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On His Holiness Hazrat Khwaja Moinuddin Hasan Chishty's (R. A.) Service
(Dedicated to the Cause of Peace, Harmony & Love of the Mankind)

*Office of the
Successors Great Grand Son & Hereditary Sajjadanashin (Goddinashin)
Hazrat Khwaja Moinuddin Hasan Chishty (R.A.) Ajmer.*

Qadeem Haveli Dewan Sahib
Dargah Bazar, Ajmer - 305 001 (Raj.) INDIA

Dr. A. S. Sahasrabhusan XVI | THUL-MEHF | BRO-SO/1-98 *Dated 9.9.1998*

To
The Nazim
Dargah Khwaja Sahib
Ajmer.

Reference :- Your letter No.DKS/98/SN/7-97 dated 16.07.1998 regarding presiding of religious Mehfis and other religious ceremonies at Dargah Shareef, Ajmer.

(1). In this connection I would like to inform you that the issue of presiding of Religious Mehfis and other Ceremonies in absence of Holy Sajjadanashin Sahib at Dargah Shareef Ajmer were raised earlier also and various Courts had delivered its Judgments in the past over this issue on the basis of past practice Customs and Traditions, Usages and regulations and also established rituals, ceremonies in accordance with the tenent (Chishtiya Saint) and also that correct position and real legal position of Holy Sajjadanashin Sahib recognised by Mughal Emperors British Government, Law of Land, Present Government and Dargah Committee, Ajmer

(2). I would like to quote a few Judgments of different Courts over this issue to make you clear that nothing is being done against the tenent of Chishtiya Sact.

(a). I would like to draw your attention towards Regular Appeal No. 7 of 1870 between Meer Hafeez Ali son of Meer Aziz Ali, Mutawalli of Dargah Khwaja Sahib Ajmer Versus Qazi Muniruddin and Shafi Hussain Guardian of Dewanji Syed Ghyasuddin Ali Khan in the Court of the Commissioner Ajmer Division in which it has clearly been upheld the Judgment of the Lower Court that "Quote"!

"With regard to the proper person to act in case of the absence of the Mutawalli it has been already decided by Lt. Colonel Davidson in his Robekary of the 22nd April 1862 that in case of the absence from the Mehfil of either the Dewanji or Mutawalli the brothers or Sons attend. This is also according to Eastern Custom and in neither instance would illegible be permitted to attend who is a mere servant of the person appointing him and who may have no connection with the Shrine and may indeed be of another religion." Unquote

Thus it is clear that this issue has already been decided by the competent Court. Further the said Judgment was Exhibited as Exhibit No. 28/1 by the Dargah Committee, Ajmer in Civil Suit No. 1 of 1942 between Syed Asrar Ahmed Mutawalli of the Dargah Ajmer Versus Dargah Committee, Ajmer in the Court of District and Session Judge Ajmer.

(b). The same issue was cropped-up again in the Court of Munshi Ameen Chand Sahib Bahadur Judicial Extra Assistant Commissioner Ajmer Merwara vide their Judgment dated 26.4.1854, 30.8.1859 and 25.5.1873 in which it has also upheld that in absence of Holy Sajjadanashin Sahib their Brothers and Sons can preside the Religious Mehfis and Ceremonies in the Dargah Shareef Ajmer.

(c). That in Civil Suit No. 139 of 1918 between Syed Shahabuddin Versus Dargah Committee Ajmer and others in the Court of Sub Judge First Class Ajmer before Hon ble Sahibzada Abdul Wahid Khan that in the

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Committee, Ajmer) This Case was lastly tried before Hon'ble Privy Council London and in his Judgement dated 29th July 1946 vide its Para No. 12 upheld above version dated 5th April 1856."

(6). In the said Civil Suit No. 1 of 1942 Exhibit D/36 and D/37 that Copy of direction by Emperor Akber and various powers held by Holy Sajjadanashin Sahib and "According to Shariyat also the Sajjadanashin has been conferred Hereditary right and powers by his Majesty since ancient times Shugga of His Majesty were Exhibited by the Dargah Committee, Ajmer that a part from in respect of all matters property, Khothas, appointment and dismissal of Servants, Khadims and Shagird-peesha, appointment and collection, granting and stopping rozina etc.: which he shall still continue to possess."

(7). So, as per Shariyat, Sanad, Farmans, Orders/Directions of various highest Judicial Authorities and various Judgements of Highest Court of the land i.e: Supreme Court of India and Privy Council London are concerned The Holy Sajjadanashin Sahib is the Supreme authority in relation to the religious Matters of Dargah Khwaja Sahib Ajmer. It will not be out of place to remind you that Dargah Committee was constituted to replace the office of Mutawalli who was managing the Dargah affairs. Thus it is improper to question the status of Sajjadanashin Sahib as evident from the Supreme Court. Judgement quoted above.

(8). The Resolution adopted by the Dargah Committee, Ajmer on 22.4.1974 stand infructuous because the Resolution was adopted when there was an interim arrangement of Sajjadanashin to perform the Religious functions at Dargah Shareef, Ajmer. On 8.7.1975 Dewan Syed Ilmuddin Ali Khan II took charge of the Hereditary Office of Sajjadanashin on the basis of the Judgement of Hon'ble High Court Rajasthan on permanent basis. After his death his eldest son Dewan Syed Zainul Abedin Ali Khan Succeed the Hereditary post of Sajjadanashin. Further various Courts judgements and discussion in Parliament while passing the Dargah Khwaja Sahib Act 1955 do not permit the Dargah Committee Ajmer to change the Status of Sajjadanashin Dargah Shareef Ajmer.

It is once again reiterated that as per above factual position you should not write such irresponsible letter to Holy Sajjada Nashin Saheb who is [Great grand -Son of Hazrat Khwaja Moinuddin Hassan Chishty (R.A.) and also the religious head of Dargah Shareef Ajmer. It would be appreciated that you seek advice in person for the improvement and better management of Dargah affairs rather to waste time in the affairs not concerned to you.

With good wishes.

Yours Sincerely



(Syed Alauddin Arif Advocate)
Secretary

Dewan Dargah, Ajmer

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absence of Holy Sajjadanashin Sahib the family members nominated by Sajjadanashin or in absence of family members even the SAFA (TURBAN) of the Holy Sajjadanashin Sahib may be sent in Order to preside the religious ceremonies in the Mehfil and other Religious Functions.

(d). In the Court of Munsif Magistrate (West) Ajmer a case No. 89 of 1978 was filed by Syed Khalid Moimi Versus Dargah Committee, Ajmer. That the then Nazim (Shri Mehmood Ali Khan) Dargah Khwaja Sahib Ajmer filed in his Written Statement dated 25.1.1979 had admitted in Para No. 16 of Additional Plea that since decades and as per past practice Customs and Traditions the Holy Sajjadanashin Sahib is empowered to send his family members to preside/perform religious Mehfils in Dargah Shareef, Ajmer.

The Hon'ble Munsif Magistrate (West) Ajmer in his Judgment dated 25.9.1982 dismissed the said Suit and upheld that since decades it has been a tradition that in absence of Sajjadanashin his family members may preside/perform all religious ceremonies and functions at Dargah Shareef, Ajmer.

(3). In the light of the above Court Judgments delivered by various competent Courts you will agree that your letter is a violation of said Judgments and rather it will be appropriate to say that this is ^{the} thing but dishonour of the Judgments delivered by the Hon'ble Courts and any attempt by Dargah committee, Ajmer over this issue would amount to contempt of Court so I am confident that the said letter will be withdrawn with due apology so that the various Judgments cited above stand honoured.

(4). In your second Para of the said letter you have quoted Section 11(h) of Dargah Khwaja Sahib Act No. 36 of 1955 which is not relevant on the subject matter because Section 11(h) is required to be read in the light of the Mandatory Provision of Section 15 of Dargah Khwaja Sahib Act 1955 accordingly Dargah Committee, Ajmer should follow the Rules of Muslim Law applicable to Hanafi Muslims in India and shall conduct and regulate the established rites and ceremonies in accordance with tenets of the Chishty Saint So far Dargah Khwaja Sahib is concerned Holy Sajjadanashin Dargah Shareef Ajmer is a Greatgrand-Son of Hazrat Khwaja Moinuddin Hasan Chishty (R.A.) and all the religious functions and ceremonies are being presided by him as per Muslim Law applicable to Hanafi Muslims in India and according to Law the Holy Sajjadanashin Sahib is the only dignity who can regulate all religious matters in regard to Dargah Khwaja Sahib, Ajmer, as well as other religious places and hence Dargah Committee, Ajmer is not suppose to interfere in the Muslim Law and religious ceremonies rather to help in the performance of religious functions/ceremonies. Holy Sajjadanashin Sahib is the religious head of Dargah Shareef Ajmer whereas Dargah Committee Ajmer is only and exclusively a management body of Dargah affairs. It is not out of place to mention here and draw your kind attention towards the Judgment of the Hon'ble Supreme Court of India dated 8.9.1987 vide Para No. 19 and 20 between Syed Asaulat Hussain Versus Syed Ilmuddin and others. Dargah Committee, Ajmer was also one of the party which are as under :-

"(19). It is clear, therefore, that the nature of the office and the rule of Succession to it always remained undisputed. It was occupied by a Hereditary Descendant of the SAINT. That was perhaps the reason for not asking the High Power Committee constituted by the Government of India in 1949 to enquire into it. The said Committee was constituted only to enquire into the mal-administration of the Dargah and suggest remedies in the interest of devotees. The question of Succession to the office of Sajjadanashin was expressly kept out side its purview. It would be evident if one peruses the terms of reference made to the High Power Committee.

(20). The Government of India had also recognised that Sajjadanashin has always been a descendant of the Saint and that position should not be disturbed. This has been reflected from the speech of the Home Minister in the Parliament while piloting the Khwaja Sahib Bill which latter became the DKS Act. This is what the Home Minister stated (Lok Sabha Debate Pt. II Vol. V 25th July 13 Aug., 1955 P.9391):

"So far as Sajjadanashin is concerned he is a religious office. He is the descendant of the Khwaja Sahib and therefore his position should be kept as it is and that position is not affected at all. Because he deals with the ritual he deals with the Spiritual side of management and so far as that is concerned it is entirely left to him."

(5). Further a dispute had arisen over the Status and powers of Sajjadanashin and Mutawalli and after going through the Muslim Law in India the Hon'ble Commissioner of Ajmer-Merwara State passed an Order dated 5th April 1856 in File No. 573 of 1853, that quote "the Mutawalli of the Dargah has claimed to be equal in Status to the Dewanji. This cannot be. It is always proper for the Mutawalli Dargah to be respectful to the Dewanji, because the Dewanji is the Grand-son of Khwaja Sahib while the Mutawalli of Dargah Khwaja Sahib is an employee of the Government and should pay respect to the Dewanji then other persons. Therefore a Parwana should be sent to the Mutawalli Dargah asking him to respect of Dewanji as has been the practice before (reference Exhibit D/51 in the Civil Suit No. 1 of 1942 between Asrar Ahmed Versus The Dargah