

ITEM NO.14

COURT NO.6

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).26848/2023

[Arising out of impugned final judgment and order dated 08-08-2023 in WP No. 15215/2020 passed by the High Court of Karnataka at Bengaluru]

G. SATYANARAYANA @ GOURI SATYA & ANR.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

FOR ADMISSION and I.R. and IA No.252173/2023-EXEMPTION FROM FILING O.T.

IA No. 252173/2023 - EXEMPTION FROM FILING O.T.

IA No. 289022/2024 - INTERVENTION/IMPLEADMENT

Date : 02-09-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Dr. Aditya Sondhi, Sr. Adv.
Ms. B. V. Nidhishree, Adv.
Ms. Ranu Purohit, AOR
Mr. Yashas Rk, Adv.
Ms. Niharika Singh, Adv.
Mr. Rijuk Sarkar, Adv.

For Respondent(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Nishanth Patil, A.A.G.
Mr. Sanchit Garga, AOR
Mr. Ajay Desai, Adv.
Mr. Revanta Solanki, Adv.

Mr. S. K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, AOR
Ms. Uditha Chakravarthy, Adv.
Mr. Tarun, Adv.

Mr. Mahesh Thakur, AOR
Mrs. Vipasha Singh, Adv.
Mr. Ranvijay Singh Chandel, Adv.
Mr. Narveer Yadav, Adv.

Mr. Akash Vashishtha, Adv.
 Mr. Upender Thakur, Adv.
 Mr. Manish Vashishtha, AOR
 Mr. Abhishek Kaushik, Adv.
 Ms. Bhawana Piplani, Adv.
 Ms. Sunayna Agarwal, Adv.
 Ms. Anchal Khanna, Adv.

Mr. Archana Pathak Dave,, A.S.G.
 Ms. Harshita Choubey, Adv.
 Mr. Padmesh Mishra, Adv.
 Ms. Rajeshwari Shankar, Adv.
 Ms. Misha Kumar, Adv.
 Mr. Shreekant Neelappa Terdal, AOR

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

1. This petition arises from the judgment and order, passed by the High Court of Karnataka at Bengaluru, dated 08.08.2023, in Writ Petition (PIL) No.15215/2020, by which the Writ Petition filed by the petitioners herein, in public interest, relating to demolition and re-construction of Devaraja Market building and Lansdowne Building, situated in the city of Mysore, came to be rejected.
2. In such circumstances, referred to above, the original Writ Petitioners are here before us with the present petition.
3. We take notice of the two orders, passed by this Court, dated 04.12.2024 and 21.07.2024 respectively. The order dated 04.12.2024 reads thus:

"After hearing learned counsel for the parties, we are of the opinion that the Archaeological Survey of India (ASI) and Indian National Trust for Art and Cultural Heritage (INTACH) should also be made parties to the petition.

The Registry shall do the needful within one week from today.

Let notices be issued to the newly impleaded parties.
 Re-list the matter on 08.01.2025."

4. The order dated 21.07.2024 reads thus:

"Learned counsel for the Indian National Trust for Art and Cultural Heritage (INTACH) has appeared before this Court and undertakes to file a detailed report about the structure and the viability as to these structure(s) and preservation within a period of four weeks from today.

Learned counsel for the State of Karnataka shall also file an affidavit through the archeological department as to the viability of the project(s) and restoration of the concerned structure.

List on 26.08.2025.

Archeological Survey of India (ASI) shall also file necessary affidavit/document meanwhile."

5. In the course of the hearing of this matter today, our attention was drawn to the Report filed by the Indian National Trust for Art and Cultural Heritage (INTACH), the respondent No.6 before us. The Report reads thus:

"REPORT ON THE STRUCTURAL SAFETY AND PRESERVATION OF DEVARAJA MARKET AND LANSDOWNE BUILDING IN MYSURU (KARNATAKA) PREPARED BY INDIAN NATIONAL TRUST FOR ART & CULTURAL HERITAGE (INTACH), RESPONDENT NO. 6

MOST RESPECTFULLY SHOWETH:

1. That the present Special Leave Petition has been preferred by the Petitioners against the Impugned Judgment and Final Order, dated: 08.08.2023, passed by the Hon'ble High Court of Karnataka in Writ Petition No. 15215/2020, whereby, the Hon'ble High Court had dismissed the Public Interest Litigation of the Petitioners, inter alia, seeking a writ of Mandamus or any other appropriate writ, Order or direction to the Respondent authorities to refrain from demolishing or reconstructing the Devaraja Market and Lansdowne Building on the ground that the said two buildings were heritage buildings within the meaning of Section 2(1)(ea) of the Karnataka Town and Country Planning Act, 1961, in view of their classification as heritage buildings in the Master Plan 2031 for Mysore - Nanjangud Local Planning Area (Revision - II).

