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

+ **W.P.(C) 781/2017 & C.M.Nos.3644-3645/2017**

CHAMPA DEVI

..... Petitioner

Through Mr.Atul Nagarajan with Mr.Sushant
Kumar Thakur and Mr.Surjeet Singh
Malhotra, Advocates.

versus

DDA AND ANR

..... Respondents

Through Mr.Arun Birbal, Advocate for DDA.
Mr.Bhagwan Swarup Shukla, CGSC
with Mr.Shambhu Chaturvedi,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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31.01.2017

Present writ petition has been filed seeking a direction to the respondents to set aside/quash the show cause notice dated 17th February, 2016 and orders dated 05th August, 2016 and 04th October, 2016 passed by respondent No.2/ASI directing removal of unauthorised construction raised by the petitioner at commercial plot situated at Barapulla Nalla, Nizamuddin East, New Delhi, on the ground that the same falls within the prohibited area of a centrally protected monument namely Barapullah.

After some arguments, learned counsel for the petitioner confines his prayer for allotment of an alternative site/plot of equal ad-measurement and value within the same vicinity.

However, this Court finds that the concept of ‘prohibited area’ was introduced in the Ancient Monuments and Archaeological Sites and Remains Act, 1958, by way of an amendment in the year 2010 with retrospective effect from 16th June, 1992. Prior to the 2010 Amendment, the concept of ‘prohibited area’ was defined in a Statutory Notification dated 16th June, 1992.

Consequently, at the time of allotment and at the time of execution of the lease deed, the petitioner would have known that the plot in question falls within the prohibited area and prior permission of the competent authority would be required before carrying out any construction, repair or renovation. After all, ignorance of law is no excuse.

Consequently, the prayer for allotment of an alternative plot is untenable in law. Accordingly, the present writ petition is dismissed.

MANMOHAN, J

JANUARY 31, 2017
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