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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17591/2022 & CM APPLs. 56244/2022, 19831/2023
DELHI WAQF BOARD Petitioner

Through: Ms. Zeba Khair, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ANR. Respondents

Through: Mr. Raghvendra Upadhyay, Ms. Purnima Jain and Mr. Vaibhav Tripathi, Advocates for R-2.
Ms. Shobhana Takiar, Standing Counsel with Ms. Kritika Gupta and Mr. Kuljeet Singh, Advocates for DDA.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
15.09.2023

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1. The genesis of the present dispute is the demolition order dated 12th December, 2022 issued by Respondent No. 1 – Delhi Development Authority [“DDA”] for removal of structures encroaching upon the Mehrauli Archaeological Park [referred to as “Park”]. This demolition drive has been undertaken pursuant to orders of this Court in W.P.(C) 4302/2015, a public interest litigation concerning the protection and preservation of the Park, and based on a demarcation report prepared by the DDA. The limited grievance of the Petitioner, Delhi Waqf Board, is that in removing the unauthorized



structures, the DDA is clearing the waqf properties, which fall within their purview and control, and have religious significance.

2. Ms. Zeba Khair, learned counsel for Petitioner, submits that although the power to remove encroachments on the waqf property lies with the Petitioner in terms of Sections 54, 55 and 55A of the Waqf Act, 1995, they have no objections to DDA executing this exercise. However, the DDA must be restrained from impairing the religious structures, including the archival graves, parts of the mosque, tombs etc. situated in the Park, which belong to the Petitioner.

3. On 23rd December, 2022, learned counsel for DDA had made a statement that they will not be demolishing the aforesaid structures and will only proceed on the basis of the demarcation report for the area around the Park. Counsel for DDA reiterates the above-noted undertaking and assures that the mosques, archival graves, and other legitimate properties owned by the Waqf Board will not be affected by the demolition.

4. Taking the afore-noted statement of DDA's counsel on record and binding them to the same, the present petition is disposed of along with pending application.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

SEPTEMBER 15, 2023

AS