BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 528 OF 2025

IN THE MATTER OF:

Society For Protection of Culture, Heritage,
Environment, Traditions and Promotion of
National Awareness (Regd.)
Also Known As [SP-CHETNA] …. Appellant

Versus

Union of India & Ors. …. Respondents

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For S P CHETNA

Hony President

APPLICANT

THROUGH

DATE: 26.11.2026

PLACE: NEW DELHI

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(ADVOCATES)
[(D/4778/2016) & (D/3229/2017)]
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BEFORE THE NATIONAL GREEN TRIBUNAL
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Environment, Traditions and Promotion of
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Versus

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SHORT REPLY ON BEHALF OF APPLICANT BY WAY OF AN AFFIDAVIT TO REPLY FILED BY RESPONDENT NO. 6 I.E., DELHI POLLUTION CONTROL COMMITTEE (DPCC)

I, Anil Sood, a senior citizen, S/o Late Sh. M.C Sood, aged about 71 yrs., R/o C-1/1056, Vasant Kunj, New Delhi-110070, do hereby solemnly affirm and state as under:

That I am the President of the Applicant Society and am well acquainted with the facts and circumstances of the present case and as such, competent to make and affirm the present short affidavit. I have gone through the affidavit filed by Respondent No. 6 and a short reply to the same is as under:

MOST RESPECTFULLY SHOWETH:

GOVT. OF INDIA
DILIP KUMAR
Advocate
Regn. No: 54534
Period : 07/05/2025
to 06/05/2030
DELHI
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PRELIMINARY SUBMISSIONS

1. The reply filed by the **Respondent No. 6** (DPCC) is wholly mechanical and reflects a classic case of abdication of its statutory responsibilities. **Respondent No. 2** in its Reply in paras 5 & 6 at page no. 1245 -1246 has specifically acknowledged that the Respondent No. 6 is entrusted with the implementation and enforcement of the provisions of the **Water (Prevention and Control of Pollution) Act, 1974** and the **Air (Prevention and Control of Pollution) Act, 1981** within the **National Capital Territory of Delhi**, relevant text of which is reproduced as under: -

> *5. That, the State Pollution Control Boards (hereinafter referred to as "SPCBs'') and Pollution Control Committees (hereinafter referred to as "PCCs") have been constituted in States/Union Territories under the Water Act, 1974 and the Air Act, 1981 and are empowered to implement the provisions of these Acts in respect of territories falling in their respective territorial jurisdiction.*
>
> *6. That in the context of consent required to be obtained by the projects, it is humbly submitted that, SPCBs/PCCs are the concerned authorities to grant Consent to Establish (hereinafter referred to as "CTE") /Consent to Operate (hereinafter referred to as "CTO") under the Water Act, 1974 and the Air Act, 1981 based on their classification in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.*

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2. The Applicant's grievance is founded upon the failure of the Respondents to implement and enforce the complete statutory monitoring framework rather than selectively relying upon **Leq and Lmax** values **alone**. It is further submitted that **Respondent No. 2** in its reply has categorically admitted the prescribed monitoring framework under the **Noise Pollution (Regulation and Control) Rules, 2000 (Noise Rules)** as well as the statutory mechanism of delegation thereunder, whereby powers may be delegated only to the **District Magistrate, Commissioner of Police,** or an officer not below the rank of **Deputy Superintendent of Police.** Once **Respondent No. 2** admits both the statutory monitoring framework and the limited mechanism of delegation prescribed under the **Noise Rules**, it necessarily follows that **Respondent Nos. 5 and 7** could not have been entrusted with functions relating to compilation of noise data, monitoring, supervision, enforcement, or compliance oversight under the **2018 Notification** unless specifically authorised by law **(Ref. Grounds C and D at pages 69-70 of the paper book).** As per **Noise Rules**, it is the **Respondent No. 6** is responsible for monitoring, supervision, enforcement, or compliance oversight.

