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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4302/2015 & CM Nos.7796/2015, 9124/2015, 9229/2015,  
9230/2015, 10004/2015, 13078/2015, 19041/2016

THE INDIAN NATIONAL TRUST FOR ART & CULTURAL  
HERITAGE (INTACH) & ANR

..... Petitioners

Through : Mr Gourab Banerji, Senior Advocate  
with Ms Charu Ambwani and  
Ms Manisha Singh

versus

DELHI DEVELOPMENT AUTHORITY & ORS

..... Respondents

Through : Mr Arjun Pant for DDA.  
Mr Saleem Ahmed with Ms Charu Dalal  
for Delhi Waqf Board  
Ms Arti Bansal with Ms Nandita  
Mishra for R-5/SDMC.  
Mr Febin Mathew for R-6.  
Mr Shubansu Gupta for Mr Anuj  
Aggarwal for GNCTD.  
Mr Akshay Makhija with Ms Mahima  
Bahl, Mr Sumant Bhushan and Mr Shivi  
Sanyam for R-3.  
Mr Satish Kumar Tripathi for  
applicant in CM 9124/2015.

**CORAM:**

**HON'BLE MR. JUSTICE BADAR DURREZ AHMED**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**31.08.2016**

Mr Pant, the learned counsel appearing for the DDA, shall file an affidavit of a responsible person indicating as to why the wall on the western side of the park, which we had directed to be constructed, has not been constructed till date. Mr Pant, on instructions from Mr Kunwar Pal Singh, Assistant Director, Horticulture, DDA, states that the construction of the wall has begun and almost



50% of the wall has been completed. The extent to which the wall has been completed shall be clearly indicated in the map to be filed by them. The said affidavit and map be filed within two weeks.

Mr Saleem Ahmed, the learned counsel appearing on behalf of the Delhi Waqf Board, shall clearly indicate as to what action has been taken with regard to Kala Mahal Masjid and the encroachments therein under the Waqf Act. The affidavit shall be filed within two weeks.

We had also directed various agencies to provide a list of heritage structures in the Mehrauli Archaeological Park. The ASI has filed its list of six such heritage properties. The Delhi Archaeological Department has also furnished its list of 17 such properties. The Waqf Board has furnished an affidavit along with photographs of over 100 such properties. However, Mr Banerji, the learned senior counsel appearing on behalf of the petitioners, submits that it is very difficult to co-relate the photographs with the locations at site. Therefore, we direct Mr Saleem Ahmed to ensure that the photographs which are taken shall either be geo-tagged or photographs be numbered in such a way that they correspond to the numbers marked on a map indicating the correct location. The same be done within two weeks.

Insofar as the DDA is concerned, Mr Pant assures this Court that the list would be filed within two weeks along with the affidavit which it is required to file.



We had added Delhi Jal Board as respondent No. 9 and despite service of notice, nobody has appeared on behalf of the respondent No.9 today. Their presence is necessary particularly in respect of the Mehrauli drain which flows through the park. We direct issuance of a fresh notice to the nominated/standing counsel for the Delhi Jal Board so that he is present on the next date of hearing. The Delhi Jal Board shall, in the meanwhile, also file a status report with regard to the waste management/rehabilitation project in the park.

Finally, Mr Makhija, the learned counsel appearing on behalf of the ASI, states that he shall submit a copy of the comprehensive conservation plan for the Mehrauli Archaeological Park as referred to in the affidavit of the ASI dated 16.05.2016.

Renotify on 28.09.2016.

**BADAR DURREZ AHMED, J**

**ASHUTOSH KUMAR, J**

**AUGUST 31, 2016**  
**SR**