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

+ W.P.(C) 4302/2015 & CM Nos.7796/2015, 9124/2015, 9229-9230/2015, 10004/2015, 13078/2015, 19041/2016 & 6165/2017

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

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Ms.Manisha Singh, Advocate, for the petitioners.
Mr.Satish Kr.Tripathi, Advocate, for the applicant in CM APPL.9124/2015.
Mr.Akshay Makhija, CGSC for R-3.
Mr.Anuj Aggarwal, ASC for GNCTD with Ms.Deboshree Mukherjee, Advocate, for R-4.
Ms.Kanika Srivastava with Mr.Sumeet Pushkarna, Standing Counsel for DJB.
Ms.Tasneem Ahmadi with Ms.Shubhi Khare, Advocates for the applicant in CM APPL.9229-30/15
Mr.Febin Mathew with Mr.Dhiraj, Advocates for R-6.
Ms.Arati Bansal, Advocate for SDMC.
Mr.Hashmat Nabi with Mr.Abhinav Thareja, Advocates for R-8.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE S.P.GARG

ORDER

09.08.2017

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The copy of the minutes of meeting of the Committee directed to be



constituted by this Court have been produced. The same is hereby taken on record.

Learned counsel for Government of NCT of Delhi seeks liberty to place on record an affidavit on behalf of the Department of Forest Wildlife, GNCT. Liberty granted. Affidavit is hereby taken on record.

Minutes of meeting, pertinently state as under:

1. The nomination of representatives by various stake holders have been received but still nomination of representatives from SDM (mehrauli), DM (Saket), Forest Department and SDMC have not been received till date. It was decided to issue a reminder letter to the above departments to nominate their representatives within seven days (Action-ASI & DC)

2. After discussion, committee members unanimously decided that the area plotted in the drawing No.DC/Tech-SK/2015-17/Dem-01 i.e.demarcation of the Khasra Nos.162 to 171 and 209 and 217 Village Ladha Sarai, Tehsil Saket, New Delhi, be accepted as tentative boundary of Mehrauli Archaeological Park that was submitted to the Hon'ble Court and SDM, Saket may be requested to undertake the demarcation of the area and handover the data duly supported with authenticated revenue records, ownership etc to the DDA within 15 days (Action-SDM Saket)

3. It has been agreed that once demarcation is completed and duly authenticated map and revenue data is submitted to DDA, they will prepare a detailed map of all the properties located in the Mehrauli Archaeological Park that was by way of TSS within a fortnight (Action-DDA)

4. It was discussed and decided that INTACH will provide a frame work and detailed Template for management plan to all stakeholders enabling them to provide relevant data to the DDA for preparation of CCMP of Mehrauli Archaeological Park (Action-INTACH)



5. Once the area is demarcated, all stakeholders will submit requisite data to the DDA for finalizing CCMP. However, all members were agreed upon to continue their data collection in order to avoid any further delay (Action-All Stake Holders).

6. Waqf Board has been requested to provide a set of record including detailed revenue record, ownership and photographs of all Waqf properties of the area to the DDA (Action-Waqf Board)

7. Representative of Waqf Board has informed that encroachments from Khan Shahid's Tom is removed by SA, Delhi circle objected that poles used for shed are still there and students are also not shifted from the monument. Representative of Waqf Board has assured that they will be shifted within ten days (Action-Waqf Board).

It is pointed out by the learned counsel for the petitioners that the affidavit of the Forest Department is not yet clear as to the extent of the boundaries of the notified forest. The GNCT shall clarify them by filing appropriate affidavit including clear map and also disclosing the particulars of the individual Khasra numbers which constitute forest area and their extent.

It is stated that construction of boundary wall by the DDA, furthermore the order dated 17.5.2017 with respect to the fencing of the disputed areas has not been complied with. Learned counsel for the DDA states that affidavit clarifying situation of the wall shall be filed before the next date of hearing. This Court notices that nominees/nodal officers of the SDM (Mehrauli), DM Saket, Forest Department and SDMC have not been nominated even as on date. Immediate action in that regard shall be taken by the concerned departments failing which the concerned SDM, DM of concerned area, Deputy Commissioner, SDM and the Chief Conservator



(Forests) GNCT of Delhi shall be present in the court on the next date.

Archaeological Survey of India (ASI) is directed to file Action Taken Report in respect to the Khan Shahid Tomb and its vicinity area in compliance of the order dated 17.05.2017.

List on 14th September, 2017.

S. RAVINDRA BHAT, J

S.P.GARG, J

AUGUST 09, 2017/sa