3. That, the core issue in the present Original Application is that **mere** measurement **of Leq and Lmax values is not sufficient** for assessing and **monitoring aircraft noise pollution**. The prescribed monitoring framework under the **Procedure for Noise Monitoring, 2008 (Annexure A-5 of the Original Application at pages 154-162) ("Procedure 2008")** additionally requires monitoring and maintenance of **TDNL, EDNL and BDNL** parameters by the authorities designated under the **Noise Rules.** The Applicant's grievance is founded upon the

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failure of the Respondents to implement and enforce the complete statutory monitoring framework and instead selectively rely upon **Leq and Lmax** values alone, which does not satisfy the requirements of **Procedure 2008** or the **Noise Rules.**

4. That, the **2018 Notification** (**Annexure-2 to the reply at running pages 1267-1273**) merely contemplates publication of **Lmax values in dB(A),** with the same to be determined and published by the **Airport Operator (DIAL)** with the approval of the **Respondent No.5 ("DGCA")** for airports having more than 50,000 annual traffic movements. The Notification further provides that such prescribed **Lmax values** are required to be complied with by the airlines and that compliance thereof is to be monitored and communicated by the **Respondent No.7 (DIAL)** to the **Respondent No. 5 (DGCA).**

5. The **2018 Notification** does not contemplate, authorise, or confer upon the **Respondent No. 5 (DIAL)** any statutory power or responsibility relating to ambient noise monitoring, maintenance of **TDNL, EDNL, or BDNL** data, regulatory supervision, enforcement, compliance assessment, or compliance oversight under the **Noise Rules,** or the **Procedure for Noise Monitoring, 2008**. Accordingly, the limited function of monitoring and communicating airline compliance with prescribed **Lmax values** cannot be equated with, or expanded into, the statutory functions of noise monitoring, supervision, enforcement, or compliance oversight envisaged under the **Noise Rules**.

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6. However, the stipulation contained in the **2018 Notification** that "***compliance of noise levels applicable to Airport Noise Zone as***

specified above shall lie with the Airport Operator and be overseen by the Directorate General of Civil Aviation" cannot be read in isolation or divorced from the parent statutory framework. To the extent the said clause may be construed as assigning functions relating to monitoring, supervision, enforcement, or compliance oversight to the **Airport Operator (DIAL)** or **DGCA**, the same would be inconsistent with the scheme of the **Noise Rules**, which specifically designate the "**Authority**" responsible for enforcement and compliance of noise standards and prescribe an exhaustive mechanism for delegation of such powers.

7. It is settled law that a notification issued for implementation of statutory rules cannot override, amend, enlarge, or supplant the provisions of the parent rules. The **2018 Notification** must therefore be read harmoniously with the **Noise Rules.** When so construed, the role assigned to the **Airport Operator (DIAL)** is confined to functions such as preparation of Airport Noise Zone maps, compilation of prescribed data, monitoring of airline compliance with notified **Lmax values,** and communication of such information to **DGCA.** The Notification does not confer upon the **Airport Operator (DIAL) or DGCA** any statutory power to discharge functions of ambient noise monitoring, enforcement, supervision, or compliance oversight vested under the Noise Rules in the designated Authority.

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8. Accordingly, any interpretation of the **2018 Notification** that seeks to transfer, dilute, substitute, or bypass the responsibilities entrusted under the **Noise Rules** to the designated Authority would not only be contrary to the statutory framework but would also render the specific provisions

relating to the Authority and delegation under the **Noise Rules otiose**. Such an interpretation is therefore legally unsustainable.

