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

+ W.P.(C) 4302/2015 & CM 7796/15, 9124/15, 9229-30/15,10004/15,
13078/15

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

..... Petitioners

Through: Mr Govrab Banerji, Sr. Adv. with Ms
Charu Ambwani, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr Arjun Pant, Adv. for DDA
Mr Puja Dewan Seth, Adv. for R-2
Mr Akshay Makhija, CGSC with Ms
Mahima Bahl, Adv. for R-3/ASI
Ms Megha Srivastava, Adv. for
R-6/DUAC
Mr Satish Kr. Tripathi, Adv. for
applicant in CM No. 9124/2015
Ms Arti Bansal, Mr Kunal Gosain and
Ms Navdita, Advocates for SDMC

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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02.03.2016

On 28.10.2015, we had observed as under:-

“On a preliminary look at the draft map which has been prepared, we find that the entire forest area is more or less well protected on the east and as it is bounded by the Mehrauli-Gurgaon Road. On the north also, there seems to be ample protection because it is bounded by the Qutub Minar and other heritage properties which



are under protection of ASI. There seems to be a problem on the southern corner of the said forest where some of the protected monuments are situated. There also appear to be encroachments along the western border of the forest. It is therefore essential that the area is demarcated and is secured possibly by construction of a boundary wall along the southern and western borders.”

There appears to be some dispute with regard to demarcation in so far as southern corner of the said forest is concerned and particularly with regard to Khasra No. 217. The dispute is essentially between the Waqf Board and Delhi Development Authority. But, what is clear is that forest area must be protected on the western border. It is, therefore, essential that the DDA constructs a wall on the western border so that there is no further encroachment from the west. In so far as the eastern part of the forest is concerned, we have already indicated that it is well protected as it is bounded by the Mehrauli-Gurgaon Road. The Northern part of the forest also has adequate protection because it is bounded by the Qutub Minar and other heritage properties.

We, therefore, direct the DDA to construct a boundary wall on the western boarder of the forest so as to prevent any further encroachment on to the forest area from the west. In so far as the dispute with regard to Khasra No. 217 is concerned, we shall take up this matter on the next date of hearing.

The ASI as well as the Waqf Board and the DDA and the Department of Archaeology, Govt. of NCT of Delhi shall furnish a list of heritage structures/features in the said forest/park with the ownership status



and the photographs before the next date of hearing. An advance copy may be given to the learned counsel for the petitioner.

The Delhi Jal Board is impleaded as Respondent No. 9. The amended memo of parties shall be filed within two days by the learned counsel for the petitioners. Notice shall go to the nominated/standing counsel for DJB which shall indicate that before the next date of hearing, the DJB shall file a status report with regard to the waste management/rehabilitation project for the said park (more specifically pertaining to the Mehrauli drain which flows through the park).

The learned counsel for ASI is directed to submit a comprehensive conversion plan for the Mehrauli Archaeological Park which has reference at page no. 167 of the paper book.

Renotify on 18.05.2016.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 02, 2016
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