Restoration of Excess lands - Ayodhya Dispute

Why in news?

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The centre recently approached the supreme court to restore the excess, non-disputed land around the disputed site to its original owners.

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What does the centre say?

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- The acquisition of lands of about 67.7 acres around the disputed site in Ayodhya took place in the year 1993.
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- This was made to maintain communal harmony and the spirit of common brotherhood amongst the people of India.
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- About 0.313 acre of the acquired area (67.7 acres) belong to the site where the Babri structure stood before its demolition.
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- Also, about 42 acres of the acquired area (67.7 acres) were held by the Ram Janmabhoomi Nyas since 1993, which was also later acquired by the government.
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- The centre argues that these lands (42 acres) were not even in dispute but were still acquired.
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- It says that the core dispute area extends only to 0.31 acres and not to the entire 67.7 acres that was acquired.
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- Hence, the centre says that it is duty-bound to revert the acquired land, other than core disputed area, back to those land owners.
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What is the basis of this argument?

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- The Centre base this argument on the judgment in **Dr M Ismail Faruqui and Ors Vs Union of India** (October 24, 1994).
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- This case upheld the Constitutional validity of the Acquisition of Certain Areas of Ayodhya Act, 1993, under which the 67.703 acres were acquired by the government.
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- However, it was also established in the case that the interest claimed by the Muslims was only over the disputed site of 0.313 acres where the disputed structure stood before its demolition.
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- The Faruqui verdict had also given the government's discretion to determine the "exact extent of land" which the party winning the Ayodhya dispute would need to access and enjoy the disputed area.
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- Hence, the centre argues that this determination of land was a matter of policy with no scope for judicial scrutiny.
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What was the course of action?

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- In 1996, the Ram Janmabhoomi Nyas, whose 42 acres was acquired in 1993, had asked the government to return the excess land.
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- But this request was denied on the ground that it can be considered only after the suits relating to the disputed area are adjudicated by the Allahabad High Court.
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- The Nyas had also unsuccessfully moved the apex court in 1998 for the same reason.
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- In 2002, a writ petition was filed in the SC against an attempt by kar sevaks to perform puja on the land surrounding the disputed site.
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- The case was taken up in 2003 in the **Mohd Aslam @ Bhure vs Union of India and Ors** (March 31, 2003), wherein the court held the same view as

before.
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- In that case, the SC held that the status quo has to be maintained until the suits pending before the Allahabad High Court are disposed of.
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- The Allahabad High Court delivered its judgment on this case in 2010.
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- It divided the disputed 2.77 acres of land, including the 0.31 acres where the Babri Masjid stood, **equally** among the Nirmohi Akhara, the Sunni Central Wakf Board, UP, and Ramlalla Virajman.
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- Despite these rulings, the Centre asked the SC to let it hand over excess land to the owners without linking this process with the outcome of the civil appeals.
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- The government said now the only roadblock to this was the SC decision inthe case of Mohd Aslam @ Bhure (2003).
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- Thus, the government wants the court to either vacate or modify the decision made in this case.
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Source: The Indian Express

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