9. The Applicant has specifically drawn attention to the document titled **"Requirements and Procedure for Monitoring Ambient Noise Level Due to Aircraft - 2008" (Procedure 2008 – Annexure 5 - at page no.(s) 154 to 162) issued by Respondent No.2,** which prescribes internationally recognized aircraft noise assessment parameters such as **TDNL (Total Day-Night Noise Level), EDNL (Equivalent Day-Night Noise Level) and BDNL (Background Day-Night Noise Level)** for **evaluating the impact of aircraft operations on human health, sleep disturbance, quality of life and overall environmental well-being. Yet, the DPCC's reply is conspicuously silent on this crucial aspect.**

10. By failing to adopt and enforce **TDNL, EDNL and BDNL** as mandatory benchmarks for assessing aircraft noise exposure and its impact on human health and the environment, the Respondents jointly and severally have, for almost two decades, permitted unchecked and unquantified aircraft noise pollution across densely populated habitations surrounding the airport. The omission has exposed millions of residents, including children, students, patients, professionals and other vulnerable groups, to chronic day-and-night aircraft noise without any systematic evaluation of its effects on sleep, health, education, productivity and overall quality of life. Such prolonged regulatory failure has created a grave public health hazard and has deprived affected citizens of their constitutional right to a healthy and pollution-free environment.

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11. It is respectfully submitted that having taken such a categorical stand by **Respondent No.2**, **Respondent No.6** cannot simultaneously seek to justify a position that compliance with airport noise standards is the responsibility of the **Respondent No.7 (DIAL)** and is overseen by **Respondent No.5 (DGCA).** Significantly, neither **Respondent No. 2** nor **Respondent No.6** has identified any statutory provision, notification, order or instrument having the force of law under which statutory functions relating to monitoring, determination, verification and enforcement of compliance with the Airport Noise Zone standards stand delegated to **Respondent No.5 (DGCA)** and/or **Respondent NO.7 (DIAL).** While **Respondent No.7** may collect/collate/and compiles noise generated data and **Respondent No. 5 (DGCA)** may oversee aviation operations, neither authority can assume statutory functions vested in **Respondent No.2** and **Respondent No.6** unless such exercise of power is expressly authorised by law and effected through a valid statutory instrument. In the absence of disclosure of any such authority, the stand adopted both by **Respondent No. 6** is unsustainable.

12. The settled principle of administrative law is that a statutory authority must exercise powers entrusted to it in the manner prescribed by law and cannot further delegate such powers unless expressly authorised by the parent statute. In this regard, reliance is placed upon **paragraph 6 of the judgment dated 13.04.2026 passed by the Hon'ble Supreme Court in Rajeev Suri v. Archaeological Survey of India, SLP (C) No. 12213 of 2019**, relevant text of which is reproduced as under: -

6..... We are of the firm opinion that the survey of the nature contemplated being assigned to a

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> *private concern, appears to be absolutely unjustified.* ***The departments/agencies of the Government, Central or State, or of the National Capital Territory, as the case may be, cannot abdicate their responsibilities and outsource matters such as the survey which can be and ought to be done in-house*** *……*

A copy of this Order is annexed herewith as **Annexure-A1**.

13. The short affidavit filed by **Respondent No. 6** is liable to be rejected as it proceeds on an erroneous assumption that the 2018 Notification overrides the statutory obligations cast upon the **Pollution Control Board under the Water (Prevention and Control of Pollution), Act 1974**, and **Air (Prevention and Control of Pollution) Act, 1981** and **Noise Rules.** Such an interpretation would render the statutory framework nugatory and permit abdication of duties specifically entrusted by law. **Respondent No. 6** cannot avoid or transfer its statutory responsibilities through reliance upon an executive notification, particularly when neither the **Water Act, the Air Act**, nor the **Noise Rules** contemplate such exclusion of jurisdiction or divestment of statutory functions.

14. The Applicant respectfully submits that several issues arising from the reply of **Respondent No. 6** may require further elucidation upon consideration of subsequent pleadings and documents. Accordingly, the Applicant craves leave of this Hon'ble Tribunal to file a detailed affidavit/rejoinder at an appropriate stage, particularly in relation to the admissions made by **Respondent No. 2** and any further affidavits or material that may be brought on record. The Applicant reserves all rights and contentions in this regard.

