

ITEM NO.1 COURT NO.4 SECTION PIL

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

IA Nos. 21, 24, 26, 30, 33, 37-39, 40, 45, 47, 50-52, 61, 62 &
64 in

WRIT PETITION (CIVIL) NO(s). 653 OF 1994

WASIM AHMED SAEED Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For direction, intervention, to taken on record the Joint
Report in compliance of order dated 5.8.2004, modification of
court's orders dated 5.8.2004 and 2.9.2004, permission,
direction, impleadment and office report)

WITH

IA Nos. 14, 15, 17 and 18 in
CONMT.PET.(C) NO. 162 of 2000 in WP © 653/1994
[IKHLAS V. B.N. CHAUDHARY AND ANR.]

(For recalling court's order dated 12.5.2000 and restoration of
order dated 16.3.1998 and 20.07.1998)

IA Nos. 13 to 17 and IA No. 18 in IA No. 13 in WP(C) 239/1997
[CHISHTIYA MOILLIM (GUIDE) AND PHOTOGRAHERS ASSOCIATION V. UNION
OF INDIA & ORS.]

Date: 11/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DIPAK MISRA

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

Mr. Imtiaz Ahnmed, Adv.

For Petitioner(s)
in WP 653 Mr. Anis Suhrawardy, Adv.

In Cont. Petn.
WP(C) 653/1994 Mr. Sunil Fernandes, Adv.

2

In WP 239 For M/s. Equity Lex Associates, Advs.

For Applicant (s)
in IA 21 Mr. A.D.N. Rao, Adv.

In IA 24 Mr. Anuvrat Sharma, Adv.

In IA 26
(For HUDCO) Mr. V.K. Verma, Adv.

In IA 30 Mr. Sudhir Kulshreshtha, Adv.

In IA 33, 50-52 Mr. Prashant Chaudhary, Adv.

In IA 64
For NHAI Mr. Vivek Tankha, ASG.
Mr. Prashant Kumar, Adv.
For M/s AP&J Chamebrs, Advs.

IN IA 13 in WP 239 Mr. Kamran Malik, Adv.
For M/s Equity Lex Associates, Advs.

In IA 14-17 in WP 239/07
Mr. Aftab Ali Khan, Adv.
Mr. Mehtab Ahmed, Adv.
Mr. Anjum Ahmed, Adv.
Mr. Mohd. Aslam Khan, Adv.

Mr. Ashok Kumar Singh, Adv.

Dr. (Ms.) Monika Gusain, Adv.

For Respondent(s) Mr. S.S. Rawat, Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Sadhana Sandhu, Adv.
Mr. H.S. Sachdeva, Adv.

Mr. B. Krishna Prasad, Adv.

For M/o HRD Ms. Anil Katiyar, Adv.

For CBI Mr. P. Parmeswaran, Adv.

For M/o Railways Mr. S. Wasim A. Qadri, Adv.
Ms. Sunita Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Rajni Ohri, Adv.
Mr. D.S. Mahra, Adv.

WP(C) 653/1994

3

For ASI, UP Mr. A.D.N. Rao, Adv.

For CBFC Mr. B.V. Balaram Das, Adv.

For M/o I & B Mr. S. Wasim A. Qadri, Adv.
Mr. D.C. Chitanand, Adv.
Mr. Tufail A. Khan, Adv.
Ms. Susham Suri, Adv.

For State of UP Mr. Pramod Swarup, Sr. Adv.
Mr. Ameet Singh, Adv.
Ms. Pareena Swarup, Adv.
Mr. Anuvrat Sharma, Adv.

For UP Sunni WAKF Board Mr. Shakil Ahmed Syed, Adv.

Mr. Vishwajit Singh, Adv

Mr. Anuvrat Sharma, Adv

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

Mr. Sunil Fernandes, Adv.

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

This Court on 25th April, 2011 passed the following order:

"Mr. Altaf Ahmed, learned senior counsel and amicus curiae submits that construction work of boundary wall is progressing satisfactorily. Learned counsel appearing for the Archaeological Survey of India submits that the boundary wall work is likely to be completed on or before 31st July, 2011. We would like the Archaeological Survey of India to file an affidavit to this effect some time during the third week of July, 2011.

Mr. Altaf Ahmed further submits that some land may be required to be acquired by the Government of Uttar Pradesh for construction

WP(C) 653/1994

4

of a wall in between Agra Gate and Shahkuli Baoli. Learned counsel appearing for the State of Uttar Pradesh prays for a short adjournment to file an affidavit in this respect. Let the affidavit be filed before the next date of hearing. Mr. Altaf Ahmed further submits that to provide proper access to Hathi Darwaza some land may also be required to be acquired by the State of U.P. Learned counsel appearing for the State may

WP(C) 653/1994

5

take appropriate instructions in this respect also and file an affidavit before the next date of hearing.

List this matter for further instructions on 02.08.2011."

Mr. Altaf Ahmed, learned Amicus Curiae submits that no progress has been made regarding acquisition of land by the State of U.P. The whole project is getting delayed on that count.

Mr. Pramod Swarup, learned Senior Counsel appearing for the State of U.P. prays for two

months' time for acquiring the land.

Time, as prayed for, is granted.

We direct the State of U.P. to complete the proceedings within a period of two months failing which the concerned Secretary of the State shall remain present in Court.

An affidavit to that effect be filed by the Chief Secretary himself.

Mr. A.D.N. Rao, learned counsel appearing for the Archaeological Survey of India submits that immediately after receiving the budgetary allocation, the remaining construction of the boundary wall would be completed.

We would like Mr. Rao to file an affidavit with regard to the construction of the remaining

WP(C) 653/1994

6

Details of the restoration work carried out particularly with regard to the mint house and Hathi Darwaza. Let the affidavit be filed within eight weeks from today with an advance copy to the other side.

List the matter along with the interlocutory applications on 10th January, 2012.

IA NO. 64 (Applicant- National Highway Authority of India)

We direct that the Secretary of the concerned Ministry and the Chief Secretary of the State of U.P. may sit together and try to resolve the problem as expeditiously as possible.

Let this be done within three weeks and report be submitted to this Court.

List on 3rd November, 2011.

[KALYANI GUPTA]
COURT MASTER

[INDU SATIJA]
COURT MASTER