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

+ W.P.(C) 11472/2017

VIKAS KAPOOR

..... Petitioner

Through: Mr Gaurav Bahl, Advocate.

versus

ARCHAEOLOGICAL SURVEY OF INDIA AND
ORS

..... Respondents

Through: Mr Sandeep Mahapatra, Advocate for
R-1.
Ms Riya Gulati and Mr Uttam Datt,
Advocates for R-2 & R-3.
Mr Bhuwan Jayant, Advocate for R-
4/MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.12.2017

CM No.46751/2017

1. Allowed, subject to all just exceptions.

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2. In the present petition, the petitioner alleges that certain construction is being carried out by respondent no.5 at Gurmandi opposite Tripolia Gate. The petitioner also claims to be residing in a building located opposite to the said site. The petitioner claims that he had applied for permission for carrying out repairs and construction of his building, which was denied as the petitioner's premises were within 100 mtrs. of Tripolia Gate as that was centrally protected monument.

3. In view of the above, the petitioner contends that the construction being carried out at the site opposite to his premises is also contrary to law.
4. Mr Mahapatra, learned counsel for respondent no.1 (Archaeological Survey of India) states that the site would be inspected and if necessary, action would be taken.
5. In view of the above, respondent no.1 is directed to inspect the site on or before 25.12.2017. The inspecting team shall take photographs of the site in question and ensure that no construction or works, which are contrary to law are carried out. If respondent no.1 finds that any construction has been raised or any work has been carried out contrary to the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, respondent no.1 shall also take immediate steps to ensure that the construction is demolished.
6. Respondent nos.2, 3 and 4 are also directed to cooperate with respondent no.1 in carrying out any action that may be considered necessary.
7. The petition and the pending application are disposed of with the aforesaid directions.
8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 21, 2017
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