
(2021) 01 DEL CK 0160
In the Delhi High Court
Case No : Civil Writ Petition No. 9418 Of 2020

Satbir

APPELLANT

Vs

Archaeological Survey Of India & Ors

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 49

Ancient Monuments And Archaeological Sites And Remains Act, 1958 — Section 20A

Citation : (2021) 01 DEL CK 0160

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jyoti Singh, J

Bench : Division Bench

Advocate : Shiv Gaur, Ankush Yadav, Naginder Benipal, Rajesh Kumar Agnihotri, Tushar Sannu, Ankita Bhadouriya, Subham Jain

Final Decision : Disposed Of

Judgement

D. N. Patel, CJ

Proceedings in the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:

â??a. Direct a thorough court-monitored investigation by SIT or by the CBI into the rampant illegal/ unauthorized construction at the

protected monument i.e. Tughlakabad fort.

b. Direct the respondent no. 1 to 5 to initiate action against the respondent nos. 6 and 7 for such encroachment, under the supervision of

this Hon'ble Court.

c. Direct the concerned Police Station i.e. Police Station Govind Puri to provide protection to the petitioner and his family and take

necessary actions for the well being of the petitioner and his family under the

supervision of this Hon'ble Court.

d. Issuance of a Writ of Mandamus to the respondents to demolish the illegal construction and encroached area and forthwith stop the

illegal construction/encroachment in the protected area of Tughlakabad Fort.

e. Issue such other writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the

case.â??

2. It is alleged by the learned counsel for the petitioner that there is inaction on the part of the concerned Authorities to prevent and to remove the

illegal / unauthorized construction being carried out in the vicinity of Tughlakabad Fort, which is a protected monument under the Ancient Monuments

and Archaeological Sites and Remains Act, 1958. It is contended that Section 20A of the said Act provides that every area, beginning at the limit of

the protected area / monument, as the case may be, and extending to a distance of 100 meters in all directions shall be the prohibited area and in

violation of the said provision there is rampant construction in the prohibited area.

3. In view of the above contentions, we deem it appropriate to direct the concerned Respondent Authority to decide the status of the alleged

unauthorized construction in accordance with law, more particularly the provisions of the Ancient Monuments and Archaeological Sites and Remains

Act, 1958 and Article 49 of the Constitution of India, after giving adequate opportunity of being heard to the concerned parties. Needless to state that

in case it is found by the concerned Authority that there is any illegal construction in the area in question in the present petition, necessary steps shall

be taken to remove / demolish the same, in accordance with law. Delhi Police shall give adequate and necessary police force and protection in case

the construction is illegal and action is initiated for its removal. This exercise shall be completed as early as possible and practicable in accordance

with law.

4. With the aforesaid observation, this writ petition is hereby disposed of.