

ITEM NO.301

COURT NO.9

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)

[PART HEARD BY HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH AND HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH]

(IA No. 226890/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 112236/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 226639/2026 - CONDONATION OF DELAY IN FILING THE SPARE COPIES

IA No. 213143/2026 - EXTENSION OF TIME

IA No. 171488/2026 - EXTENSION OF TIME

IA No. 111842/2026 - EXTENSION OF TIME

IA No. 224366/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 309997/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

IA No. 110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 24-08-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

Mr. Gopal Sankaranarayanan, Sr. Adv.

[Court Commissioner]

Ms. Astha Sharma, AoR

Mr. Nipun Saxena, Adv.

Ms. Mantika Haryani, Adv.

Ms. Pratibha Yadav, Adv.

Mr. Vishal Sinha, Adv.

Mr. Shourya, Adv.

Mr. Bhanu Mishra, Adv.

Mr. B. D. Rao Kaundan, Adv.

Mr. Dev Nagar, Adv.

Ms. Anisha Soni, Adv.

Mr. Vinayak Mangal, Adv.

For Petitioner(s) Mr. Shikhil Shiv Suri, Sr. Adv.
 Mrs. Madhu Suri, Adv.
 Ms. Jyoti Suri, Adv.
 Ms. Wamika Chadha, Adv.
 Mr. Vibhor Choudhary, Adv.
 Mr. Aditya Bhardwaj, Adv.
 Ms. Sakshi Arora, Adv.
 Mr. Deva Vrat Anand, Adv.
 Mr. T. R. B. Sivakumar, AoR

For Respondent(s) Mr. K. M. Nataraj, A.S.G.
 Mr. Siddhant Kohli, Adv.
 Mr. Raman Yadav, Adv.
 Mr. Chitvan Singhal, Adv.
 Mr. Mrigank Pathak, Adv.
 Mr. Sarthak Karol, Adv.
 Mr. Khushal Kolwar, Adv.
 Mrs. Madhulika Upadhyay Aor, Adv.
 Mr. Sudarshan Lamba, AoR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Udai Khanna, Adv.
 Mr. Kanu Agrawal, Adv.
 Ms. Shivika Mehra, Adv.
 Mr. Sunita Sharma, Adv.
 Ms. B.L.N. Shivani, Adv.
 Ms. Satvika Thakur, Adv.
 Mr. Mohan Prasad Gupta, Adv.
 Mr. Amrish Kumar, AoR
 Dr. Arun Kumar Yadav, Adv.
 Ms. Shivani B., Adv.

Mr. Rajkumar Bhaskar Thakare, A.S.G.
 Mr. Shreekant Neelappa Terdal, AoR
 Mr. Prasanjeet Mahapatra, Adv.
 Mr. Sanjay Kumar Tyagi, Adv.
 Mr. Neelakshi Bhaduria, Adv.
 Mr. Rishiesh Haridas, Adv.
 Mr. Ishaan Sharma, Adv.

Mr. Raj Bahadur Yadav, AoR

Mr. Arvind Gupta, AoR

Ms. Swati Ghildiyal, AoR
 Ms. Neha Singh, Adv.
 Mr. Nimesh Bhatt, Adv.

Mr. Shubhranshu Padhi, AoR

Mr. Mukesh Kumar Maroria, AoR

Mr. S.D. Sanjay, Sr. Adv.

Mr. Praveen Swarup, AoR

Mr. Praveen Swarup, Adv.

Mr. Rohit Swarup, Adv.

Mr. P.R. Abhimanyu Karthikeya Raja, Adv.

Mr. Ravi Kumar, Adv.

Mr. Devesh Maurya, Adv.

Mr. Saurabh Rohilla, Adv.

Ms. Sakshi, Adv.

Mr. Kailash Vasdev, Sr. Adv.

Mr. Nitin Mishra, AoR

Mr. Samresh Jha, Adv.

Mr. Hargun Singh Kalra, Adv.

Ms. Shashanki, Adv.

Mr. K.M. Nataraj, A.S.G.

Mr. Udit Dedhiya, Adv.

Mr. V. N. Raghupathy, AoR

Mr. Arihant Shrivardhan, Adv.

Mr. Shashank Bajpai, Adv.

Mr. Ankur Mishra, Adv.

Mr. Gurpreet Singh, Adv.

Mr. Nitish Dham, Adv.

Ms. Vidula Mehrotra, AoR

Mr. Gopi Chand, Adv.

Mr. Vatsal Tripathi, Adv.

Mr. Govind Singh, Adv.

Mr. Akshit Saxena, Adv.

Ms. Vaishnavstuti, Adv.

Mr. Gaurav Liberhan, Adv.

Ms. Ranjeeta Rohatgi, AoR

Mr. Yuvraj Kashyap, Adv.

Ms. Akriti Gupta, Adv.

Mr. Akshat Bajpai, AoR

O R D E R

Today, though prayer for adjournment has been made on behalf of respondent no.12-Delhi Golf Club due to personal reason of learned senior counsel representing it, while accommodating such

request, we would require the respondent no.12-Delhi Golf Club to bring on record the details with regard to what are the relevant Rules/Byelaws applicable and the modalities/procedures/practices adopted/followed relating to grant of membership to the Club for all categories.

2. Mr. Gopal Sankaranarayanan, learned Court Commissioner has filed a report pursuant to his inspection held on 31.07.2026. As has been pointed out by the learned Court Commissioner, by and large things seem to have moved in the right direction. However, the main concern which is flagged is that there is a lack of coordination between the Contractors, who are to complete the horticulture work and who is supposed to do the civil work. In the said report, the photographs enclosed also indicate that there is a mismatch in the way the work is required to be completed and what is actually on ground.

3. Having regard to the aforesaid, we direct that the two Contractors, who have been allotted the work concerned, shall not only coordinate among themselves but also take instructions and be guided by the learned Court Commissioner in matters where there appears to be any sort of overlapping or there may be lack of clarity in the matter. The said Contractors would ultimately carry out the work as will be suggested by the learned Court Commissioner.

4. Mr. Shikhil Suri, learned Senior Counsel points out that with regard to the construction of toilet, the structure appears to be of a permanent nature, which ought not to be permitted as per the

provisions of the relevant Statutes also. On this, as we have been informed that the toilets, which are presently constructed, serve the public interest for the reason that it takes care of sewerage, water and other issues connected with toilets and keeps the issues of sanitation etc. under check and control rather than an *ad-hoc*/semi-permanent structure. Thus, for the present, we are not disturbing the arrangement. However, the Department of Archeology is directed to ensure proper upkeep and cleanliness of the said toilet complex.

5. At this juncture, attention has been drawn to the application filed on behalf of the petitioner seeking directions (I.A. No.254096 of 2026). From the materials brought on record in the affidavit, it is clear that there has been total callousness and rather suppression of facts on behalf of the MCD inasmuch as, the pictures reveal that with regard to certain structures which were referred to in the affidavit filed on behalf of the MCD on 10.04.2026 a categorical stand was taken that the said structures were free of encroachment and in a satisfactory state of conservation. The photographs which have been printed in the Daily Hindustan Times Newspaper dated 10.08.2026 and in the Daily Times of India Newspaper, which is probably dated 26.07.2026 indicate a completely different picture to the stand taken in the affidavit filed by the MCD. We are unable to understand as to how such stand could be taken before this Court by an organisation like the MCD in the present proceedings.

6. There appears to be similar conduct on the part of the ASI

with regard to *Atgah Khan's Tomb*, *Gogabai's Tomb* and *Lal Chaubara*, where the stand in the affidavit filed on its behalf on 07.04.2026 is belied by the photographs brought on record as published/printed in the aforesaid two Daily Newspapers.

