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

+ W.P.(C) 1475/2001

S.N.BHARDWAJ ADVOCATE

..... Petitioner

Through : Mr. Rajeev Saxena and Mr. Raj
Bahadur Singh, Advs.

versus

ARCHAEOLOGICAL SURVEY OF INDIA Respondent

Through : Mr. Sanjeev Narula, CGSC and Mr.
Abhisehk Ghai, Adv. for ASI/UOI.

Mr. Sanjeev Sabharwal, Standing
Counsel and Mr. Hem Kumar, Adv. for
DDA.

Mr. Naushad Ahmed Khan, ASC for
GNCTD.

Mr. Rajeev Saxena and Mr. Raj
Bahadur Singh, Advs. for R-4.

AND

+ W.P.(C) 2193/2001

GRAMJAN VIKAS SANGATHAN

..... Petitioner

Through : Mr. Rajeev Saxena and Mr. Raj
Bahadur Singh, Advs.

versus

NCT OF DELHI & ORS Respondents

Through : Mr. Naushad Ahmed Khan, ASC for
GNCTD.

Mr. Sanjeev Narula, CGSC and Mr.
Abhisehk Ghai, Adv. for ASI/UOI.

Mr. Sanjeev Sabharwal, Standing
Counsel and Mr. Hem Kumar, Adv. for
DDA.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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17.05.2017

The court is of the opinion that the issue of survey of structure to

determine which of them existed in 1993, as indicated by the judgment of the Supreme Court, would be better subserved, if a committee overseas the task. Accordingly, the committee, comprising the Vice-Chairman, DDA (or his nominee, preferably the Member Commissioner Land Management), the Commissioner of SDMC (represented by the Deputy Commissioner of the concerned Zone), a senior ranking official of the ASI to be nominated by its Director General, the Joint Commissioner of Delhi Police and the Secretary-Revenue as well as an independent observer i.e. representative of INTACH, be formed.

The concerned senior most ranking officer shall chair the meeting. The first meeting shall be held on 05.06.2017. The following aspects shall be taken into account while undertaking the survey to determine the existence of the structures through inspection, which shall be in the form of an investigation.

- (i) The identification of each existing structure is to be carried out on 3 specific dates like a census operation.
- (ii) This exercise shall not only identify the structure but also the built up area;
- (iii) The previous relevant records i.e. census record 1991, 2001, 2011, voters list may be taken into account to determine what kind of buildings or structures existed in the past.
- (iv) Likewise Gaon Sabha records and other relevant revenue documents to decide the age of the structure which existed pre-1993 and the ones that came up thereafter, shall be taken into account.

- (v) The committee shall indicate the standards for verification of the documents.
- (vi) The committee shall compare the 1993 Aerial Mapping Results with the existing mapping results of the plotting done on the basis of current super imposition methods.

The committee shall also take steps to ensure that the survey is backed up with suitable photographs. On the basis of this, the committee shall ensure proper demarcation to protect the monument hereafter.

List on 19th July, 2017 for compliance. The ASI shall file the action taken report.

The present order shall be marked to each of the officers/authorities mentioned.

Registry shall also supply copy of the order to the concerned officials/bodies.

Dasti as well to the counsels.

The date fixed earlier i.e. 24th May, 2017 stands cancelled.

The committee shall be mindful of three distinct areas in the Tughlaqabad Fort i.e. outer walls, area within the precincts of the Fort and the citadel while carrying out this exercise which shall demarcate that which structure falls in each area.

S. RAVINDRA BHAT, J

PRATHIBA M. SINGH, J

MAY 17, 2017/dk