

ITEM NO.301

COURT NO.13

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12213/2019

[Arising out of impugned judgment and order dated 20-02-2019 in WPC No. 4099/2018 passed by the High Court of Delhi at New Delhi]

RAJEEV SURI

Petitioner(s)

VERSUS

ARCHAEOLOGICAL SURVEY OF INDIA & ORS.

Respondent(s)

[PART - HEARD BY : HON'BLE MR. JUSTICE SUDHANSHU DHULIA AND HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH]

IA No. 78852/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 21-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Shikhil Shiv Suri, Sr. Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Ishita Ahuja, Adv.
Mr. Vibhor Choudhary, Adv.
Mr. Saurabh Jha, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AOR

Mr. Ajay Kumar Singh, AOR
Mr. Neeraj Sharma, Adv.
Mr. Yatharth Singh, Adv.
Mr. Divesh Kumar, Adv.
Ms. Moulishree Pathak, Adv.

For Respondent(s) Mr. S.D. Sanjay, ASG
Mr. Amrish Kumar, AOR
Mr. A. Sahay, Adv.
Mr. Siddhant Kohu, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.

Mr. Sudarshan Lamba, AOR
Mr. S.d.sanjay, A.S.G.

Mr. Siddhant Kohli, Adv.
 Mr. Raman Yadav, Adv.
 Mr. Chitvan Singhal, Adv.
 Mr. Mrigank Pathak, Adv.

Ms. Aishwarya Bhati, A.S.G.
 Mr. Udai Khanna, Adv.
 Mr. Kanu Agrawal, Adv.
 Mr. Shivika Mehra, Adv.
 Ms. Sunita Sharma, Adv.
 Mr. B. L. N. Shivani, Adv.
 Ms. Satvika Thakur, Adv.
 Mr. Shreekant Neelappa Terdal, AOR

Mr. Rakesh Sinha, Adv.
 Mr. Arvind Gupta, AOR
 Mr. Md Ghulam Akbar, Adv.
 Mr. Jeemon Raju K, Adv.
 Ms. Shruti Shashi, Adv.

Mr. Shubhranshu Padhi, AOR
 Mr. Jai Nirupam, Adv.
 Mr. D Girish Kumar, Adv.
 Mr. Pranav Giri, Adv.

Mr. Rajkumar Bhaskar Thakare, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Mr. Prasenjeet Mohapatra, Adv.
 Mr. Sanjay Kumar Tyagi, Adv.
 Ms. Neelakshi Bhadauria, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Pursuant to our order dated 12.11.2024, a detail report has been prepared by Dr. Swapna Liddle, after personally inspecting the site known as Gumti of Shaikh Ali, which is presently under unauthorized occupation of Respondent No.4 i.e. Defence Colony Resident Welfare Association.

Dr. Liddle is also personally present in the Court to provide assistance if required.

According to the report, the structure is of late 15th century of Lodhi Era and in opinion of experts it has a unique

architectural design and is a heritage building. This Court appreciates the time and efforts taken by Dr. Liddle and her supporting staff, who inspected the building and prepared the meticulous and detailed report for this Court. Let the same be placed on record.

In spite of our request Dr. Liddle has refused to take any fee or remuneration and she would insist that her work in assisting this Court be taken as *Pro Bono*. We appreciate this gesture.

The report has come down heavily on the poor maintenance and the encroachment upon the property by the present Respondent No.4, amongst others. As per the report if urgent measures are not taken this heritage structure will decay very soon. It is the property which Urban Development Department, NCT of Delhi which has declared it as a Grade I Heritage Building. The historical and archaeological importance of this site is an admitted fact. We are of the considered opinion that this site must be preserved and if need be restored. We hence direct Department of Archaeology (NCT of Delhi), which is represented by Adv. Jai Nirupam, to prepare a plan for preventing its decay and for its restoring, the same be presented before this Court preferably within a period of three weeks from today.

Respondent no. 4 shall handover the peaceful possession of the site to the concerned officer in Land and Development Office, Ministry of Urban Affairs, Government of India and file an affidavit to this effect before this Court on the next date of listing.

We also direct NCT of Delhi to provide all possible help in removing encroachment from the said property along with Respondent No.4 and if need be with Municipal Corporation, Delhi. The Department of Archeology, NCT of Delhi shall also provide an 'expert' in such matters, at the time when the Respondent No. 4 is removing its furniture and fittings from the premises so that the least harm is done to the building.

We also appoint Shri Gopal Shankar Narayan, Senior Advocate (subject to his consent), as the commissioner of this Court who shall supervise the handing and taking over as ordered by us in the preceding paragraphs and file a report before this Court on or before the next date of listing. He may also inspect the site at his convenience. All the parties before this Court shall assist the Court Commissioner and provide all possible assistance as requisitioned by the Court Commissioner.

List again on 18.02.2025.

(KANCHAN CHOUHAN)
SENIOR PERSONAL ASSISTANT

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR