

Topic: Acquisition Of Religious Place By The State

Name of the case: Dr. M Ismail Faruqui v. UOI, AIR 1995 SC 605

Bench: Justice M.V. Verma, Justice G. Ray, Justice S. Bharucha

Facts of the case: The constitutional validity of Acquisition of Certain Area at Ayodhya and the Maintainability of the Special Reference Number 1 of 1993 made by the President of India under Article 143 (1) of the Constitution of India are challenged.

Ratio: The Supreme Court while considering the question of acquisition of religious place by the state held that a temple, church or a mosque etc are essentially immovable properties and subject to protection under Article 25 and 26. Every immovable property is liable to be acquired. While offer of prayer or worship is a religious practice, its offering at every location where such prayers can be offered would not be integral part of such religious practises unless the place has a particular significance for that religion so as to form an essential or integral part thereof.

Places of worship of any religion having particular significance for that religion, to make it an essential or integral part of the religion, stand on a different footing and have to be treated differently and more reverently. Nevertheless, decoration of any religious place is to be made only in unusual and extraordinary situation for a larger national purpose keeping in view that such acquisition should not result in extension of the right to practise that religion, if the significance of that place be such. Subject to this condition, the power of acquisition is available for a mosque like any other place of worship of any religion. The right to worship is not at any and every place, so as long as it can be practiced effectively, unless the right to worship at a particular place is itself an integral part of that right.