

ITEM NO.43

COURT NO.2

SECTION PIL

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. Nos. 68-69/2013, in Writ Petition(s) (Civil) No(s). 653/1994

WASIM AHMED SAEED

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

(for bringing on record and directions and exemption from filing O.T. and impleadment and intervention and modification of court's order and permission and office report)

Date : 19/09/2014 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE S.A. BOBDE

Mr.Altaf Ahmad, Sr.Adv. (A.C.) .  
Mr.Imtiaz Ahmad, Adv. (A.C.)

For Petitioner(s) Mr. Anis Suhrawardy, Adv. (NP)

For Respondent(s) Mr.S.W.A.Qadri, Adv.  
Ms.Sunita Sharma, Adv.  
Mr.Y.P.Mahajan, Adv.  
Mr.Shadman Ali, Adv.  
For Mr.D.S.Mahra, Adv.  
for Mr. B. Krishna Prasad, Adv.  
For Mrs. Anil Katiyar, Adv.  
For Mr. P. Parmeswaran, Adv.  
For Ms. Sushma Suri, Adv.  
For Mr.Arvind Kr.Sharma, Adv.  
For Mr. B. V. Balaram Das, Adv.

Mr.Mohan Prasad Gupta, Adv.  
For Mr.S.N.Terdal, Adv.

Mr.Shantanu Singh, Adv.  
For Mr.Ashok Kumar Singh, Adv.

Mr. Sudhir Kulshreshtha, Adv. (NP)

Mr. Shakil Ahmed Syed, Adv. (NP)

Mr. V. K. Verma, Adv. (NP)

Mr. Annam D. N. Rao, Adv.

Mr. Sudipto Sircar, Adv.

Ms. Neelam Jain, Adv.

Ms. Vaishali R., Adv.

Ms. Swati, Adv.

Mr. Yunus Malik, Adv.

Ms. Bhavna Gupta, Adv.

For Mr. Prashant Chaudhary, Adv.

Mr. Vishwajit Singh, Adv.

Dr. Monika Gusain, Adv.

M/s. Equity Lex Associates, Adv.

Mr. Anuvrat Sharma, Adv.

M/s. Ap & J Chambers, Adv.

Mr. Irshad Ahmad, AAG

Mr. Piush Batsh, Adv.

Mr. Samir Ali Khan, Adv.

M/s. M. V. Kini & Associates, Adv.

Mr. Sunil Fernandes, Adv. (NP)

UPON hearing the counsel the Court made the following  
O R D E R

Vide our Order dated 29.08.2014, we had permitted the Archaeological Survey of India to implement the earlier orders passed by this Court.

While doing so, we had not incorporated the conclusions reached by the learned District Judge in his report dated 22.04.2014. In our opinion, the said conclusions requires to be incorporated in the aforesaid order.

We now add the conclusions portion of the report of the learned District Judge dated 22.04.2014 to our order of 29.08.2014. The same reads as under:

"After inspection both the sides i.e. Zere Hamam near Buland Darwaza and Gata No.244/2 near Agra Gate, I am of the opinion that there should not be any obstruction in complying the orders of the Hon'ble Court.

As regards the provision for entry to the house of Mr.Veeri Singh is concerned, it is to inform that even if the illegal entry from the side of Zere Hamam is closed, he will have two access to this house, one from west side and other from the hotel side, which can be opened with the permission of Hon'ble Court, Photo of spot is annexure '19' of this report.

As far as the question of the access to shops is concerned, it has been observed that if the boundary wall is constructed, an alternate road from the back side of these shops is also present which can be utilised as an access by the shopkeepers. Photo of the spot is annexure '20' of this report.

District Authorities may also be directed to upgrade proper approach from the road side for using back space/existing road and to ensure that all the vehicles are parked inside the Gulistan Parking Complex. Vehicles may not be allowed to park here and there upto Badshahi Gate as well as Buland Gate.

Hence, it is evident from the facts mentioned above that the submission made by Mr.Veeri Singh before the Hon'ble Court is incorrect and further in my opinion if proposed compound wall is constructed, the ingress and egress to the shop and the house of Mr.Veeri Singh will not be obstructed."

I.A.Nos.68-69 are disposed of accordingly.

(G.V.Ramana)  
Court Master

(Vinod Kulvi)  
Asstt.Registrar