GOVT. OF INDIA
DILIP KUMAR
Advocate
Regn. No: 54534
Period : 07/05/2025
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DEPONENT

VERIFICATION:

Verified at New Delhi on this the 26th day of November 2026 that the contents of the above application are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

Date: 26.11.2026

Place: New Delhi

DEPONENT

IDENTIFIED BY

GOVT. OF INDIA
DILIP KUMAR
Advocate
Regn. No: 54534
Period : 07/05/2025
to 06/05/2030
DELHI
NOTARY

ATTESTED
NOTARY PUBLIC
DELHI (INDIA)

26 NOV 2026

ITEM NO.302 COURT NO.13 SECTION XIV

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

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.12213/2019
[Arising out of the Impugned Final Judgment and Order dated 20-02-2019 in WP(C) No.4099/2018 passed by the High Court of Delhi at New Delhi]

RAJEEV SURI **PETITIONER**

VERSUS

ARCHAEOLOGICAL SURVEY OF INDIA & ORS. **RESPONDENTS**

IA No.110092/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

DATE : 13-04-2026 This matter was taken up today.

***CORAM* :**
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

[Mr. Gopal Sankaranarayanan (Sr. Adv.), Court Commissioner, with Ms. Astha Sharma, AoR and Mr. Vishal Sinha, Adv.]
[SPECIAL BENCH]

For Petitioner: **Mr. Shikhil Shiv Suri, Sr. Adv.**
Mrs. Madhu Suri, Adv.
Ms. Jyoti Suri, Adv.
Ms. Wamika Chadha, Adv.
Mr. Vibhor Choudhary, Adv.
Mr. Deva Vrat Anand, Adv.
Mr. T. R. B. Sivakumar, AoR

For Respondents: **Mr. Amrish Kumar, AoR**

Mr. Satya Darshi Sanjay, A.S.G.
Mr. Sudarshan Lamba, AoR
Mr. Siddhant Kohli, Adv.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Sarthak Karol, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Divyam Aggarwal, Adv.
Mr. Shubham Prakash Mishra, Adv.
Mr. Akshat Agrawal, Adv.

Mr. Udai Khanna, Adv.
Ms. Shivika Mehra, Adv.

Signature Not Verified
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Date: 2026.04.21 10:34:05 IST
Reason:

Ms. Sunita Sharma, Adv.
Mr. B. L. N. Shivani, Adv.
Ms. Satvika Thakur, Adv.
Mr. Mohan Prasad Gupta, Adv.
Mr. Santosh Ramdurg, Adv.
Mr. Yogesh Vats, Adv.
Mr. Shreekant Neelappa Terdal, AoR

Mr. Raj Bahadur Yadav, AoR

Mr. Rakesh Sinha, Adv.
Mr. Arvind Gupta, AoR
Mr. Md. Ghulam Akbar, Adv.
Mr. Jeemon Raju K, Adv.
Mrs. Binita Jaiswal, Adv.

Mr. Shubhranshu Padhi, AoR

Ms. Swati Ghildiyal, AoR
Mr. Rishi Yadav, Adv.

Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Mukesh Kumar Maroria, AoR
Mr. Prasenjeet Mohapatra, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Ms. Neelakshi Bhadauria, Adv.
Mr. Rishikesh Haridas, Adv.
Mr. Ishaan Sharma, Adv.

Mr. S.D. Sanjay, A.S.G.
Mr. Praveen Swarup, AoR
Mr. Devesh Maurya, Adv.
Mr. Rohit Swarup, Adv.
Mr. Yunus Malik, Adv.
Mr. Pooja, Adv.
Mr. PR Abhimanyu Karthikeya Raja, Adv.
Ms. Ashu Tomar, Adv.

Mr. Nitin Mishra, AoR

Mr. Udit Dedhiya, Adv.
Mr. V. N. Raghupathy, AoR
Ms. Apurva Sachdev, Adv.
Mr. Venkata Raghu Mannepalli, Adv.
Mr. Ramprasad H. Alva B., Adv.
Mr. Dillip Kumar Mohanty, Adv.

Mr. Shashank Bajpai, Adv.
Mr. Ankur Mishra, Adv.

