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

+ CMNos.8000/2015, 18920/2015, 26683/2015, 27158/2015 in W.P.(C) 4409/2015

IQBAL CHAUHAN

..... Petitioner

Through : Mr A.K. Mishra with Mr Amit Kumar Pandey

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through : Ms Anju Gupta with Mr R.L. Goel for SDMC.
ASI Raj Kumar, P.S. Safdarjung Enclave
Mr Rajiv Bansal with Ms Niharika Ahluwalia
and Ms Pragya Wazir for DDA.

Mr Jayant Tripathi with Mr Dinesh Dahiya,
Advocates for ASI

Mr Vinod Kumar Bhati for Mr Devesh
Singh for R-4.

Mr Dayan Krishnan, Senior Advocate with
Mr Rajshekhar Rao, Mr Subhiksh Vasudev,
Mr Varun Mishra, Ms Akaashi Lodha and
Ms Vedika Mittal for R-5.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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20.07.2016

After having dealt with this case for quite some time and having considered the reports submitted on behalf of the ASI, we are of the view that the constructions, as they exist in property Nos. 9-A, (rear portion) and 12-B, Hauz Khas Village, were constructed prior to the cut-off date of 16.06.1992. Therefore, no further action is necessary in this writ petition in respect of the said properties. However, since the said properties fall within the prohibited area of the Hauz Khas Group of Protected Monuments, we are making it clear and directing the respondent No.5 not to carry out any construction or

addition and if any repairs or renovations are to be carried out, they shall be carried out only with the express permission of the competent authority under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 in accordance with law. We are making it clear that in the garb of repairs and/or renovations, no additions can be made. The respondent No. 5 shall give an undertaking to this effect before this Court within one week from today. Alongwith the undertaking, the photographs of the properties as of today and as certified by the ASI to be the photographs as of today, shall be filed. We are making it clear that we have not expressed any opinion on the legitimacy of the activities being carried out in the said premises which the concerned authorities would be at liberty to deal with independently in accordance with law.

The writ petition stands disposed of.

BADAR DURREZ AHMED, J

**JULY 20, 2016
SR**

ASHUTOSH KUMAR, J