Land of Religious Body can be acquired

Why in news?

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The Allahabad High Court has ruled that a land belonging to a religious body can be acquired for a “public purpose”.

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What were the rights violated?

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- Church of North India Association challenged a notification by which four plots of land were acquired in Firozabad district for construction of a by-pass connecting Agra with Etawah.
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- The petitioner had also argued that the acquisition of the land violated the Place of Worship (Special Provisions) Act which “safeguards all religious properties”.
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- The court dismissed the plea.
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- The Court’s order violated the “right to freedom of religion” and the “freedom to manage religious affairs” guaranteed under Articles 25 and 26 of the Constitution.
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- Though right to property is no longer a fundamental right for a citizen, Article 26 confers right to every religious denomination “to own and acquire movable and immovable property”.
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What was the court’s rationale?

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- It stated that “Once there is **public purpose** for which land in question has

been acquired, invoking provision of the National Highways Act, 1956, then no relief can be accorded to the petitioner."
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- However the court said that in view of Christmas festivities, the structures should not be demolished for the period of one month but thereafter the aggrieved party and the NHAI should "work out modality" for "demolition or shifting" of the same.
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- The court said that the Place of Worship (Special Provisions) Act only "bars any person from converting any place of worship of any religious denomination or different religious denomination" and that the "provision had been introduced to see that communal harmony is not disturbed and persons of one religious community may not take on the other".
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