

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL(S) NO(S). OF 2025
(ARISING OUT OF SLP (C) NO. OF 2025
ARISING OUT OF DIARY NO(S).6711/2024)**

ZAMEER AHMED JUMLANA

APPELLANT(S)

VERSUS

**DELHI DEVELOPMENT AUTHORITY (DDA)
& ORS.**

RESPONDENT(S)

WITH

**CIVIL APPEAL(S) NO(S). OF 2025
(ARISING OUT OF SLP (C) NO.10043/2024)**

O R D E R

Permission to file Special Leave Petition is granted.

2. Leave granted.

3. Being aggrieved by the dismissal of the WP(C) No.1864 of 2024 by the High Court of Delhi at New Delhi, the appellants are before this Court.

4. At this stage itself, it may be mentioned that the Special Leave Petition (Civil) Diary No(s).6711/2024 has been filed by a person, who was not a party before the High Court, whereas in

Special Leave Petition (Civil) No(s).10043 of 2024, the appellants herein were the Writ Petitioners before the High Court.

5. The Writ Petition before the High Court was filed as a Public Interest Litigation seeking directions to respondent Nos.1 and 2 to desist from demolishing/removing the Ashiq Allah Dargah, including the Chillagah of Baba Farid and other surrounding historical monuments in Mehrauli or Sanjay Van, Delhi. The petitioners prayed for directions to respondent No.3 to take steps to protect and preserve the monuments and structures at Mehrauli and Sanjay Van. The Delhi High Court after taking into consideration the respective contentions took note of the fact that the said structures were not a protected monument or a national monument declared by the Central or State Authority and after recording the submissions of the respondents was pleased to dispose of the Writ Petition, particularly, paragraph 11 of the impugned order, reads as under:

“11. This Court is further of the view that the apprehension of mindless demolition expressed by the Petitioners is misplaced as according to the Supreme Court judgment, religious structures such as those mentioned in the writ petition can be demolished only after taking a prior approval from the Religious Committee which is headed by the Lieutenant Governor of Delhi. Thus, there is

adequate safeguard inbuilt into the system.”

6. Learned counsel for the appellant submitted that the reference to the Religious Committee which is headed by the Lieutenant Governor of Delhi with regard to demolition of unauthorized religious structures in Delhi by including the monuments, in question, in that category was wholly misplaced inasmuch as these structures are not encroachments as they have been in place since the twelfth century A.D. and therefore they are ancient monuments. It may be that they have not been declared to be protected monuments under the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958. However, that does not imply that the said monuments are vulnerable and therefore could be demolished by the authorities concerned.

7. Learned counsel for the appellants pointed out to the status report on behalf of respondent No.8 herein, which is the Archaeological Survey of India and particularly, paragraphs 4 and 5 of the affidavit of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle, as well as the inspection report titled “Ashiq Allah Dargha including Chillagah of Baba Farid in Mehrauli Sanjay Van in respect of Supreme

Court, Special Leave Petition (C) No.10043/2024 and Special Leave Petition (C) Diary No.6711/2024”.

8. They submitted that having regard to what has been stated in the aforesaid report, even though the structures may not have been treated as a Centrally Protected Monument within the meaning of the Act, nevertheless, the Archaeological Survey of India could supervise the repair and maintenance of these structures and not permit demolition by any authority.

9. Learned counsel appearing for the respondent(s)-Archaeological Survey of India submitted that indeed such a report has been filed before this Court.

10. Learned counsel appearing for the respondent(s)-Delhi Development Authority also submitted that the said authority is concerned only with demolition of unauthorised religious structures encroaching on public land in terms of the earlier orders passed by this Court particularly when religious structures are built unauthorisedly on public lands and roads. However, insofar as the present structures are concerned, having regard to the report of the Archaeological Survey of India, the

Delhi Development Authority would abide by the directions of the Archaeological Survey of India.

11. We have perused the status report filed on behalf of the Archaeological Survey of India in the form of an affidavit along with Inspection Report which is appended to the Status Report.

Paragraphs 4 and 5 of the Status Report read as under:

“4. Tomb of Shaikh Shihabuddin and Chillagah of Baba Sheikh Fariduddin Shakar Ganj have multiple layers of history belonging to the period of 12-13th Century CE but most of the layers are missing creating a great unconformity of the history and origin of the place. The structural modifications and alteration for the sake of restoration and conservation has impacted the historicity of the place.

5. But, it would not be out of the context to mention here that the place definitely has some historical importance in terms of its origin and religious significance as mentioned in the report of Zafar Hasan. The location of the tombs in the middle of Mehrauli Green Belt close to Centrally Protected Monument of Ranjit gate and falls within the regulated area of the Centrally Protected Monument therefore any repair renovation/construction work to be undertaken with prior permission of competent authority as per the Ancient Monuments and Archaeological Sites and Remains Act, 1958. The copy of the inspection report has been annexed....”

12. Taking note of the report of the Superintending Archaeologist, Delhi Circle, Archaeological Survey of India as well

as the affidavit, we find that what has been stated in paragraphs 4 and 5 of the Status Report are pertinent to this case.

13. In the circumstances, we dispose of these appeals by observing that the Archaeological Survey of India should take on the supervision of the monuments, in question, in the matter of repair/renovation and its preservation.

14. With the aforesaid observations and directions, the appeals are disposed of.

Pending application(s), if any, shall stand disposed of.

....., J.
(B. V. NAGARATHNA)

....., J.
(R. MAHADEVAN)

**NEW DELHI;
AUGUST 19, 2025.**

ITEM NO.5

COURT NO.3

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 6711/2024
[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 08-02-2024 IN WP(C) NO. 1864/2024 PASSED BY THE HIGH COURT OF DELHI AT NEW DELHI]

ZAMEER AHMED JUMLANA

PETITIONER(S)

VERSUS

DELHI DEVELOPMENT AUTHORITY (DDA) & ORS.

RESPONDENT(S)

IA NO. 37291/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA NO. 37290/2024 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

WITH

SLP(C) NO. 10043/2024 (XIV)

IA NO. 104542/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA NO. 104543/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 19-08-2025 These matters were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Satyajit Sarna, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Mr. Sachin Dubey, Adv.
Mr. Shubham Arun, Adv.

Mr. Nizam Pasha, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. M Shaz Khan, Adv.
Mr. Rafid Akhter, Adv.
Mr. Sudhanshu Tewari, Adv.
Mr. Faizan Ahmed, Adv.

For Respondent(s) : Ms. Mitali Gupta, Adv.

Mr. Nitin Mishra, AOR

**Mr. Satyajit Sarna, Adv.
Mr. Lzafeer Ahmad B. F., AOR
Ms. Sheezan Hashmi, Adv.
Mr. Aakash Dubey, Adv.**

**Mr. K.m.nataraj, A.S.G.
Mr. Vatsal Joshi, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Sansriti Pathak, Adv.
Sarathak Karol, Adv.
Mr. Hitarth Raja, Adv.
Mr. Shreekant Neelappa Terdal, AOR**

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

**Permission to file Special Leave Petition is
granted.**

Leave granted.

**Appeals are disposed of in terms of the signed
order, which is placed on file.**

**Pending application(s), if any, shall stand
disposed of.**

**(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)**

**(DIVYA BABBAR)
COURT MASTER (NSH)**