

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. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report)

WITH

I.A. NO. 376 IN W.P.(C) NO. 13381/1984
(FOR DIRECTION)

I.A. NO. 460, 482 & 483 IN W.P.(C) NO. 13381/1984
(FOR DIRECTIONS AND PERMISSION TO FILE AFFIDAVIT)

I.A. NO.487 IN W.P.(C) NO.13381/1984
(FOR DIRECTION ON BEHALF OF TAJ WESTERN GATE MARKET ASSOCIATION)

I.A. NO. 388, 488 & 489 IN W.P.(C) NO. 13381/1984
(FOR DIRECTIONS)

Date: 15/11/2011 This Petition and the applications were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Krishan Mahajan, Adv (AC)(N/P)
Petitioner-In-Person (N/P)

For Applicant(s)
In I.A. 487 Mr. M.C. Dhingra, Adv.

For Applicant
In IA 489 Mr. Ajay K. Agarwal, Adv.

For Respondent(s)

A.S.I. Mr. Annam D.N. Rao, Adv.
Ms. Neelam Jain, Adv.
Mr. Keerthi Kiran Kota, Adv.

..2/-

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For State of UP Mr. P.N. Mishra, Sr. Adv.
Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamlendra Misra, Adv.

UPPCB Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

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.

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/-

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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.

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

Orders on the letter of Mr. Krishan

Mahajan, the learned Amicus Curiae, are deferred for the time being.

I.A. NO. 428

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

...5/-

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I.A. NOS. 376, 460, 482, 483, 487, 388, 488 & 489
IN W.P.(C) NO. 13381/1984.

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

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master