Advocate



VISHNU SHANKAR JAIN,  
Counsel for the Respondent Nos. 2 and 3

Filed on: 17.09.2024  
Place: New Delhi



2105/2024  
Serial No.....

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Committee of Management,

Anjuman Intezamia Masjid Varanasi

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Versus

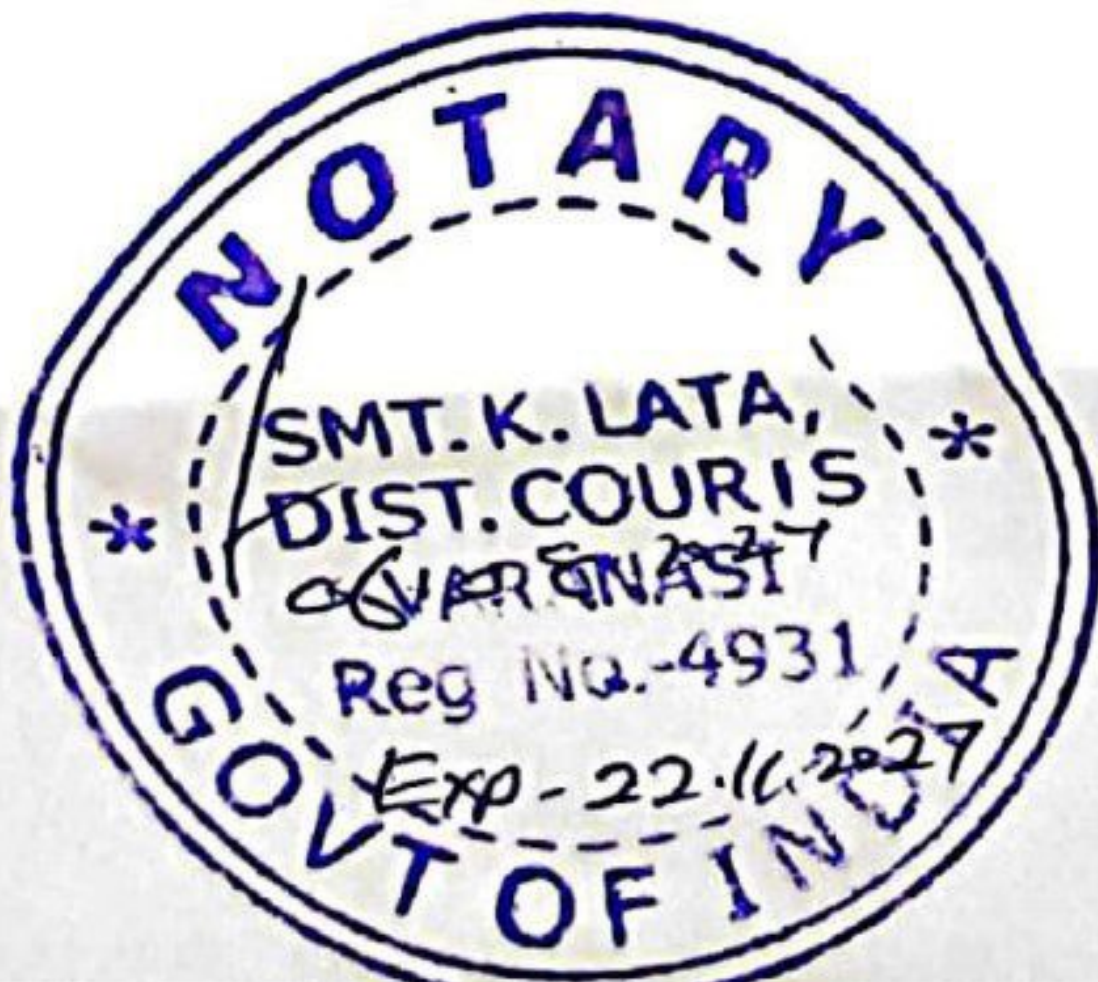
Rakhi Singh & Ors.

Respondents

**AFFIDAVIT**

I, Laxmi Devi, W/o Sohan Lal Arya, aged about 66 years, R/o. 51/148, Suraj Kund, Pandariv Chhitupur, Mahmoorganj, Varanasi U.P. 221010, do hereby solemnly affirm and state as under:

1. That I am myself the Respondent No.2 in the above SLP. I have been authorised by Respondent Nos. 3, 4 and 5 to file this affidavit on their behalf also. I am fully conversant with the facts and circumstances of the case herein after deposed.
2. That I have been explained the contents of para 1 to 10 in page Nos. 1 to 5 of the accompanying Application in Hindi and I have understood the meaning of the same. I state that the facts stated in the Application are true to my knowledge as gathered from the records of the case.



Laxmi Devi  
DEPONENT



**VERIFICATION**

I, the Deponent above named do hereby verify that the contents of paras 1 to 2 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Varanasi on this 06... day of August, 2024.

Laxmi Devi / *[Signature]*  
**DEPONENT**



स्वयं शपथकर्ता ने शपथ ग्रहण किया

Oath by Deponent-before me

प्रत्यक्ष द्वारा अधिवक्ता श्री.....

Counselled by Advocate Shri. *S. H. Chaturvedi*

*K. Lata* 06.08.2024

श्रीमती कंचनलता एडवोकेट, नोटरी, भारत सरकार

Smt. Kanchan Lata. Advocate. Notary. Govt of India