
(2011) 11 SC CK 0011

In the Supreme Court Of India

Case No : Writ Petition (C) No. 13381 of 1984 and I.A. No. 376 in Writ Petition (C) No. 13381/ 1984. I.A. No. 460, 482 and 483 in Writ Petition (C) No. 13381 of 1984, I.A. No. 487 in Writ Petition (C) No. 13381 of 1984, I.A. No. 388, 488 and 489 in Writ Petition (C

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 15-11-2011

Acts Referred:

Citation : (2011) 13 SCALE 329

Hon'ble Judges : D.K. Jain, J;Anil R. Dave, J

Bench : Division Bench

Final Decision : Allowed

Judgement

W.P. (C) No. 13381/1984:

1. In response to our order dated 14th October, 2011, affidavits have been filed on behalf of the Archaeological Survey of India as also the Government of Uttar Pradesh. We are constrained to observe that both the affidavits are far from satisfactory.

2. In the affidavit filed on behalf of the Archaeological Survey of India, it is stated that at regular intervals studies are conducted by the Survey of India and the Central Building Research Institute (CBRI), Roorkee, to examine the verticality of the minarets of "Taj Mahal". According to the affidavit, in the report submitted by CBRI in the year 2007, after carrying out Geotechnical and Structural Investigation Survey at "Taj Mahal" in the year 2005, no visible distress or dislocation has been noticed at the joints of floor and walls in the basement below Jasmine Floor. It is also stated that no change in the verticality of minarets, as compared to the data collected in the year 1965, has been noticed, though the minarets show slight outward inclination when compared with the survey conducted in the year 1940.

3. Insofar as the affidavit filed on behalf of the Government of Uttar Pradesh is concerned, we are dismayed to note that the desired information in relation to the level of water around the monument has not been furnished.

4. In the light of the statement made in their affidavit, we direct the Archaeological Survey of India to place on record copies of the reports submitted by the Survey of India and CBRI after periodical surveys conducted by them, commencing the survey stated to have been conducted in the year 2005, to enable us to make appropriate orders in the case. The reports shall be filed with a supporting affidavit within two weeks. Call the matter on 7th December, 2011 at 3.00 p.m. If considered necessary, it will be open to the State of Uttar Pradesh to file additional affidavit clearly spelling out their stand on the newspaper reports referred to in our order dated 14th October, 2011.

5. Regretfully, the Union of India has chosen not to respond to our aforesaid order.

6. Orders on the letter of Mr. Krishan Mahajan, the learned Amicus Curiae, are deferred for the time being.

I.A. No. 428:

7. On the next date, I.A. No. 428 will also be listed.

I.A. Nos. 376, 460, 482, 483, 487, 388. 488 & 489 in W.P. (C) No. 13381/1984:

8. List the applications for directions on 7th December, 2011.