7. Having regard to the aforesaid, the Court has no option but to direct for the personal appearance of the Additional Commissioner, South Delhi, Municipal Corporation of Delhi as also the Director General of ASI to show-cause, by filing their personal affidavit, as to why, the Court should not take serious note of such conduct and pass appropriate orders. The said reply to the show-cause shall be filed after fresh site/ground inspection and shall be affirmed by the Additional Commissioner of New Delhi Municipal Corporation and the Director General of ASI. The Head of the Archaeological Department, Government of NCT of Delhi shall also file a personally affirmed affidavit after a fresh site/ground inspection. It goes without saying that such inspection(s) shall be carried out in the presence of the learned Court Commissioner or any member(s) of his team.

8. The Court was also of the view that some strict orders be passed against the said two concerned officials of the MCD and the ASI right away. However, on being persuaded by Mr. S.D. Sanjay, learned Senior Counsel appearing on behalf of the MCD and Ms. Aishwarya Bhati, learned Additional Solicitor General appearing on behalf of ASI, we refrain from doing so, for the present.

9. We make it clear that if the situation continues with regard to all the structures relating to which the MCD/ASI/Archaeological

Department, Government of NCT of Delhi have purportedly conducted surveys and given a report by way of an affidavit before this Court and the facts stated therein are found to be incorrect, straight-away, the Court may take direct action against the concerned officials without giving any further indulgence.

10. As we find that it is a herculean task for the learned Court Commissioner and his team to individually go and visit all the spots, we request him to get in touch with two journalists, whose reports are published in the aforesaid two Daily Newspapers i.e., Hindustan Times and Times of India and request them to give details with regard to any further information connected with the present case available with them and also if they could consult their colleagues whether they may be having any such information. We appreciate the articles of the said two journalists namely Mr. Paras Singh associated with the Hindustan Times and Ms. Richi Verma associated with the Times of India for bringing into the public domain such disturbing ground reality.

11. We indicate that it is primarily the duty of the State Archaeological Department and the Delhi Tourism and Transportation Development Corporation (DTTDC) to ensure that the work is carried out smoothly with regard to *Gumti of Shaikh Ali*. If this Court finds that they are not properly monitoring the coordination of the work, the Court may go into the aspect of allotment/finalisation of contracts by these two organisations and also fix accountability, both individual and organisational, which may not be restricted to the present transaction only.

12. It appears that though this Court *vide* its earlier order dated 22.07.2026 had made a correction with regard to the school/institution where *Kharbooze ka Gumbad* was located, we are informed that the school in question would be *Vidya Bal Vihar* instead of Panchshila Montessori School, Sadhna Enclave, functioning on land leased from the Panchsheel Cooperative House Building Society Limited. Accordingly, the name of respondent no.13 be substituted as *Vidya Bal Vihar*. Let fresh notice be issued to the said respondent no.13. The ASI shall furnish a fresh report with regard to the *Kharbooze ka Gumbad* in the newly added school in question-respondent no.13 as also the *Lal Gumbad*, which is in close proximity thereof. It shall be the duty of the respondents to verify from the records as to who is responsible for their upkeep and the said agency/party shall file its reply. For ready reference, the report of the learned Court Commissioner dated 05.08.2026 and the materials/photographs appended thereto can be a starting point.

13. All parties to file a revised factual report based on actual site inspection, which shall be conducted afresh, in the presence of the learned Court Commissioner or any member(s) of his team. Any lack of information on facts or suppression or incorrect facts being reported, shall entail serious consequences.

14. With regard to Sunder Nursery, whatever area has been settled with the *Aga Khan Trust*, the entire details and terms of such settlement, including, *inter alia*, the audit reports of the said Trust with regard to how the finances are generated and utilised,

payment of salary to the staff are made etc., a detailed affidavit shall be filed by the Authority concerned.

15. List on 07.10.2026 at 02:00 p.m.

(SAPNA BISHT)
COURT MASTER (SH)

ANJALI PANWAR)
ASSISTANT REGISTRAR