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

+ **CONT.CAS(C) 20/2020**

DINESH GOPAL Petitioner

Through: **Mr. Gaurav Bahl, Adv.**

versus

USHA SHARMA & ORS. Respondents

Through: **Ms. Archana Gaur and Ms. Ridhima Gaur, Advs. for R-1.**
Ms. Priya Kalra, SC for R-4/NDMC.

+ **W.P.(C) 12172/2019 and CM APPL. 49768/2019**

DINESH GOPAL Petitioner

Through: **Mr. Gaurav Bahl, Adv.**

versus

ARCHAEOLOGICAL SURVEY OF INDIA AND ORS.

..... Respondents

Through: **Ms. Archana Gaur and Ms. Ridhima Gaur, Advs. for R-1.**
Ms. Priya Kalra, SC for R-4/NDMC
Mr. Subhash Garg, Adv. for R-6.
Mr. Ankit Jain, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

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15.03.2022

This petition had brought to the attention of the Court alleged unauthorised constructions which were being raised in violation of the provisions made by the Archaeological Survey of India [ASI] with respect

to illegal constructions in the prohibited and regulated zones of ancient monuments. The constructions in question were stated to have been raised within a 100 meter radial distance of the Tripoliya Gate. The allegations of unauthorised constructions were essentially directed against respondent Nos. 5 to 9. The Court notes that pursuant to the earlier orders passed, ASI has filed a status report. That status report stands restricted in its disclosures with respect to constructions which are stated to have been made in the prohibited and regulated areas by one Shri Gupti Sagar Vidyapeeth Charitable Society (Regd.). The status report has not placed on the record specific details with respect to the validity of the constructions which may have been raised by the other private respondents.

The Court also takes into consideration the order of 5 February 2020 in terms of which it was noted that the fifth respondent as presently described appeared to have been incorrectly arrayed, when in fact the allegations had been found to have substance insofar as the Shri Gupti Sagar Vidyapeeth Charitable Society (Regd.) is concerned. This is also evident from the disclosures made by ASI in its status report. In view of the aforesaid the petitioner is hereby directed to file amended memo of parties and implead that Society as a party respondent as well as delete the presently arrayed fifth respondent.

ASI is directed to file a further affidavit specifically detailing the nature of constructions which may have been raised by the private respondents as well as others within the prohibited and regulated zones of the ancient monument in question. That report shall also specifically indicate the extent of constructions that may have come to exist in both the prohibited as well as the regulated area.

Insofar as the Corporation is concerned, the Court takes note of the serious allegation levelled that permissions appear to have been accorded without taking into consideration the restrictions which stands imposed in terms of the regulations framed by ASI. Learned counsel submits that taking cognizance of the illegal constructions that were raised, action was initiated earlier and even on 8 March 2022 a drive to remove unauthorised constructions was undertaken and those which were found to be in violation, demolished.

In view of the seriousness of the allegations which stand levelled, the Court directs the Deputy Commissioner of the Municipal Corporation to personally ensure that no further illegal constructions are permitted to be raised or construction activities continued which may upon due verification be found to be in violation of the ASI restrictions that apply. Let a further Status Report be placed on the record by the Municipal Corporation in this respect on or before the next date fixed.

List on 20.07.2022.

YASHWANT VARMA, J.

MARCH 15, 2022

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