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

+ W.P.(C) 9211/2024

SAVE EARTH STONE NGO

.....Petitioner

Through: Mr. D Hasija and Ms.Prachi Hasija,
Advocates

versus

ARCHAEOLOGICAL SURVEY OF INDIA ASI AND ORS.

.....Respondents

Through: Mr.Sanjeev Sagar, standing counsel
for MCD with Ms.Nazia Parveen,
Mr.Achyut Dwivedi, Mr.Nitin,
Mr.Krishan Pal Chauhan, Mr.Girish
Garg, Mr.Sudhir Kumar Sharma,
Mr.Sonam Saini, Mr.Praveen Kumar,
Mr.Ashish Kumar, Ms.Chinky Ojha,
Ms.Anjali Dhyani, Advocates.
Mr.K.C.Mittal with Mr.Pawan Kumar
Mittal, Advocates for R-7 & 8.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.07.2024

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1. Learned counsel for the petitioner states that large scale illegal and unauthorised construction is being carried out in Kotla Mubarakpur area, which is within prohibited and regulated area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (1958 Act) and the Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act, 2004 (2004 Act).



2. He states that the monuments under category VII of the list of protected monuments published by respondent nos.1 & 2 face severe developmental/urban pressure with large scale constructional activities in their close vicinity. He points out that the petitioner has made complaints dated 08th April, 2024 and 15th April, 2024 to respondent nos. 1 to 4 but no action has been taken so far.

3. *Per contra*, learned counsel for the respondents state that six of the seven properties are situated in regulated area and not in the prohibited area. They emphasise that construction in six of the seven properties has either been carried out or is being carried out after obtaining a No Objection Certificate as well as Sanction from the MCD.

4. Learned counsel for the MCD states that the seventh property [i.e. B-46, New Delhi South Extension (NDSE)] which is alleged to be in the prohibited zone is an old property, which has been occupied since long.

5. Keeping in view the aforesaid, present writ petition along with the applications is disposed of with a direction to the respondent-MCD to decide the petitioner's complaint dated 08th April, 2024 by way of a speaking order in accordance with law as expeditiously as possible. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 9, 2024
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