

ITEM NO.301

COURT NO.12

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 final 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)

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

Date : 18-02-2025 This matter was called on for hearing today.

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

Court Commissioner : Mr. Gopal Sankaranarayan, Sr. Adv.
Assisted by :
Mr. Vishal Sinha, Adv.
Ms. Tanya Srivastava, Adv.
Ms. Ishita Chowdhury, Adv.

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

For Respondent(s) : Mr. S. D. Sanjay, A.S.G.
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karool, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Amrish Kumar, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Udai Khanna, Adv.

Mr. Kanu Agrawal, Adv.
 Ms. Shivika Mehra, Adv.
 Ms. Shivani B., 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. Ekansh Sisodia, 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 21.01.2025, Mr. Gopal Shankarnarayan, learned senior counsel and Court Commissioner appointed by this Court, has supervised the handing and taking over of the Monument. A detailed Report has also been filed, according to which the Defence Colony Residents Welfare Association [DCRWA] has handed over the possession of the Monument to the Land & Development Office, Ministry of Urban Affairs, Government of India [L&DO] after removing its furnitures and fixtures, taking care that minimum harm is done to the Monument. Now, effectively, the control of the Monument lies with L&DO.

The time and efforts taken by Mr. Gopal Shankarnarayan is highly appreciated. He has not only visited the site and

supervised the handing over of the Monument, but as per the directions of this Court, he has also suggested that in the appurtenant land, a totally unauthorized parking area is presently being operated. The parking has been given by Municipal Corporation of Delhi [MCD] to a Contractor. We have also been informed that the period for which the contract has been given, has in any case, now expired and it has not been renewed. For abandoned caution, we direct that this contract shall not be renewed until further orders of this Court. The Registry shall communicate a copy of this Order to the MCD forthwith.

Pursuant to our order dated 21.01.2025, the Department of Archeology, Delhi, has also filed a Report, wherein they have stated that the Department is capable of the conservation and restoration of the Monument, since they have the expertise and resources to garner expertise to preserve and restore the Monument. They have also made certain suggestions such as the constitution of a Committee for the said purpose which shall report to this Court.

In the meanwhile, the MCD, which has been operating a parking in the peripheral area. The use of the peripheral space has made any kind of access to the monument by general public very difficult. In fact, the Monument is neither accessible nor visible because of the parking area which surrounds the Monument. The space is not earmarked as a "parking area". We direct the MCD to take every possible step to remove the parking as early as possible.

We also now implead Municipal Corporation of Delhi [MCD] as Respondent No. 7 in this petition. Let necessary amendments / corrections be done by the Registry itself. MCD shall be

represented by its Chief Executive Officer, by whatever now he/she is called. Let notice be issued to the MCD and a copy be served on the standing counsel for the MCD, so that they shall put in their appearance on the next date of hearing. The MCD shall apprise this Court as to what steps they propose to take to remove the encroachment, as indicated above.

As far as the Residents Welfare Association is concerned, they should reply as to how much cost they should pay for unauthorizedly occupying the building for 60 long years. Let the reply be filed within three weeks from today.

In the meanwhile, the Central Government Notification dated 09.02.2004 shall not come in the way in implementation of this order and declaring the Monument as a protected Monument, if they deem it necessary under the Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act, 2004.

Department of Archaeology, Delhi shall constitute the Committee, as mentioned above, within a week and initiate the process immediately and inform this Court of the progress on the next date of listing.

Re-list the matter on 25.03.2025.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RAM SUBHAG SINGH)
ASSISTANT REGISTRAR