Mr. Gurpreet Singh, Adv.
Mr. Nitish Dham, Adv.
Ms. Vidula Mehrotra, AoR
Mr. Gopi Chand, Adv.
Mr. Vatsal Tripathi, Adv.
Mr. Govind Singh, Adv.
Mr. Akshit Saxena, Adv.
Mr. Vaishnavstuti, Adv.

O R D E R

This case concerns the protection of monuments, a duty placed upon the Executive, but which has travelled up to this Court.

2. Mr. Gopal Sankaranarayanan, learned Court Commissioner has handed over a summary of the Status Reports filed by various authorities, which is reproduced hereunder:

Sl. No.	Agency	Number of Sites	Conservation Status
1.	ASI[1]	170 [3 Monuments de-notified] (Bara Khamba Cemetery, Inchla Wali Gumti,Nicholson Statute)	Good: 137 [Sl. 1, 3-17, 19-20, 22-23, 25-29, 32, 34-56, 58-64, 66-73, 75, 79-80, 86-89, 92, 94-96, 99-109, 111-133, 135, 139-156, 158, 160-162, 164-165, 167, 169-170] Satisfactory / Requires some repair: 19 [Sl. 21, 24, 30, 33, 74, 76-78, 81-85, 90, 93, 98, 134, 166, 168] Poor: 3 [Sl. 57 (Gates and walls of Mubarakpur,Kotla), 157 (Joga Bai Mound), 159 (Ancient

[1] Archaeological Survey of India.

			Mosque)] No details: 2 [Sl. 136, 138] Not traceable: 9 [Sl. 2, 18, 31, 65, 91, 97, 110, 137, 163]
2.	DoA, GNCTD[2]	20	Good: 10 [Sl. No. 1-10] Satisfactory: 6 [Sl. 11-16] Steps Due: 3 [Sl. 17 (Sarai of Azimganj), 18 (Tomb), 19 (Tomb)] Ongoing: 1 [Gumti of Shaikh Ali]
3.	MCD	87	Good: 50 [Sl. 1-6, 8-17, 22, 25-28, 31-45, 47-49, 51, 54, 60, 71, 78-83, 87] Satisfactory / Requires some repair: 14 [Sl. 19, Sl. 29-30, Sl. 55-56, 57, 59, 61-65, 69-70] Poor: 7 [Sl. 20 (Town Hall), 21 (Company Bagh), 46 (Cemetery), 58 (Domed buidling), 66-68 (Tombs)] Deplorable condition/No Conservation: 3 [Sl. 7 (Gateway of Zinat Mahal), Sl. 23 (Mughal

[2] Department of Archaeology, Government of National Capital Territory of Delhi.

			Tank), 24 (Tank)] Not traceable: 2 [Sl. 50 (Tomb), Sl. 72 (Baoli)] No details: 11 [Sl. 18, 84-86 (Pertaining to ASI), 52-53, 73-74, 76-77 (Pertaining to DoA, GNCTD) 75 (Pertaining to Waqf Board)]
4.	NDMC[3]	52 Details given for 41 out of 52 • 2 with NDMC • 19 with ASI Details for 4 not given as per affidavit • 14 with CPWD Details for 2 not given as per affidavit but details for 19 given; photos of only 5 given • 2 with DoA, GNCTD • 8 with Delhi Golf club • 2 with Diocese of North Delhi • Ownership not ascertained for 4 • No details about 1 site	Good: 18 [NDMC: Sl. 1, 2 ASI: Sl. No. 3-7, 9, 10, 12-16 DGC: Sl. 1-2, 8 DND: Sl. 1] Work due: 5 [ASI: Sl. 1, 2, 8, 11 DND: Sl. 2] Not conserved: 6 [DoA: Sl. 1 (Turret) Delhi Golf Club: Sl. 3-7 Others: Mosque, Hailey Road; Tomb, National Stadium] Sufficient details missing: CPWD[4]: All entries DoA: Sl. 2 (Bhuli Bhatiyari ka mahal)

[3] New Delhi Municipal Council.
[4] Central Public Works Department.

