

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. 110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 04-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE S.V.N. BHATTI

Mr. Gopal Sankarnarayanan, Sr. Adv.
(Court Commissioner)
Mr. Vishal Sinha, Adv.

For Petitioner(s) :

Mr. Shikhil Shiv Suri, Sr. Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Mr. Vibhor Choudhary, Adv.
Ms. Ishita Ahuja, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) :

Ms. Garima Prasad, Sr. Adv.
Mr. Praveen Swarup, AOR
Ms. Nidhi Singh, Adv.
Ms. Ashu Tomar, Adv.
Mr. Raghvendra Shukla, Adv.
Ms. Sakshi Chahar, Adv.
Mr. Devesh Maurya, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. D. Girish Kumar, Adv.
Mr. Pranav Giri, Adv.
Mr. Jay Nirupam, Adv.
Mr. Ekansh Sisodia, Adv.

Mr. S.D.Sanjay, A.S.G.
Mr. Divyam Aggarwal, Adv.
Mr. Shubham Prakash Mishra, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karool, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Sudarshan Lamba, AOR
Mr. Amrish Kumar, AOR

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

Mr. Udai Khanna, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Shivika Mehra, Adv.
Ms. Sunita Sharma, Adv.
Mr. B. L. N. Shivani, Adv.
Ms. Satvika Thakur, Adv.
Mr. M. P. Gupta, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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

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

Having considered the matter, we find that there is too much of a communication gap between the Court and the Municipal Corporation of Delhi (MCD).

2. We would thus like the Commissioner of the MCD to be personally present in the Court at 3.00 p.m. today so that whatever order the Court passes is in his presence so that it is taken in the right spirit.

3. We have been constrained to pass this order as we have been giving sufficient leverage and latitude to the MCD to come clean by showing its bonafide but we find that our hopes have been dashed by the conduct and the stand taken by the MCD.

(ANITA MALHOTRA)
AR-CUM-PS

(ANJALI PANWAR)
COURT MASTER

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Ms. Ishita Ahuja, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) :

Ms. Garima Prasad, Sr. Adv.
Mr. Ashwani Kumar, Commissioner, MCD
Mr. Praveen Swarup, AOR
Ms. Archana Sharma, Adv.
Mr. Rohit Swarup, Adv.
Ms. Nidhi Singh, Adv.
Ms. Ashu Tomar, Adv.
Mr. Raghvendra Shukla, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

At 3.00 p.m.

In terms of the order passed by us in the forenoon,
Mr. Ashwani Kumar, Commissioner, Municipal Corporation of
Delhi (MCD) is present.

2. We have interacted with him and have expressed our anguish and concern with regard to the conduct and the role of the officers of the MCD. He accepts that there has been a communication gap and has assured that now he is very clear with regard to what has to be done in connection with maintaining of sanitation, cleanliness, removal of debris, cleaning of garbage, the upkeep of the lightening facility etc., which as of now, has to be taken care of by the MCD on a day-to-day basis. He further assures the Court that he would be taking appropriate action with regard to any officer(s)/official(s) of the MCD who may have been casual and non-serious in performing their duties in terms of the previous orders of this Court which has resulted in a situation where we had to call the Commissioner, MCD in person before us.

3. He takes a categorical stand that the omissions which are reflected, both from the report/affidavit on record as also what has transpired in the Court today, shall be taken care of within a week by the MCD.

4. Coming to the other aspect, which is restoration of the structure/monument which is the subject matter of the present proceeding, a plan for landscaping etc., learned counsel representing the Department of Archeology, Government of National Capital Territory of Delhi (GNCTD)

submits that much work has been done and the restoration is nearing its completion. However, with regard to the landscaping, though the process is on, the same shall take some time. But he assures that the progress is satisfactory and shall be taken to its logical conclusion soon.

5. Having regard to the aforesaid, list the matter on 18th September, 2025 to be taken up at 3.00 p.m.

6. By that day, affidavit shall be filed by both the MCD as well as the Department of Archeology, GNCTD.

7. Learned Court Commissioner as also the petitioner may file their suggestion(s)/report(s) on the next date of hearing.

8. It will be open to the parties to also interact among themselves so that any grey areas or matters which need to be collectively addressed to, is so done without any further delay.

9. The personal presence of the Commissioner, MCD is dispensed with, for the present.

10. Before parting, we would also request the Commissioner, MCD to depute a senior officer/official who shall personally monitor the situation on a day-to-day basis, considering the pre-occupation of the Commissioner, MCD.

11. The Commissioner, MCD would share the details of the said senior officer/official of the MCD with the concerned parties/learned counsel/Court Commissioner, so that they are in touch with each other.

(ANITA MALHOTRA)
AR-CUM-PS

(ANJALI PANWAR)
COURT MASTER