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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CM APPL. 11318/2023, CM APPL. 17205/2023 IN

+ W.P.(C) 10596/2022

MANAGING COMMITTEE OF DELHI

WAQF BOARD

..... Petitioner

Through: Mr. M. Sufian Siddiqui, Mr.  
Rakesh Bhugra, Mr. Kumar Satish  
Shah, Ms. Alya Veronica,  
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Wajeeh Shafiq, SC with Ms.  
Ramsha Shan, Advocates for R-  
4/DWB.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**20.07.2023**

1. The petitioner, claiming to be the managing committee of a Mughal mosque situated near Qutub Minar, has filed this petition under Article 226 of the Constitution of India for an order restraining the respondents from obstructing or causing interference in the offering of *namaz* at the mosque.

2. The contention of the petitioner is that the said mosque does not fall within the protected monument notified by the Archaeological Survey of India ["ASI"] *vide* notification dated 24.01.1914 (Annexure R-1 to the affidavit of the ASI dated 26.10.2022). It is also contended that *namaz* was being offered from the said mosque from its establishment until

13.05.2022, when it was stopped by the respondent authorities, and that no notice was issued, even to the Managing Committee of the mosque, in this regard.

3. It is made clear that learned counsel for the parties have all submitted that the mosque in question is different from the Quwwatul Islam mosque in the Qutub Minar complex, which is the subject matter of a suit [Civil Suit No. 875/2020] filed before the District Court, Saket.

4. On the basis of these submissions and the preliminary submissions advanced by learned counsel for ASI, it appears that the issues to be considered include *inter alia* whether the said mosque is included in the protected area under the notification dated 24.01.1914, and if so, the consequence thereof with regard to permissibility of worship at the mosque.

5. Learned counsel for the parties are directed to file their written submissions, alongwith copies of any authorities upon which they wish to rely within three weeks from today.

6. List on 13.10.2023.

7. The ASI is also directed to produce any records available with it with regard to the issuance of the notification dated 24.01.1914.

**PRATEEK JALAN, J**

**JULY 20, 2023**

*“Bhupi”/*