

ITEM NO.304

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 for Special Leave to Appeal (Civil) No.12213/2019
[Arising out of the Impugned Final Judgment and Order dated 20-02-2019 in Writ Petition (Civil) No.4099/2018 passed by the High Court of Delhi at New Delhi]

RAJEEV SURI

Petitioner

VERSUS

ARCHAEOLOGICAL SURVEY OF INDIA & ORS.

Respondents

[IA No.112236/2026 - APPROPRIATE ORDERS/DIRECTIONS
IA No.111842/2026 - EXTENSION OF TIME
IA No.309997/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No.110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION]

DATE : 22-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

[HEARD-IN-PART] [SPECIAL BENCH]

For Petitioner :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 Respondents :Mr. K M Nataraj, A.S.G.
Mr. Sudarshan Lamba, AoR
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karol, Adv.
Mr. Khushal Kolwar, Adv.

Ms. Aishwarya Bhati, A.S.G.
 Ms. Shreya Jain, Adv.
 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

Mr. Raj Bahadur Yadav, AoR

Mr. Rajkumar Bhaskar Thakare, A.S.G.
 Ms. Aishwarya Bhati, 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. Ashwini Kumar, Adv.
 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, A.S.G.
 Mr. Praveen Swarup, Adv.
 Mr. Rohit Swarup, Adv.
 Mr. Pr Abhimanyu Karthikeya Raja, Adv.
 Ms. Ashu Tomar, Adv.
 Mr. Sukhamrit Singh, Adv.
 Mr. Vikash Kumar, Adv.
 Mr. Ravi Kumar, Adv.
 Mr. Shashank Singh, Adv.
 Mr. Praveen Swarup, AoR

Mr. Nitin Mishra, AoR

Mr. Tushar Mehta, Solicitor General
 Mr. Udit Dedhiya, Adv.

Mr. V. N. Raghupathy, AoR
 Ms. Apurva Sachdev, Adv.
 Mr. Venkata Raghu Mannepilli, 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. Mukul Rohatgi, Sr. Adv.
 Mr. Kapil Sibal, Sr. Adv.
 Mr. Ranjit Kumar, Sr. Adv.
 Mr. Gaurav Liberhan, Adv.
 Ms. Ranjeeta Rohatgi, AoR
 Mr. Yuvraj Kashyap, Adv.
 Ms. Akruti Gupta, Adv.

Mr. Akshat Bajpai, AoR
 Mr. Shobhit Trehan, Adv.
 Mr. Atul Pandey, Adv.
 Ms. Vedika Dalmia, Adv.
 Ms. Jayashree Mishra, Adv.

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.
 Ms. Deepali Dabas, Adv.
 Mr. B. D. Rao Kaundan, Adv.

O R D E R

Heard Mr. Gopal Sankaranarayanan, learned Court Commissioner;
 Mr. Tushar Mehta, learned Solicitor General for the New Delhi

Municipal Council¹; Mr. Mukul Rohatgi, learned senior counsel, for the Delhi Golf Club²; Ms. Aishwarya Bhati, learned Additional Solicitor General, for the Land and Development Office³, Ministry of Housing and Urban Affairs, Government of India and the Archaeological Survey of India⁴ and; Mr. S. D. Sanjay, learned Additional Solicitor General, for the Municipal Corporation of Delhi⁵.

2. Learned Court Commissioner has filed a report which indicates that the original Shaikh Ali *Gumti*, which was the focal point of the instant proceeding, there were certain directions and timelines fixed for its development. But, from the photographs shown to the Court, it appears that it cannot be said that the site has been conserved in the manner it was projected/exhibited to this Court, to be done, much less the time-frame that was to be adhered to. For example, toilets have not been completed, drainage is incomplete, horticulture works remain pending, electric and sewerage fittings/arrangements are not yet in place and there appears to be overall cluttering of materials/debris throughout the campus in general. We are left in no doubt that the Authorities/organisations concerned have been absolutely callous in performing their obligations. This Court, thus, was of the opinion, that straightaway action be taken against the involved Officers,

¹ 'NDMC'.

² 'DGC'.

³ 'L&DO'.

⁴ 'ASI'.

⁵ 'MCD'.

including those at the helm of affairs of the Delhi Tourism and Transport Development Corporation, the Delhi Jal Board and the BSES Rajdhani Power Limited, which is the electricity distribution company concerned.

3. The overall-in-charge of the project/custodian of the site is the Department of Archaeology⁶, Government of National Capital Territory of Delhi, which has involved the other bodies referred to *supra*. The Department of Archaeology has not discharged their responsibility under law and commitments made before the Court. A strict view coupled with appropriate action be taken against the Officers.

4. At this juncture, Ms. Swati Ghildiyal, learned counsel representing the Department of Archaeology submits that last opportunity be given to finally put in place all arrangements and complete the project as required and as committed to this Court. She fairly accepts that that there has been delay, but seeks one accommodation. Owing to her persuasive skills, request is acceded to.

5. Final opportunity is granted to the aforesaid agencies/bodies to ensure that work in all respects is fully completed before the next date in the case, failing which coercive steps would follow against those at the helm of affairs thereof.

6. Mr. Rohatgi, learned senior counsel for the DGC, submits that

⁶ 'Department of Archaeology'.

certain tangible and effective measures have been taken apropos protecting the monuments within the DGC campus by way of prohibiting human access to the said monuments by forming a perimeter around such structures. It was submitted that the structures are being given to the Aga Khan Trust for Culture⁷ to conserving the same in a phased manner. On a cursory perusal of the photographs submitted in this behalf, the Court was, *prima facie*, not fully satisfied with the conservation work undertaken as on/till the date of the said photographs by the AKTC. Mr. Rohatgi, learned senior counsel, very fairly submitted that he would seek clarificatory instructions on the issue before the next date.

7. Learned Court Commissioner submitted that the DGC had shown its *bona fide* by taking some effective steps in the matter.

8. We would expect that from whatever has been recorded in our previous Orders, especially *re* monuments/areas, which require the concerned respondent(s) to file response/documents for assisting the Court, if not yet filed, be done before the next date positively. At this stage, learned counsel for the petitioner submitted that it would only be proper that the quality of the work done also be assessed. Learned Court Commissioner joins in this submission.

9. This Court is *ad idem* on the afore-aspect. *In praesenti*, we indicate that the relevant respondents/agencies/contractors engaged

⁷ 'AKTC'.

shall ensure that the fittings as also actual work in terms of installation/maintenance/conservation is commensurate with quality and best practices.

10. Ms. Bhati, learned Additional Solicitor General, for the ASI and L&DO, may obtain specific instructions *qua* the monuments outside Panchsheel Public School i.e. *Lal Gumbad* Complex.

11. Mr. Akshat Bajpai, learned counsel, appears and submits that he is appearing for the Panchsheel Public School/Respondent No.13. However, he submits that it is the wrong school which has been made a party-respondent as the school in question should be Panchshila Montessori School, Sadhna Enclave, functioning on land leased from the Panchsheel Cooperative House Building Society Limited. Accordingly, let notices be issued to the concerned society as well as the school, after obtaining particulars from learned counsel. Notice to indicate that responses must be filed at least a week prior to the next date.

12. On the next date, affidavits showing compliance be filed by NDMC and MCD. They shall, *inter alia*, place on record as to how they are discharging their responsibilities monitoring of the the monuments under their jurisdictions. The NDMC will also detail its Agreement/correspondences with DGC on the upkeep of the mounuments located therein.

13. As the monuments within DGC's premises are important and quite old, let the Competent Authority, be it the Central Government or

the Government of NCT of Delhi, examine the issue of ensuring their upkeep in the best manner possible and inform this Court on affidavit.

14. List on 05.08.2026 at 03.30 pm.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR