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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3747/2025, CM APPL. 17450/2025 & CM APPL. 17451/2025

ZAMEER AHMED JUMLANA

.....Petitioner

Through: Ms. Shahrukh Alam, Mr. Talha Abdul Rahman and Mr. Rafid Akhter, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, Mr. Amit Kumar Rana, Advocates and Mr. Abhinav Bhardwaj, G.P. for UOI. Mr. Sameer Vashisht, Standing Counsel (Civil), GNCTD with Ms. Harshita Nathrani, Advocate for R-2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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26.03.2025

1. Subject matter of this public interest litigation petition appears to be some structure which has since been demolished. Having regard to the nature of prayers made, it needs to be ascertained as to whether the structure was an ancient monument/protected monument or any other category of monument in terms of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958. It also needs to be ascertained as to whether the structure stood on the government property or on the property owned by a



Wakf registered under the Wakf Act, 1995 or under the previous Wakf Act. In the writ petition, there is nothing which establishes that the subject structure was an ancient monument/protected monument in terms of the provisions of the 1958 Act. The petition also does not disclose as to whether the land over which the structure stood prior to its demolition, is owned by some Wakf and as to whether the said property is registered under the Wakf Act, 1995.

2. Bereft of the aforesaid facts and material, prima facie, we are of the opinion that the prayer made in the petition cannot be granted.

3. At this juncture, learned counsel for the petitioner seeks to withdraw the present petition with liberty to file afresh with appropriate pleadings and prayers.

4. Accordingly, the present petition is dismissed as withdrawn with the liberty as prayed for.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 26, 2025

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