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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4302/2015 & CMs 7796/15, 9124/15, 9229-30/15,
10004/15, 13078/15, 19041/16, 6165/17

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

Through: Mr. Gourab Banerji, Senior
Advocate with Ms. Charu Ambawani &
Ms. Manisha Singh, Advocates

Versus

DELHI DEVELOPMENT AUTHORITY & ORSRespondents

Through: Mr. Anuj Aggarwal, ASC for
respondent-GNCTD
Ms. Puja Dewan, Advocate for respondent No.2
Mr. Akshay Makhija, CGSC with Mr. Shivi
Sanyam, Advocate for respondent-ASI
Mr. Tasneem Ahmadi and Ms. Shubhi Khare,
Advocates for applicant in CM 9229-30/15
Mr. Sumeet Pushkarna, Standing Counsel with
Mr. Sahil Ghai and Ms. Aarushi Gupta,
Advocates for respondent-DJB
Mr. Arjun Pant, Advocate for DDA with Mr.
Dhani Ram, E.E. (SD-3) and Mr. Tilak Singh,
E.E. (Elec. Division-13)
Ms. Arti Bansal and Mr. Ashutosh Nandan
Atrey, Advocates for respondent-SDMC
Mr. Febin M. Varghese, Advocate for
respondent No.6
Inspector Madan Meena, P.S. Mehrauli
Mr. Satish Kumar Tirpathi & Mr. Amit Kumar
Dubey, Advocates for applicant in CM
9124/2015

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR



ORDER
14.09.2017

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Counsel appearing for Archeological Survey of India has sought liberty to place on record its status report. Liberty granted. Status report is hereby taken on record.

Status report encloses the minutes of meeting held on 21st August, 2017 which *inter alia* records as follows: -

“In previous meeting 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 but they have not been able to provide and assured that it will be provided to DDA at the earlier. (Action-Waqf Board)

In previous meeting representative of Waqf Board has informed that encroachments from Khan Shahid’s Tomb will be removed fully but there are some materials still lying there and children are still studying there for which representative of Waqf Board has stated that, the matter has been referred to the legal cell of Waqf Board and after getting reply from them, the decision of shifting of Madarsa will be taken. (Action-Waqf Board). SA Delhi Circle has stressed that since Hon’ble Court had already issued an order to remove encroachments hence it should be ensured without any delay.”

Learned Senior Counsel for petitioners points out that there is no clarity about the number of mosques/madarasas which exist within the area designated as Mehrauli Archeological Park and states that relevant particulars should be furnished in this regard.

The Delhi Waqf Board is hereby directed to furnish particulars such as— which are the monuments, claimed to be/ or used as “live



mosques/madarsas” ; whether and if any individual reside in such premises; the concerned notification/order/gazette extract, through which such premises have been designated as mosques/madarsas; copy of such documents are also to be produced and lastly, the permission of the concerned local body i.e. South Delhi Municipal Corporation (SDMC). An affidavit in this regard shall be filed within four weeks, enclosing copies of all the relevant documents or any other document connected with such details.

It is submitted by on behalf of DDA that the concerned District Magistrate has expressed the need for fresh demarcation and that the same would be carried out to the extent necessary. Subject to completion of that exercise, the DDA shall ensure that the construction of boundary walls, on the western side of the park, which abuts the Lado Sarai Village is properly done and secured, so as to prevent any further encroachment. The Court was shown a site plan that had tentatively marked certain areas. In this regard, it is clarified that a larger area; the entire boundary of the concerned side of the park has to be appropriately fenced, to prevent further encroachment.

Counsel for Govt. of NCT of Delhi appearing on behalf of Forest Department wishes to place on record the affidavit in compliance with the previous orders alongwith a map. The same is hereby taken on record.

The SDMC has today informed the Court that one Sh. A.K. Mittal, Superintending Engineer (II), has been nominated as representative of SDMC.

SDMC shall ensure his attendance in all the committee meetings henceforth.



It was pointed out by learned Senior Counsel for petitioners that the Committee has done significant work. The Court hereby records its appreciation in this regard.

List on 14th November, 2017.

Dasti.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 14, 2017

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