

W.P(C)No. 653 OF 1994
ITEM No.1

Court No. 5

SECTION PIL
A/N MATTER

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

Writ Petition(Civil) No.653/1994

WASIM AHMED SAEED

Petitioner (s)

VERSUS

UNION OF INDIA & ORS

Respondent (s)

(With appln. for directions and exemption from filing O.T.
and modification of Court's order and extension of time and
impleading party and permission to file impleadment)

WITH I.A. NO. 23

With

W.P(C)No.455/1996

(For monitoring)

W.P(C)No.239/1997

(With appln. for stay and directions and exemption from
appointment of official translator and impleading party)

CONMT.PET.(Civil)No.162/2000 in W.P. (C) No. 653/1994

(With appln. for exemption from filing O.T. and recalling the
Court's Order dated 12.05.2000 and restoration of the Orders
dated 16.03.1998 and 20.07.1998 and directions)

Date : 05/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. Manmohan, Sr.Adv.

Mr. S.Sukumaran, Adv.

Mr. A.Deb Kumar, Adv. for

M/s J.B. Dadachanji & Co.

Mr. Intiaz Ahmed, Adv.

Ms. Naghma Imtiaz, Adv.

Mr. R.D.Upadhyay, Adv.

Mr. Anis Suhrawardy, Adv.

For Respondent (s)Mr. M.N.Krishnamani, Sr.Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. Rupesh Kumar, Adv.

Ms. Anil Katiyar, Adv.

Mr. B. Krishna Prasad,Adv.

Mr. V.N.Ganpule, Sr.Adv.

Mr. Sapam Biswajit Meitei, Adv.

Mr. Ashok Kumar Singh,Adv.

Mr. S.K. Verma,Adv.

Ms. Sushma Suri, Adv.

Mr. Anis Suhrawardy, Adv.

Mr. Hemant Sharma, Adv.

Mr. V.K.Verma, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Ravi Prakash Mehrotra, Adv.

Ms. Deepti R.Mehrotra, Adv.

Mr. Garvesh Kabra, Adv.

Mr. Prashant Chaudhary, Adv.

Mr. R.D. Upadhyay, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Ajay K. Agrawal, Adv.

Ms. Alka Agrawal, Adv.

Mr. Satish K.Agnihotri, Adv.

Mr. Maninder Singh, Adv.

Mr. B.V.Balaram Das, Adv.

Mr. Ashok K.Srivastava, Adv.

Mr. Shankar Divate, Adv.

Mr. B.S.Jain, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Mr. Annam D.N.Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to our order dated 15th July, 2004 the State of U.P. claims that the position is as under:-

From Shrine

From Monument

A.

Number of shops within 300 meters

305

552

B.

Shops & residential units combined

111

196

C.

Only shops

194

356

D.

Persons who are running shops on their own land

-

-

E.

Persons running shops on land of others/government land
295
542
F.
Persons running shops on ASI land
10
10

We are also told that pursuant to our above-mentioned order, Archaeological Survey of India (ASI) and the State of U.P. are in the process of preparing a Report which will be submitted to the Court within two weeks from today.

On behalf of the State of U.P., it is stated that the State is willing to allot Ghata No. 244/2 to ASI for the purposes of construction of stalls-cum-shops. We are informed that ASI has already transferred a sum of Rs. 5 crores to HUDCO and allotted to HUDCO the work of constructing shops on this plot of land.

On above statements we direct that State of U.P. do assign and ASI do take possession of the said plot within two weeks from today. It is clarified that the ownership of the plot will remain with the State Government.

The work of construction to be completed by HUDCO within one year from today. An officer of HUDCO, an officer of the U.P. State Government and an officer of ASI must be nominated by these bodies to be personally responsible for the construction. They must ensure that the construction is completed within time and that it is of the required quality. Names of such officers to be put into the report to be filed in this Court.

These matters are adjourned for four weeks.

I.A.No. 22/2004, I.A. No. 8/2002, I.A.Nos. 3/2000, 7,10,10A of 2002 and I.A.Nos. 12 and 19 of 2003

Issue notice.

Reply be filed within four weeks and rejoinder within two weeks thereafter. List these I.As on 17th September, 2004 for final hearing. In the meantime, appointments can be made subject to the result of these IAs.

Anita

(Jasbir Singh)
Court Master