2. That this Hon'ble Court vide Order, dated: 21.07.2025, while recording the undertaking by the Counsel for the Respondent, herein, directed the Respondent, herein, Indian National Trust for Art & Cultural Heritage (INTACH, hereinafter referred to as INTACH) to file a detailed report as to the structure and the viability regarding preservation of Devaraja Market and Lansdowne Building in Mysuru (Karnataka) within a period of four weeks.

This Hon'ble Court vide Order, dated: 21.07.2025 had observed as follows:

"Learned counsel for the Indian National Trust for Art and Cultural Heritage (INTACH) has appeared before this Court and undertakes to file a detailed report about the structure and the viability as to these structure(s) and preservation within a period of four weeks from today. ..."

3. That during the pendency of the present SLP before this Hon'ble Court, the Commissioner of Mysore City Corporation had requested the Bengaluru Chapter of INTACH to carry out a comprehensive structural condition assessment of the Devaraja Market and Lansdowne Building and submit the findings in a technical report. Detailed studies were carried out during May 2025 to August 2025.

4. That a detailed report was prepared based on the comprehensive investigation and assessment of the Devaraja Market and Lansdowne Building, which is being filed before this Hon'ble Court in compliance of the Order, dated: 21.07.2025, passed by this Hon'ble Court.

(A True Copy of the Comprehensive Structural Condition Report of Devaraja Market and Lansdowne Building in Mysuru, prepared by INTACH Bengaluru Chapter, is annexed herewith and marked as ANNEXURE R-1) at pages 11 to 111)

5. That the salient features of the investigation and the recommendations for the two aforementioned heritage buildings are as under:

DEVARAJA MARKET:

(i) Devaraja Market has immense cultural, historic and architectural values. It is for these values that the same is designated as a heritage structure in Group A zone in the Master Plan 2031 [Mysore Urban Development Authority. (2016). Master Plan II - 2031: Mysore Nanjangud Local Planning Area], signifying its immense importance and placing it under the same stringent development controls as the Amba Vilas Palace, also known as the Mysore Palace. These values justify the need to restore the heritage building.

(ii) The structural investigation and assessment carried out supports that the structure can be preserved by adopting relatively minimal structural intervention techniques, while retaining the form, character and other intrinsic heritage values associated with it. The repair/retrofitting strategy should follow the well-accepted doctrines of conservation.

(iii) Due to the distinct structural layout in terms of blocks and gates, the restoration/retrofitting may be carried out block-wise.

(iv) In the investigation, it was revealed that the configuration of the vertical load-bearing masonry elements and lateral load resisting walls are found to be adequate to satisfy the stability requirements for all combination of loads. There are no evidences of global modes of failure/collapse of walls. The collapsed portion on the Northern side may be reconstructed to bring back the overall heritage value.

(v) There are some moderate structural cracks noticed in some load-bearing masonry elements. However, they are not likely to cause loss of stability. (There are adequate structural redundancies to prevent global collapse even when the individual walls are found to be distressed). However, in some shops, there are evidences of extreme vulnerability of roofing elements which may lead to subsequent severe distress in the load-bearing masonry walls and possible loss of stability, causing extreme risk to inmates. It is necessary to get the inmates vacated immediately and support the roofing system temporarily, till further decision is taken on overall repair/retrofitting strategies.

(vi) There are plenty of maintenance issues that are causing non-structural damages. There are many non-structural elements that are distressed significantly and they need to be protected from dislodging from its place to protect the inmates, visitors and the stored items. This has to be a part of routine maintenance/safety plan.

(vii) Foundation depth and width was found to be adequate (at the location exposed). There are no major evidences of foundation settlement issues.

(viii) The Geotechnical investigation has indicated that the bearing capacity is adequate and the bearing stresses from the foundation are well within the limits.

(ix) A careful and detailed conservation plan needs to be drawn up along with the maintenance manual by a team of conservation architects, structural engineers and other experts for long-term sustenance of the building.

(x) Repair/retrofitting of the entire building has to be done in a systematic manner and this has to be taken up after conducting another comprehensive analysis during the time of initiating the works.

