

ITEM NO.301

COURT NO.7

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. 110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 31-07-2025 This matter was called on for hearing today.

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

Mr. Gopal Sankaranayan, Sr. Adv.
(Court Commissioner)
assisted by :
Mr. Vishal Sinha, Adv.
Ms. Ishita Choudhary, Adv.

For Petitioner(s) : Mr. Shikhil Shiv Suri, Sr. Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Wamika Chadha, Adv.
Ms. Ishita Ahuja, Adv.
Mr. Vibhor Choudhary, Adv.
Mr. Saurabh Jha, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) : Mr. S. D. Sanjay, A.S.G.
Mr. Divyam Aggarwal, Adv.
Mr. Shubham Prakash Mishra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karool, Adv.
Mr. Khushal Kolwar, 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. Mohd Ghulam Akbar, Adv.
 Mr. Jeemon Raju, Adv.
 Mr. Shruti Shashi, Adv.
 Mr. Sushant Shekhar, Adv.

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

Mr. Prasenjeet Mohapatra, Adv.
 Mr. Sanjay Kumar Tyagi, Adv.
 Ms. Neelakshi Bhadauria, Adv.
 Mr. Rishikesh Haridas, Adv.
 Mr. Mukesh Kumar Maroria, AOR

Ms. Garima Prasad, Sr. Adv.
 Mr. Praveen Swarup, Adv.
 Ms. Pareena Swarup, Adv.
 Ms. Nidhi Singh, Adv.
 Mr. Devesh Maurya, Adv.
 Mr. Sukhamrit Singh, Adv.
 Mr. Praveen Swarup, AOR

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

There were certain anomalies in the Notification dated 11.06.2025, whereby the Gumti of Shaikh Ali was earlier declared as a 'protected monument' in exercise of powers under Section 4 of The Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act, 2004. Now a corrigendum has been prepared and we have been informed that the same has also been cleared at the level of the Lieutenant Governor of Delhi and will be shortly notified.

Learned counsel appearing for the Municipal Corporation of Delhi [MCD] has also assured this Court that they have cleared the waste lying in the park and will continue to perform its duties. We may summarize the steps taken so far and what needs to be done regularly and the work which still remains pending, which are as follows :-

“STEPS UNDERTAKEN

- 1. Handing over of the possession of the Gumti from the Defence Colony Resident Welfare Association to L&DO, Government of India*
- 2. Inclusion of the peripheral quadrants into the scope of this petition as suggested by Dr. Liddle's report.*
- 3. Closure of all illegal parking activities around the Gumti area*
- 4. Bollards were built on Arjun Marg for providing pedestrian access and stopping vehicular entry*
- 5. Demolition and removal of all encroachments of the Municipal Corporation of Delhi and the Delhi Jal Board in the Gumti area.*
- 6. Handing over of possession of the Gumti and the Gumti area from the L&DO, Government of India and the Municipal Corporation of Delhi to the Department of Archaeology, GNCTD.*
- 7. Collection of funds (i.e., Rs. 40 lakhs) from the Defence Colony Resident Welfare Association to contribute for the restoration work*
- 8. Initiation of restoration work of the Gumti and overseeing the plans.*

MAINTENANCE Steps To be UNDERTAKEN REGULARLY

1. *Cleaning and general upkeep of the Gumti area to be done regularly*
2. *Streetlamps and electrical connection around the Gumti to be maintained*
3. *Water connection points to be regularly checked to avoid wastage*
4. *The children's park (existing in one of the quadrants) to be maintained and made accessible to the public*
5. *Sufficient guards and security arrangements to be made*
6. *'No Parking' boards to be erected on the outer perimeter*
7. *Electricity connection in the temple to be restored*

PENDING STEPS

1. *Finalising the Restoration Plan and completion of restoration work of the Gumti (Tentative timeline - End of August 2025)*
2. *Publication of the notification declaring the Gumti as a protected monument under the 'Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act, 2004'*
3. *Levelling of the entire Gumti area and removal of remaining debris*
4. *Finalization of the landscape plan of the Gumti Area, including the extent of permissible activities (such as cycling, running track, etc.)”*

We have also been informed by Mr. Shubhranshu Padhi, learned counsel appearing for the Govt. of NCT of Delhi, that the restoration work of the Monument is presently going on and in fact, is likely to be completed by the end of August, 2025.

We have also been assured that after taking opinion of all the

concerned parties, particularly the Members of the Committee, the experts and also the Court Commissioner, including the petitioner, the park which consists of 04 quadrants, as it exists now, shall be maintained and beautified so that it retains its natural beauty and may be used for the benefit of the general public.

The only direction which needs to be given here is that it should not be used for any other purpose and no activity such as construction of Badminton Court, Basketball Court etc. be made considering the limitations of the area itself. Needless to say, there will be no commercial activity, nor any kiosks/shops be allowed in the area.

In the meanwhile, the Court Commissioner shall also coordinate with the concerned Department, including the Horticulture Department, for maintenance and beautification of the park.

Re-list the matter on 28.08.2025.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR