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

Date of Decision: 18.10.2016

+ W.P.(C) 9458/2016

JAMIA ARABIA NIZAMIA WELFARE EDUCATIONAL
SOCEITY

..... Petitioner

Through: Mr. Ram Kumar Sharma, Adv.

Versus

D G ARCHAEOLOGICAL SURVEY OF INDIA AND ORS

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Ms. Suparna Srivastava and Mr. Ruchir Ranjan
Rai, Advs. for R-1.

Mr. Mukesh Gupta, Standing Counsel for R-
2/SDMC.

Mr. Anuj Aggarwal, ASC, GNCTD for R-3 & 4.

Mr. Trinayan Sonowal for Mr. Sanjeev Ralli, Adv.
for DPCC.

SI Ashok Kumar, P.S. H.N. Din.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

Ms. G. ROHINI, CHIEF JUSTICE (Oral)

CM No.37858/2016 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) No.9458/2016 & CM No.37857/2016 (stay)

1. This petition by way of Public Interest Litigation has been filed alleging illegal and unauthorized construction at property bearing No.A-5, A-14, A-25 and A-28, A-Block, Nizamuddin West, New Delhi which are within the prohibited area of 100 mts. from the centrally protected monuments i.e. Chaunsath Khambha and Humayun's Tomb and

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

Khan-i-khana Tomb and thus seeking a direction to the respondent Nos.1 to 5 to take appropriate steps in accordance with the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (for short 'the Act') and also to prohibit any such further illegal constructions.

2. Heard the learned counsels for both the parties.

3. An identical issue has been considered by us in W.P.(C) No.5240/2016 and the same was disposed of by order dated 05.09.2016 with directions to the Competent Authority under Section 20-C and Section 20-D of the Act to take the action as mentioned therein.

4. Having regard to the fact that the allegation of unauthorized constructions made in the present petition needs consideration and necessary enquiry by the Competent Authority under the Act, without expressing any opinion as to the correctness of the allegations made by the petitioner, we dispose of the writ petition with a direction to the Competent Authority under the Act to look into the contents of the present petition, make an enquiry and take appropriate action in accordance with law after giving an opportunity of being heard to all the parties concerned. Such exercise be made within three months from today.

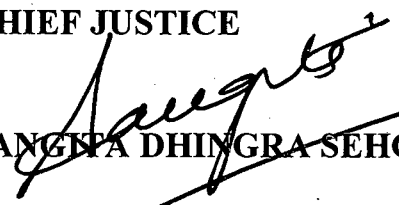
5. Writ Petition is accordingly disposed of.

Dasti.

OCTOBER 18, 2016/kks

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CHIEF JUSTICE


SANGITA DHINGRA SEHGAL, J

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