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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7326/2025 & CM APPL. 32976/2025, CM APPL.
32977/2025

MOHD UMAR FAROOQ

.....Petitioner

Through: Mr. Amit Gupta, Mr. Kshitij Vaibhav
and Ms. Muskan Nagpal, Advocates
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versus

MUNICIPAL CORPORATION OF DELHI MCD AND ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD.
Mob: 9315827955
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Mr. Sushil Rauja, SPC and Mr. Puru,
Advocate for R-4
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Mr. Rajat Aneja and Mr. Abhinav,
Advocates for R-5
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
26.05.2025

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1. The present writ petition has been filed alleging failure by respondent nos. 1 to 4, in discharging their statutory duties and in allowing illegal and unauthorized construction inside the premises of Dargah Hazrat



Nizamuddin, which is a centrally protected monument under the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

2. Learned counsel appearing for the petitioner submits that respondent no. 5 has undertaken unauthorised construction within the premises of the centrally protected monument, i.e., Dargah Hazrat Nizamuddin, and more specifically, two rooms have been unlawfully constructed, and are being referred to as a “Head office”.

3. Thus, it is submitted that the said unauthorized construction not only violates the sanctity and historical integrity of the protected monument, but also contravenes the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

4. Learned counsel appearing for the petitioner submits that, additionally, there are shops that have been set up outside the said rooms, for the purposes of business and trade.

5. It is submitted that the said unauthorized construction has been carried out within the regulated area of the protected monuments, without any permission, no-objection, or clearance from the Archaeological Survey of India (“ASI”).

6. Learned counsel appearing for the petitioner further submits that action is required to be taken against the existence and operation of this unauthorized “Head office” under the control of respondent no. 5, within the premises, in order to ensure the preservation of the significant historical and cultural heritage.

7. *Per contra*, learned counsel appearing for respondent no. 1, i.e., Municipal Corporation of Delhi (“MCD”), draws the attention of this Court to Annexure P-1 to P-3 of the present petition, which are the complaints, and



the reminders submitted by the petitioner, to the Archaeological Survey of India.

8. Learned counsel appearing for respondent further submits that he has instructions to submit that there is no ongoing construction in the premises in question.

9. It is submitted that since it is the centrally protected monument under the ASI, the ASI is within its jurisdiction to pass appropriate orders with regard to the grievances, which have been raised in the present writ petition.

10. Learned counsel appearing for respondent no. 5 submits that whatever construction is existing in the premises, are old and no fresh construction has been carried out.

11. Considering the submissions made before this Court and considering the fact that the allegations made by the petitioner are with respect to premises, which is protected and is under the jurisdiction of ASI, it is directed that the complaints and reminders, as submitted by the petitioner with regard to his grievances, shall be decided by the ASI in a time bound manner, preferably, within a period of four weeks, from today.

12. At the time of considering the complaints/reminders of the petitioner, the ASI shall also grant an opportunity of personal hearing to the petitioner, as well as to respondent no. 5.

13. Further, opportunity shall also be granted to the petitioner to file requisite documents before the ASI, at the time of hearing.

14. Upon granting personal hearing to the petitioner, the ASI shall pass a Speaking Order, with regard thereto.

15. In case of any unauthorised construction, action shall be taken by the ASI, in accordance with law.



16. In case, any of the parties are aggrieved by the Speaking Order passed by the ASI, they would be at liberty to seek remedies, in accordance with law.

17. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

MAY 26, 2025
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