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

+ W.P.(C) 6840/2025

VISHAL BANSAL & ORS.

.....Petitioners

Through: Mr. V. Shashank Kumar, Mr. Keshav
Raheja and Mr. Anuj Kumar, Advs.

versus

ARCHAEOLOGICAL SURVEY OF INDIA, THROUGH ITS
DIRECTOR GENERAL & ANR.

.....Respondents

Through: Mr. Jivesh Kr. Tiwari, Sr. Panel
Counsel.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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28.05.2025

W.P.(C) 6840/2025 & CM APPL.31004/2025 (for directions seeking appointment of nominee licensee)

1. The present petition has been filed by the petitioners seeking that the petitioners be permitted/allowed to seek the appointment of 'nominee photographers', as per the practice permitted under the extant policy of the respondents, in order to carry out photography in selected sites on their behalf.

2. Attention is being drawn to the fact that *vide* order dated 28.05.2021 passed by this Court in W.P.(C) 516/2021, in the context of similarly situated persons seeking identical relief, this Court has allowed the petition and has passed the following order:

"1. This petition has been preferred by two persons who are license holding photographers in centrally protected monuments of Agra. It is the petitioners' case that they have been holding these licenses since 2003 and taking photographs at the monuments to earn a livelihood,



however, on account of their advancing age and growing physical disabilities, they are no longer able to undertake the work of photography for which they have been licensed. As a result, they wish to appoint other persons, on their behalf, to work as photographers at the centrally protected monuments. The present petition, therefore, seeks a direction to the respondents to permit the petitioners to appoint nominees in respect of the photography licenses existing in their names, in terms of the policy issued by the respondent no.2/ Archaeological Survey of India (ASI) on 24.05.2017 and amended on 17.07.2018.

2. The petitioners claim that they are eligible to exercise nomination rights under the amended policy of respondent no.2. However, since the policy makes any such nomination hinge upon the approval of respondent no.2, the petitioner no.1 wrote to respondent no.2 seeking its permission to exercise his nomination right in March 2020, but he has not been provided with any reply till date.

3. On 09.04.2021, after noticing that the respondents had been granted various opportunities to file their counter affidavits and that the relief sought by the petitioner stood squarely covered by a decision of a Coordinate Bench of this Court in Bhuwan Chandra Pant Vs. UOI & Ors. W.P.(C) 5277/2018, the Court had given a last and final opportunity to the respondents to file their counter affidavit, failing which the right was to be closed. The record shows that no counter affidavit has been filed till date. Today, Mr. Sandeep Tyagi, learned counsel for respondent no.1 once again prays for time to file a counter affidavit. In the light of the facts noted hereinabove, I see no reason to grant any further time to the respondents to file a counter affidavit.

4. Having heard the learned counsel for the parties, I perused the amended policy issued by respondent no.2/ASI on 17.07.2018, which the petitioners seek to rely upon, as also copies of the licenses that were issued in the petitioners' names by the respondent nos.2 and 3. Given that the License Nos. TM-23403, existing in the name of petitioner no.1, and TM07003 existing in the name of petitioner no.2, were issued in the year 2003, they are covered by the amended policy insofar as nomination rights are concerned.

5. Moreover, a perusal of the order passed in Bhuwan Chandra Pant (supra) on 23.05.2019, reveals that the case of the petitioners herein is identical to the petitioners in that case. Pertinently, the learned Single



Judge in Bhuwan Chandra Pant (supra) had observed as under:

“5. Although this Court has certain reservations regarding the prayer sought, given the skilled nature of the work involved, the licence should in under normal circumstances be worked by the licensee. However, the petitioner states that as a matter of policy the respondents are permitting nominees of licensees to work such licenses. 6. The learned counsel appearing for the petitioner has referred to the response received under the Right to Information Act, 2005, on 07.03.2018, which indicates that 58 nominees are working in Taj Mahal. 7. In view of the above and considering that the averments made by the petitioner are not contested, the petition is allowed and respondent no.3 (Archaeological Survey of India) is directed to allow the petitioner to nominate his nominee/representative for taking photographs inside the Taj Mahal, in terms of the license granted to the petitioner.

6. In these circumstances, the petitioners’ prayers are entitled to succeed. The present petition is allowed by directing the respondents to permit the petitioners to appoint their respective nominees for taking photographs within the premises of centrally protected monuments, under the licences which are currently existing in favour of the petitioners. Furthermore, as prayed for, the respondents shall process the request of the petitioners in this regard at the earliest, preferably within a period of four weeks from today.”

3. Attention is also drawn to an order dated 28.11.2023 passed by this Court in W.P.(C) 9860/2021 and W.P.(C) 144/2023 in the context of identically situated persons, wherein it has been directed as under:

“1. Learned Counsel appearing for the Petitioners states that since two years have passed, the present writ petitions may be treated as a representation and liberty be granted to the Petitioners to file additional documents so that the Respondents may consider the case of the Petitioners regarding the appointment of a nominee photographer on their behalf more so in light of the Order dated 28.05.2021 passed by this Court in W.P.(C) 516/2021 in the case of Rajendra Kumar Sharma & Anr. vs Union of India & Ors. wherein, in the identical circumstances, this Court has passed directions to the Respondents to



permit the Petitioners therein to appoint a nominee photographer on their behalf.

2. Liberty, as prayed for, is granted.

3. This Court is of the opinion that when a person approaches the Court and get a declaration in his favour then it is expected that the Government shall extend the same benefit to all the persons who are similarly placed without forcing them to come to the Court for getting the same relief.

4. In view of the above, the writ petitions are disposed of, along with pending application(s), if any.

5. Let additional documents be filed by the Petitioners within a period of one week from today and the representation be decided by the Respondents within six weeks thereafter.

6. Liberty is granted to the Petitioners to approach this Court again in case need so arises in future.”

4. It is submitted that the petitioners are also identically situated; however, despite the observations made in the aforesaid order dated 28.11.2023 in W.P.(C) 9860/2021 and W.P.(C) 144/2023 that all similar persons be afforded the same relief, the respondents have failed to do so in respect of the petitioners in the present petition.

5. It is submitted that the petitioners have submitted repeated representations seeking the same dispensation.

6. Learned counsel for the respondents does not dispute the applicability of the aforesaid judgment to similarly situated persons. He, however, submits that the concerned representations have been received only from seven out of the twenty one petitioners who have filed the present petition.

7. In the aforesaid circumstances, after some hearing, with consent of respective counsel, the present petition is directed to be treated by the



respondent no. 1 as a representation from the petitioners ; the same shall be disposed of taking into account the directions contained in the aforesaid order dated 28.05.2021 in W.P.(C) 516/2021, and order dated 28.11.2023 in W.P.(C) 9860/2021 and W.P.(C) 144/2023.

8. Let the same be done within a period of three weeks from today under intimation to the petitioners.
9. The petition is disposed of in the above terms.
10. List for reporting compliance on 02.07.2025.

SACHIN DATTA, J

MAY 28, 2025/cl