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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4302/2015

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

Through: Mr.Gourab Banerji, Sr.Adv. with
Ms.Ishita Mishra, Ms.Charu Ambvani,
Mr.Manoj Pandey and
Mr.S.P.Mukkerkee, Advocates

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through Mr. Arjun Pant, Advocate for DDA.
Ms. Puja Dewan, Advocate for R-2
Mr.Aarti Bansal and Mr.Soumava
Karmakar
Mr. Akshay Makhija, CGSC with Mr.
Ankit Tyagi, Advocate for UOI.
Mr. Anuj Aggarwal, ASC, GNCTD with
Mr. Deepak Shrivastava, Advocate.
Mr. Sumeet Pushkarna, Advocate for
DJB.
Mr. Saleem Ahmed, Senior Standing
Counsel with Ms. Charu Dalal, Advocate
for Delhi Waqf Board.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.11.2019

Mr. Akshay Makhija, learned counsel appearing for Union of India, submits that though the status report has been filed on 26.11.2019, the same is not on record. Let the status report be placed on record. Copy has been supplied to the petitioners.

This matter has been listed from time to time with the objective of conserving 127 monuments in the Mehrauli Archaeological Park. Mr. Gourab Banerji, learned senior counsel appearing for the petitioner has drawn the



attention of the Court to order dated 09.05.2018 wherein it has been noticed that the Minutes of Meeting clearly show that the Committee appears to have been bogged down by the issue of ownership of the several monuments as between the multiple agencies involved; and felt constrained in acting further till the agencies resolve the *inter-se* ownership issues. The Court then opined that the Committee should not be constrained in any manner by the issue of ownership; and issued direction to the Committee to proceed further with its task of conducting a survey and preparing a management plan for the conservation of the heritage sites including the various monuments.

The attention of the Court has also been drawn to another order dated 17.07.19 passed by this court, wherein some of the earlier orders passed in the matter have also been highlighted, contending that the committee should proceed without being bogged-down by ownership issues.

Mr. Makhija on the other hand submits that though a comprehensive conservation management programme has not yet been finalised but a draft plan has already been prepared.

In these circumstances, we may only reiterate the directions issued in our previous orders, that no construction activity shall be allowed in the Mehrauli Archaeological Park except with the leave of this Court and any violation of the order passed by this Court shall be viewed strictly. Additionally, we direct the Committee to file a report detailing the names of the monuments, alongwith photographs showing the present status of the monuments, more particularly as to whether the monuments are occupied; and in case of encroachment or squatting, the names and status of the persons who have been doing so. The report must also indicate the authority under whose superintendence each monument is at present. This exercise will be carried-out in respect of each monument before the next date of hearing. Proper vigilance shall also be kept over the monuments and any attempt at encroachment shall be repelled and



suitable measures shall be taken to protect the monuments.

Meanwhile, let a copy of the draft conservation plan be placed before this court along with a report on the status of the monuments, within four weeks from today.

List on 21.01.2020.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 27, 2019

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