3. The Court has deliberated the matter in-depth with the respondents, as also Mr. S.D. Sanjay, learned Additional Solicitor General[5], appearing for the Ministry of Housing and Urban Affairs and the ASI. Learned counsel for the other respondents have also been heard. Learned senior counsel for the petitioner, the petitioner himself and Dr. Swapna Liddle have also addressed us.

4. Dr. Swapna Liddle has graciously given certain suggestions, which, to our mind, are very practical, realistic and need to be implemented immediately. To make the exercise more focussed, we request her to provide this Court with five basic issues which need to be, and can be, addressed immediately, in the background of what has been placed on record in the affidavits of various authorities, to begin with. We request her to do so within two weeks. She may file the same herself or through any Advocate-on-Record of her choice. Registry shall accept such filing as is.

5. With regard to Item No.19 in ASI's List (walls of the old City of Tughlaqabad), it is stated that there are encroachments within the same, which on the one hand have not been removed, and on the other hand, there is rampant increase, both horizontally and laterally, of the said encroachments. This indicates that the area is open to encroachment by various land *mafia*, surprisingly right under the nose of the authorities. It transpires that the High Court of Delhi is looking into the matter in W.P. (Civil) No.1475/2001, titled *'S N Bhardwaj v Archaeological Survey of*

[5] **'ASG'.**

India' **with other connected cases. In the said proceedings, on 24.09.2025 [2025 SCC OnLine Del 6319], a learned Division Bench of that High Court constituted a Committee, comprising the following, for '*deliberations and appropriate decision*' apropos '*survey of the area and devise a joint policy decision not only for removal of illegal encroachments and constructions but also to rehabilitate those who may be required to be uprooted and displaced*':**

> **1. Secretary, Department of Housing and Urban Affairs, Government of India – Chairman;**
> **2. Director General, Archaeological Survey of India – Member;**
> **3. Secretary, Department of Housing and Urban Development, GNCTD – Member;**
> **4. Commissioner, Municipal Corporation of Delhi – Member;**
> **5. Commissioner, Delhi Police – Member;**
> **6. Vice Chairman, Delhi Development Authority – Member;**
> **7. Divisional Commissioner, Revenue Department, GNCTD – Member; and**
> **8. Any other person/Officer/Body which the Committee deems fit may be co-opted.**

6. Following up, in the High Court's subsequent Order dated 18.03.2026, at Paragraph No.4 it was indicated to the Committee that '*rules for finalizing the agency to conduct the survey at the site has been received*', but the necessary order was yet to be issued and assurance was given by the Director-General, ASI to the said Committee that survey of the Fort area would be completed

within a period of two to three months. It appears that the agency, proposed to be finalised, is a private concern. The tendering process, we are informed, has already proceeded and only the final step *viz*. issuance of Work Order remains to be issued. We hereby direct that the Work Order shall not be issued. We are of the firm opinion that the survey of the nature contemplated being assigned to a private concern, appears to be absolutely unjustified. The departments/agencies of the Government, Central or State, or of the National Capital Territory, as the case may be, cannot abdicate their responsibilities and outsource matters such as the survey which can be and ought to be done in-house. A departmental organization like the ASI, which has a battery of professionals, be it, engineers, architects and otherwise, has to conduct the survey on its own wherewithal. Assistance, if at all needed, can be taken of governmental institutions. The same be done. In this connection, the Committee formed by the High Court shall also involve the Indian Institute of Technology, Delhi[6] and the School of Planning and Architecture, Delhi[7]. The Directors of both these institutions shall constitute a team which will work in tandem with the officers of the Departmental heads, who form part of the Committee. As has been directed in the Order dated 18.03.2026 *supra*, the Commissioner of Police, Delhi, shall ensure that the team is protected. The team shall submit a report to the Committee, which shall be placed alongwith comments/remarks of the

[6] **'IIT-D'.**
[7] **'SPA'.**

Committee before the High Court on the next date fixed, which is 01.07.2026. We only request the High Court to take up the matter on priority and ensure that whatever directions are called for, are issued at the earliest.

