

ITEM NO.301

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12213/2019

[Arising out of impugned final judgment and order dated 20-02-2019 in WPC No. 4099/2018 passed by the High Court of Delhi at New Delhi]

RAJEEV SURI

Petitioner(s)

VERSUS

ARCHAEOLOGICAL SURVEY OF INDIA & ORS.

Respondent(s)

(IA No. 78852/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 25-03-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) : Mr. Shikhil Suri, Sr. Adv.
Mr. Saurabh Jha, Adv.
Mr. D. Anand, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) : Mr. S. D. Sanjay, A.S.G.
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karool, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Amrish Kumar, AOR

Mr. Udai Khanna, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Shivika Mehra, Adv.
Ms. Sunita Sharma, Adv.
Mr. B. L. N. Shivani, Adv.
Ms. Satvika Thakur, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Rakesh Sinha, Adv.
Mr. Arvind Gupta, AOR
Mr. Md. Ghulam Akbar, Adv.
Mr. Jeemon Raju K, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Jai Nirupam, Adv.
Mr. D. Girish Kumar, Adv.
Mr. Pranav Giri, Adv.
Mr. Ekansh Sisodia, Adv.

Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Prasenjeet Mohapatra, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Neelakshi Bhadauria, Adv.

Mr. Praveen Swarup, AOR

UPON hearing the counsel the Court made the following
O R D E R

Mr. S. D. Sanjay, learned Additional Solicitor General, appears for Land and Development Officer [L&DO], Ministry of Housing and Urban Affairs, and has apprised this Court that the land belongs to the Union of India. For all effective purposes, we direct that the land be handed over to the Union of India through L&DO within a period of one week from today. The L&DO will, in turn, give ingress and egress facility to the Department of Archeology, Govt. of NCT of Delhi, which has been given the responsibility for the conservation and restoration of the monument so that no hindrance is put on their work in any manner.

In the meanwhile, the L&DO shall remove all encroachments and ensure that no parking is permitted in that area henceforth and shall apprise this Court by filing an affidavit within a period of one week from today.

We have been constrained to pass such orders since the MCD is not represented before this Court despite our repeated orders nor has complied with any of the orders of this Court. What has to be

further done in this respect i.e. regarding non-appearance of MCD, will be considered on the next date of hearing.

The Defence Colony Welfare Association has been occupying the premises free of cost for more than 60 years. They have vacated the premises only on 03.02.2025. We have also made it clear in our previous order that they will have to give compensation to the authorities for their occupancy over the last 60 years.

Mr. Rakesh Sinha, learned counsel appearing for the Welfare Association, has apprised this Court that the Defence Colony was established as a society for Defence personnel and at least in the initial years, it was totally inhabited by Army Officers and their families. The composition of the residents has changed over the last many years. This consideration we have kept in our mind and for this reason, we are taking a lenient view on the compensation to be paid, but considering that 1600 plots (4000 units) have already been constructed, we quantify the compensation as Rs. 40 Lakhs, which shall be paid by the Welfare Association to the Department of Archeology, who has been entrusted the work of conservation and rehabilitation of the monument.

Mr. Rakesh Sinha, learned counsel representing the Welfare Association, has apprised this Court that this amount shall be recovered from the funds collected from the residents. Mr. S. D. Sanjay, learned ASG, has apprised this Court that rest of the amount needed for the conservation and restoration of the monument shall be funded by the Government of India and Government of NCT of Delhi equally.

Since the Department of Archaeology has already expressed its intention declaring the monument as a 'protected monument', we do not see that any procedural hurdle should come in the way of conservation and restoration of the monument as directed by this Court.

Re-list the matter on 08.04.2025 at 03.00 PM.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(MAMTA RANI)
COURT MASTER