LANSDOWNE BUILDING:

(i) Similar to the Devaraja Market, the Lansdowne Building, too, has immense cultural, historic and architectural values. It is for these values that the same is designated as a heritage structure in Group E and A zones in the Master Plan 2031 [Mysore Urban Development Authority. (2016). Master Plan II - 2031: Mysore Nanjangud Local Planning Area], signifying its immense importance and placing it under the same stringent development

controls as the Mysore Palace. These values justify the need to restore the heritage building. Also, the present investigation has clearly revealed that the structure can be preserved by adopting relatively simple structural intervention techniques, while retaining the form, character and other intrinsic heritage values associated with it.

(ii) The configuration of the vertical load-bearing masonry elements and lateral load resisting walls are found to be adequate to satisfy the stability requirements for all combination of loads. There are no evidences of global modes of failure. Local failures are observed at quite a few locations, which can be restored/retrofitted by following the well-accepted doctrines of conservation.

(iii) Due to the distinct structural layout in terms of blocks and gates, the restoration/retrofitting can be carried out block-wise.⁶

(iv) There are plenty of maintenance issues that are causing non-structural damages, which necessitate that there has to be a strategy for comprehensive maintenance, repair and retrofit schemes for the entire structure, preferably block-wise to ensure that the distress grades do not escalate.

(v) There are many non-structural elements that are distressed significantly and they need to be protected from dislodging from its place.

(vi) Foundation depth and width was found to be adequate (at the locations exposed). There are no major evidences of foundation settlement issues and the geotechnical investigation has indicated that the bearing capacity is adequate and the bearing stresses from the foundation are well within the limits.

(vii) A careful and detailed conservation plan needs to be drawn up along with the maintenance manual by a team of conservation architects, structural engineers and other experts for long-term sustenance of the building.

(viii) Repair/retrofitting of the entire building has to be done in a systematic manner and this has to be taken up after conducting another comprehensive analysis during the time of initiating the works.

6. That the instant Report is being filed for kind perusal and consideration of this Hon'ble Court.

7. That the Respondent, herein, shall abide with all Order(s) and direction(s) passed by this Hon'ble Court in the instant matter."

6. What we have been able to gather from the Report of

INTACH is that the structures can be preserved and some repair/retrofitting is required to be undertaken.

7. We heard Dr. Aditya Sondhi, the learned Senior Counsel appearing for the petitioners, Mr. Devadatt Kamat, the learned Senior Counsel appearing for the State of Karnataka, Mr. Akash Vashishtha, the learned counsel appearing for the INTACH (respondent No.6 herein), Mr. Ankur S. Kulkarni, the learned counsel appearing for the respondent No.2 and Ms. Archana Pathak Dave, the learned Additional Solicitor General of India appearing for respondent No.5 - Archaeological Survey of India.

8. Mr. Devadatt Kamat, the learned Senior Counsel, vehemently submitted that the State has taken a conscious decision to bring down the structures and rebuild them with the same facade and heritage look. According to him, since the structures are within the State of Karnataka, the Government would have the primacy and discretion in these type of matters.

9. *Prima facie*, we are of the view, more particularly, having regard to the report of INTACH, referred to above, that if it is possible to preserve the two structures, as they are, with some repairs/renovations then nothing like that. Although, there is one report of INTACH as an expert body yet we would still like to call for one another report from the IIT, Roorkee.

10. We, accordingly, implead IIT, Roorkee, as the respondent No.7 through its Director. The cause-title be amended accordingly.

11. We issue notice to the newly impleaded respondent No.7 - IIT, Roorkee through its Director.

12. Dasti, in addition, is permitted.

13. We request the Director, IIT, Roorkee to constitute an expert committee for the purpose of evaluating the two buildings in question, their current status and to what extent the two buildings can be preserved as heritage structures. Let this exercise be undertaken at the earliest and a report be filed, in a sealed cover, within a period of eight weeks from today.

14. Once we are in receipt of the report that may be filed by the IIT, Roorkee, we shall proceed to hear the matter further.

15. We direct the respondent No.2 - Mysuru City Corporation to deposit an amount of Rs.5,00,000/- (Rupees Five Lakh) with the IIT, Roorkee towards the expenses that the Committee may incur for the purpose of undertaking the inspection/survey of the structures and preparation of an appropriate report in that regard.

16. List immediately after receipt of the above-mentioned report.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)