

ITEM NO.301

COURT NO.8

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

Date : 16-07-2025 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. Gopal Sankaranarayanan, Sr. Adv.
 Mr. Vishal Sinha, Adv.
 Ishita Chowdhury, Adv.

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) 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.
 Mr. Sarthak Karool, Adv.

Mr. Amrish Kumar, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Udai Khanna, Adv.
 Mr. Kanu Agrawal, Adv.
 Shivika Mehra, Adv.
 Ms. Sunita Sharma, Adv.
 Mr. B. L. N. Shivani, Adv.

Ms. Satvika Thakur, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Arvind Gupta, AOR

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.

Mr. Praveen Swarup, AOR
Ms. Garima Prasad, Sr. Adv.
Mr. Praveen Swarup, Adv.
Ms. Pareena Swarup, Adv.
Ms. Nidhi Singh, Adv.
Mr. Devesh Maurya, Adv.
Mr. Ravi Kumar, Adv.

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

Today, we have been informed at the Bar that pursuant to orders of this Court dated 14.05.2025 & 16.05.2025, the Municipal Corporation of Delhi (MCD) has evicted the disputed premises and has handed over the keys to the Land & Development Office (L&DO) who in turn has handed over the keys and possession to the Department of Archeology, Govt.of NCT of Delhi. All the same while doing so, as is clear from the photographs which have been shown to us by Mr. Gopal Sankaranarayanan, learned senior counsel (Court Commissioner) in the Court today, the whole area has been turned into a mess; we can see huge piles of garbage littered in the premises; there are half broken walls, and waste all around. We have also been informed by the Court Commissioner that the MCD has

not only failed to perform its statutory duty of cleaning the garbage and keeping the area clean but the entire area is also in dark as it is without electricity for the last three weeks. The learned senior counsel/counsel would submit that this is clearly as a retaliation of the eviction order of this Court.

We were inclined to issue notice under the Contempt of Courts Act on this as prima facie we are of the opinion that the action on the part of the MCD amounts to an obstruction to justice.

All the same we have been assured by Ms.Garima Prashad, learned senior counsel and Mr. Praveen Swarup, learned advocate-on-record that there is no such intention on the part of the MCD or its officers and the needful will be done at the earliest i.e. definitely before the next date of hearing, which is fixed for 23.07.2025 at 3.00 p.m.

We have also been informed at the Bar by the Court Commissioner that his letters to MCD remain unanswered.

We make it clear that vide order dated 16.05.2025, inter-alia it was directed that:-

"The parties to this case would also be at liberty to remove their doubts through the Court Commissioner, subject to the final decision of this Court."

Under these circumstances, the MCD should have responded to the queries being made by the Court Commissioner as he is presently the eyes and ears of this Court. We shall examine this aspect on the next date.

We have also been informed that pursuant to our orders dated 16.05.2025, where undertaking was given before this Court by

Mr.Shubhranshu Padhi, learned counsel for the Govt.of NCT of Delhi -respondent no.5, that a notification bringing the concerned monument under the definition of a 'protected monument' will be issued soon.

We have seen the notification dated 11.06.2025. Mr.Padhi, and the learned senior counsel/counsel has rightly said that the notification is not happily worded and that a suitable modification in the notification will be made of which this Court will be apprised on the next date of hearing.

Meanwhile, the Court Commissioner shall also inspect the area preferably on the coming Tuesday and apprise this Court as to the compliance of the order of this Court and the developments made so far. The concerned parties and the stakeholders in the case, including the Department of Archeology, will carve out a plan for the development of this area, to be placed before the concerned authority.

By this time, we hope all unauthorized structures will also be demolished and the area will be cleaned and be handed over to the Department of Archeology.

Meanwhile, any report including preliminary report prepared by the Expert(s) shall also be placed before this Court with an advance copy to the Court Commissioner and all the parties concerned.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR