

ITEM NO.302

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.12213/2019

[Arising out of impugned final judgment and order dated 20-02-2019 in WPC No. 4099/2018 passed by the High Court of Delhi at New Delhi]

RAJEEV SURI

PETITIONER(S)

VERSUS

ARCHAEOLOGICAL SURVEY OF INDIA & ORS.

RESPONDENT(S)

[PART-HEARD BY: HON. AHSANUDDIN AMANULLAH AND HON. NONGMEIKAPAM KOTISWAR SINGH, JJ.]

[SPECIAL BENCH]

IA No. 110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 04-05-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Shikhil Shiv Suri, Sr. Adv.
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Wamika Chadha, Adv.
Mr. Vibhor Choudhary, Adv.
Mr. Aditya Bhardwaj, Adv.
Ms. Sakshi Arora, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AoR

For Respondent(s) :Mr. Amrish Kumar, AoR

Mr. Satya Darshi Sanjay, A.S.G.
Mr. Sudarshan Lamba, AoR
Mr. Siddhant Kohli, Adv.

Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karol, Adv.
Mr. Khushal Kolwar, Adv.
Ms. Aranya Sahay, Adv.

Ms. Aishwarya Bhati, A.S.G. (NP)
Mr. Udai Khanna, Adv.
Ms. Shivika Mehra, Adv.
Ms. Sunita Sharma, Adv.
Mr. B. L. N. Shivani, Adv.
Ms. Satvika Thakur, Adv.
Mr. Mohan Prasad Gupta, Adv.
Mr. Santosh Ramdurg, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Yogesh Vats, Adv.
Mr. Shreekant Neelappa Terdal, AoR

Mr. Raj Bahadur Yadav, AoR

Mr. Rakesh Sinha, Adv.
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Mr. Mohd. Ghulam Akbar, Adv.
Mr. Jeemon Raju K, Adv.

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Ms. Swati Ghildiyal, AoR
Ms. Neha Singh, Adv.

Mr. Rajkumar Bhaskar Thakar Ld, A.S.G.
Mr. Mukesh Kumar Maroria, AoR
Mr. Prasenjeet Mohapatra, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Neelakshi Bhadauria, Adv.
Mr. Rishikesh Haridas, Adv.

Mr. S.D. Sanjay, A.S.G.
Mr. Praveen Swarup, AoR
Mr. Devesh Maurya, Adv.
Mr. Rohit Swarup, Adv.
Mr. Yunus Malik, Adv.
Mr. PR Abhimanyu Karthikeya Raja, Adv.
Ms. Ashu Tomar, Adv.
Mr. Saurabh Rohilla, Adv.
Mr. Sukhamrit Singh, Adv.

Ms. Sakshi, Adv.

Mr. Nitin Mishra, AoR

Mr. Udit Dedhiya, Adv.

Mr. V. N. Raghupathy, AoR

Ms. Apurva Sachdev, Adv.

Mr. Venkata Raghu Mannepalli, Adv.

Mr. Ramprasad H. Alva B, Adv.

Mr. Dillip Kumar Mohanty, Adv.

Mr. Shashank Bajpai, Adv.

Mr. Ankur Mishra, Adv.

Mr. Gurpreet Singh, Adv.

Mr. Nitish Dham, Adv.

Ms. Vidula Mehrotra, AoR

Mr. Gopi Chand, Adv.

Mr. Vatsal Tripathi, Adv.

Mr. Govind Singh, Adv.

Mr. Akshit Saxena, Adv.

Ms. Vaishnavstuti, Adv.

Ms. Astha Sharma, AoR

Mr. Nipun Saxena, Adv.

Mr. Bhanu Mishra, Adv.

Ms. Deepali Dabas, Adv.

Mr. Dev Nagar, Adv.

Mr. B. D Kundan Rao, Adv.

O R D E R

Heard learned counsel for the parties.

2. Dr. Swapna Liddle, who has been involved in the present proceedings at the request of the Court, has submitted a report in terms of our order dated 13.04.2026. She has suggested certain immediate steps which can be taken. Moreover, some facts have been disclosed enclosing photographs, which indicate that

despite there being prohibitory orders concerning certain ancient structures, there is not only rampant encroachment, but also pilferage and damage to the structures. Some examples have also been brought on record by way of photographs. Further, some monuments which are now in the possession of Delhi Golf Club, Panchsheel Public School in Sadhana Enclave, etc., seem to be totally neglected.

3. We are surprised as to how in the first place, such sites are given to private entities and most strikingly, the monuments which are now part of the Delhi Golf Club and which according to the learned counsel appearing on behalf of the New Delhi Municipal Council (NDMC), the lessee of the area, i.e., the Delhi Golf Club has to maintain such structures, which we find from the photographs enclosed, have been totally neglected. Still the NDMC has chosen to turn a blind eye by not maintaining vigilance or supervision to ensure that the lessee, i.e., the Delhi Golf Club, discharges its obligation to fully maintain the structures. We find such conduct to be a case of gross negligence and abdication, also reflecting casualness. Accordingly, we pass the following directions:

(a) The Commissioner of Police, Delhi, is

directed to instruct all the local SHOs of the areas, which are either protected or fall in the category of heritage places of historical importance, are protected in all respects, including encroachment, theft/mutilation/vandalization. Any dereliction of duty on the part of the concerned Police of such structures would lead to suspension of the SHO of the area concerned. The Commissioner of Police and the concerned DCP of the area shall be personally liable to ensure such compliance. If we find that this order is not complied with or any Officer is shielded, the Commissioner of Police as also the Deputy Commissioner of Police shall be personally liable for appropriate action by this Court.

(b) We also deem it appropriate to direct that the Chairperson, NDMC, shall be physically present in Court on the next date of listing, along with his show cause to explain as to why he has not maintained his supervision with regard to ensuring that whatever structures have been leased out to any person(s)/body, such person(s)/body complies with the requirement of maintaining such structures in a good condition.

(c) The Government of NCT of Delhi shall also

explain as to under what circumstances the Kharbooze Ka Gumbad in Sheikh Sarai, which is said to have been built in the year 1397 was settled with a private school, i.e., Panchsheel Public School in Sadhana Enclave and also, what conditions were imposed for proper preservation/maintenance of such structures and if what is shown in the photographs is true, then why the authorities did not take appropriate steps to ensure that the lessee or the person(s)/body to whom the place was settled kept the said structure in good condition.

4. List on 11.05.2026 at 1.00 p.m.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR