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

+ **W.P.(C) 4302/2015**

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

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

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr Saleem Ahmed and Mr Hashmat Nabi,
Advocates for Waqf Board.
Mr Satish Kumar Tripathi, Advocate for
applicants in CM No.9124/2015.
Mr Anuj Aggarwal, Advocate for R-4/Delhi
Police.
Mr Akshay Makhija, Advocate for ASI.
Ms Avti Bansal, Advocate for R-5/SDMC.
Mr Arjun Pant, Advocate for the DDA.
Mr Febin M.Varghese, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **18.05.2016**

**W.P.(C) 4302/2015 & CM Nos.7796/2015(stay), 9124/2015(O.I R.10 CPC),
9229/2015(O.I R.10 CPC), 9230/2015(clarification of order dated 29.04.2015),
10004/2015(impleadment), 13078/2015(interim protection), 19041/2016(delay in
filing affidavit for 16 days on behalf of Waqf Board)**

With regard to the construction which was going on at the Kala Mahal Masjid, it is now clear that all activities have been stopped. The Waqf Board is claiming ownership over the said property. Mr Salim Ahmed, the learned counsel appearing on behalf of the Waqf Board, states that action has already been initiated under the Waqf Act, 1995 and that the same shall be taken to its logical conclusion.

The DDA was required to construct a boundary wall as per our order dated 02.03.2016. Mr Pant, the learned counsel appearing on behalf of the DDA, submits that



the boundary wall is under construction. A status report shall be filed before the next date of hearing.

Further to our order dated 02.03.2016, we find that although the ASI has filed the affidavit, the DDA and Waqf Board have not done so. They shall do so within four weeks. The Delhi Jal Board has also not filed affidavits/status reports. They shall comply with the directions positively within two weeks from today. The learned counsel appearing for the ASI also submits that a comprehensive plan/proposal, as directed by us on the previous occasion, shall be placed on record.

Renotify on 31.08.2016.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 18, 2016
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