7. We also add that the survey shall indicate and demarcate the exact nature of the existing structures and the extent of such structures. Detailed and comprehensive photography with time/date-stamping shall be done to ensure that even in existing structures additions are not made later. If any discrepancy/incorrect facts come to light in the Report (with the Committee's comments, as noted above), the Members of the Committee and the team constituted shall be personally liable in that respect. Similarly, it shall be the duty of the concerned Deputy Commissioner of Police[8] and the Station House Officer[9] to ensure that there is no addition to any existing structure or any further encroachment of any kind whatsoever, with immediate effect. If any violation/construction/encroachment is found to have taken place, from this moment onwards, the DCP and SHO shall be personally responsible for the same. The High Court is requested to closely monitor the same.

8. With a view to clarify the position, we may note that our directions were necessitated, *inter alia*, as the issue before the High Court was initially being monitored by this Court, and under Judgment dated 04.02.2016 in Civil Appeal No.699/2005 [(2016) 3

[8] DCP.
[9] SHO.

SCC 691], this Court observed and directed:

> ***'11) On the basis of events narrated above, the position that emerges is the following:***
>
> ***(a) Tughlakabad Fort is a protected monument and this Court has held in these proceedings that protection and preservation of the said monument is imperative.***
>
> **********
>
> ***(d) Repeated orders are passed to the effect that there would not be any further construction in the protected monument i.e. Tughlakabad Fort. The effect of the said orders is that ASI is to take an action for removal of unauthorized construction as also the encroachers from the public land. There are even orders passed by this Court that for carrying out this direction, ASI is to be provided with necessary police protection as well as any other cooperation that is needed from the National Capital Territory of Delhi or any other authority.***
>
> ***12) Since effective orders have already been passed to this effect and the matter now only needs to be monitored to ensure that these orders are implemented in letter and spirit by taking effective steps and action in the matter, we are of the opinion that further monitoring of the cases can be done by the High Court of Delhi from where these proceedings originated.'***

(emphasis supplied)

9. Thus, to strengthen the hands of the High Court and to ensure that the authorities discharge the duties cast upon them, we have considered it fit to make certain re-arrangements about the manner and modality of the survey to be conducted.

10. On a concern raised by Mr. S.D. Sanjay, learned ASG, we direct that the Directors of IIT-D and SPA shall ensure that a team is set up in terms *supra* and their services are made available to the Committee at the earliest. Further, we grant liberty to co-opt personnel from any other field to aid and assist

in the exercise assigned. However, they shall also be drawn from Government Organisations/instrumentalities of the State. We further make it clear that all expenses to be incurred by this team shall be borne, for the present, by the Ministry of Housing and Urban Affairs, Government of India. Time spent in doing the work assigned shall be treated as time spent on full-time duty by the members of the team.

11. Registry shall forward a copy of this Order to the Registrar General, High Court of Delhi, forthwith, for being placed in the records of W.P. (C) 1475/2001 and the concerned Division Bench.

12. Let the Committee also communicate this Order to the Directors, IIT-D and SPA.

13. As requested by the learned Court Commissioner, Ms. Astha Sharma, learned Advocate-on-Record and Mr. Nikunj Saxena, Advocate, shall assist him *qua* the responsibility entrusted to him by our Order(s).

14. We accept the unconditional apology tendered by Mr. Yadubir Singh Rawat, the Director-General, ASI, who was directed to appear for not filing the affidavit as directed by this Court. His personal appearance is hereby dispensed with, for the present.

15. By the next date, specific affidavit(s) with regard to all the issues identified today shall be filed by the parties. The said affidavit(s) shall also disclose the proposed plan of action, with specific time-frames, relating to all the monuments individually, which have been described in the affidavits already

filed, in brief.

16. Due to paucity of time, this Court was unable to hear the official respondents individually, which will be done on the next date.

17. Accordingly, list on 04.05.2026 at 3.30 PM.

(POOJA SHARMA)
AR-*CUM*-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR