



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 23975 of 2025

Digambar Jain Sabha And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Abhinav Tripathi, Divendu Tripathi,
Prashant Shukla
Counsel for Respondent(s) : A.S.G.I., C.S.C., Sanjay Kumar Yadav

Along with :

- 1. Writ - C No. 27903 of 2025:**
Digambar Jain Sabha, and another
Versus
State of U.P. and 2 others
 - 2. Writ - C No. 26926 of 2025:**
Sri Jain Swetamber Mahasabha Uttar Pradesh
Versus
Union of India and 5 others
-

Court No. - 1

HON'BLE AJIT KUMAR, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Rejoinder affidavit filed today on behalf of the petitioners is taken on record.

2. Heard Sri Anil Bhushan, learned Senior Advocate assisted by Sri Prashant Shukla, learned counsel for the petitioners, Sri Nipun Singh, learned Senior Advocate assisted by Sri Divendu Tripathi, learned counsel for the petitioners in connected matter and who has also filed impleadment in the present petition, Sri Sanjay Kumar Yadav, learned counsel appearing for respondent nos. 3 and 4, Sri Manoj Kumar Singh, learned counsel appearing for Archeological Survey of India in connected matters and Sri Pradepta Kumar Shahi, learned Additional Chief Standing Counsel representing the State respondents.

3. The controversy that centers around as to the character and nature of

the idol belonging to which of the Jain sects, recovered in District Etah and is currently kept in custody of the concerned local police and there appears to be an on going dispute between Digambar and Shwetambar sects of the Jain community setting up their respective claims to have possession of the idol as belonging to their respective sects.

4. It transpires that earlier some inspection of the idol was carried out by the Archeological Survey of India (A.S.I.) and a report came to be submitted by a two member committee that the idol did not appear to be belonging to Digambar sect and was suggestive of belonging to Shwetambar sect, however, later on a fresh survey/examination was conducted by the experts of the Archeological Survey of India (A.S.I.) and Superintending Archeologist of the Archeological Survey of India (A.S.I.), Agra Circle submitted a report dated 27.08.2025 to the District Magistrate with following remarks:-

"The identification of the sculpture as belonging to either the Svetambara or Digambara sect cannot be conclusively established based solely on the existing iconographic and stylistic evidence in the idol since the features remain inconclusive or are shared across sects.

Given the ongoing legal proceedings under W.P. No. (C) 23975/2025 before the Hon'ble High Court, Allahabad, and the sensitivity of sectarian interpretations involved, it is respectfully recommended that:

A committee of subject experts in Jain art and iconography, preferably with representation from both Svetambara and Digambara scholarly traditions, be constituted by the District Collector.

Such a committee, operating in consultation with the Archaeological Survey of India, can offer a more nuanced, interdisciplinary, and impartial assessment of the sculpture, which may be placed on record to assist the Hon'ble Court in its deliberations. The Archaeological Survey of India remains available for further technical support and documentation as may be required by the District Administration or the Hon'ble Court."

5. Argument is sought to be advanced by Sri Nipun Singh, learned Senior

Advocate that the second report obtained if supersedes the first report earlier submitted by the same department, then it requires deeper examination and close scrutiny by the scholars who have research experience and study relating to the subject matter.

6. Sri Anil Bhushan, learned Senior Advocate submits that under the Indian Treasure Trove Act, 1878, it is a Collector, who is to be the custodian of such property if recovered during digging of earth and any claim if set up by the parties is to be resolved accordingly through a proper remedy as may be prescribed thereunder but in no case the police can have the custody of such property.

7. Sri Pradeepta Kumar Shahi, learned Additional Chief Standing Counsel representing the State respondents has also placed instructions before the Court in which heavy reliance has been placed on the report submitted by the Superintending Archeologist dated 27.08.2025 of which remarks as given, has been reproduced herein above.

8. Having heard the learned counsel for respective parties and having perused the record, considering the historical importance of the idol recovered as it is claimed to be belonging to 9-10th century and sensitivity of the sectarian interpretation as to the identity of the idol for particular sect as has come to be reported by the Superintending Archeologist, we in the first instance direct for its safe custody in the Central Museum at Prayagraj and accordingly direct the District Magistrate, Etah to ensure that the idol in question is brought to the Central Museum at Prayagraj in safe custody and handed over to the Director/Incharge Director of the Central Museum at Prayagraj in any case by 11.04.2026.

9. Once the idol is handed over to the Central Museum at Prayagraj, the Central Museum at Prayagraj shall place it a desired place in the Museum for public view but at the same time shall constitute a team of experts as per the remarks quoted above in coordination with the Archeological Survey of India for further study of the idol as to its character, nature and period, more especially with reference to the sects of the Jain Community. The endeavour will be to get the report of the duly constituted team within three months of the placement of the idol in the Central Museum at Prayagraj.

10. Let the District Magistrate, Etah submit a report on the next date fixed along with the possession memo of the idol handed over to the Director/Incharge Director of the Central Museum at Prayagraj on or before the next date fixed.

11. We further direct that the report of the special team constituted, as and when obtained, as directed herein above, shall be placed before the Court in a sealed cover by the Director/Incharge Director of the Central Museum at Prayagraj.

12. For the purpose of compliance affidavit to be filed by the District Magistrate, Etah, we are posting this matter for 13.04.2026.

13. Learned Additional Chief Standing Counsel shall intimate this order to the District Magistrate, Etah, within 48 hours.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

March 17, 2026

#Vikram/-