

ITEM NO.105

COURT NO.2

SECTION XV

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

Civil Appeal No(s). 6677/2019

THE STATE OF RAJASTHAN AND ORS. & ORS.

Appellant(s)

VERSUS

LORD NOTHBOOK AND ORS.

Respondent(s)

( [ TO GO BEFORE THREE HON'BLE JUDGES ] )

Date : 18-01-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Dr. Manish Singhvi, Sr. Adv.  
Mr. Arpit Parkash, Adv.  
Mr. Vikalp Sharma, Adv.  
Mr. Milind Kumar, AOR

Mr. Sandeep Kumar Jha, AOR

For Respondent(s) Mr. C.a.sundaram, Sr. Adv.  
Mr. Siddharth Bhatnagar, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. Anshuman Srivastava, Adv.  
Mr. Rishabh Parikh, Adv.  
Ms. S. Lakshmi . Iyer, Adv.  
Mr. E. C. Agrawala, AOR

Mr. Kumar Mihir, AOR

Mr. Devendra Raghava, Adv.  
Ms. Rajeshwari Hariharan, Adv.  
Mr. Nishit Agrawal, AOR  
Ms. Kanishka Mittal, Adv.

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

We are shocked and amazed at the manner in which the State of Rajasthan has permitted its heritage to be destroyed and continues to permit it to be destroyed while claiming its rights under the Rajasthan Escheats Regulation Act, 1956!

Our order dated 22.9.2022 already sets forth the controversy. The State has failed to comply with our order dated 22.9.2022 and on our query learned senior counsel submits that it is the Collector, Jaipur who is incharge of the so called efforts. No plan has been placed before us. We have no doubt that whoever is responsible is in breach of our order. Let notice issue of contempt to the said Collector returnable on the next date to explain why we should not initiate proceedings of contempt and punish him in accordance with law for what is perceived as a willful disobedience of the order of this Court. Mr. Sandeep Jha, learned counsel accepts notice on behalf of the Collector. Reply be filed within four weeks.

The respondent(s)- trustees have placed before us an updated booklet apart from what material was submitted on the last date titled "Lost Treasures". It reflects a horrifying picture. The issue of restoration of heritage undoubtedly cannot be left to the State Government who have shown no consideration for the same. Whether ultimately the Trust is entitled to it under the Will or not or whether the agnates and cognates are so entitled too, that

is a different subject matter for which civil proceedings are on but in these proceedings we are concerned with how the heritage can be saved and restored.

The appellants have placed before us an Assessment Report of January, 2023 by GRUPISM LLP Architects. This is the only report before us as the State has done nothing. We have perused this comprehensive report putting forth how the restoration work has to be carried out.

We are inclined to entrust the restoration work to a group of architects who have prepared the report.

The next question arises as to what can be the check and balance on the work sought to be done by the architects. We consider it appropriate that INTACH should nominate two heritage architects and so will the Archaeological Survey of India (ASI). The Committee consisting of five members will be chaired by a retired Judge. We appoint Hon'ble Mr. Justice Pradeep Nandrajog, retired Chief Justice of the High Court of Bombay and Rajasthan to Head the Committee who is free to obtain assistance as deemed proper from any other source/person.

The only positive aspect placed before us today by Dr. Singhvi is that a budget of five crores has been sanctioned by the State Government for carrying out the renovation work. The said amount will be made available for the renovation work as and when cleared by the five members of the supervising Committee and learned counsel for the respondent(s) has also offered that if need be they will make available funds to be reimbursed by the State later.

We have also made it clear to learned senior counsel for the State that prima facie this five crore amount may not be enough, by any stretch of imagination, to carryout the renovation and they will have to make necessary funds available, having been party to watching as it got destroyed.

We request the Committee to begin the exercise quickly and we are sure that the architects so appointed will do likewise. We have already indicated as to how the money is to be paid to the architects. Similarly for the experts, appointed to the Committee, the reimbursements will be made out of the amounts made available by the State Government as per directions of the Chairman.

We are initially fixing the fee of the learned Judge at rupees one lakh per visit/sitting apart from out of pocket expenses and for travel and he will indicate the nature of work done whereafter we will decide how the fee is to be fixed further.

One of the grievances made by the respondent is of encroachment on the property. Suffice for us to say that whatever encroachments have been done, the appellant-State will ensure that those encroachments are removed within six weeks from today and no other proceedings will be entertained in respect of such encroachment by any Courts.

In order to ensure that there are no further encroachments, the Collector will provide security for all the properties to ensure that there is no such further encroachment.

Now we turn to our Order dated 22.9.2022 where we have flagged the issue that since there was a functioning hotel taken over by

the appellants, there were valuable movables and the State was liable to account for them as they were part of the heritage. We had directed the State of Rajasthan to file a list of all the movable assets which were there when they took over the place and where and in what manner they have been stored. This has also not been done. We grant four weeks' time to do the needful. Such a list be filed in respect of all the movables in respect of all the properties taken over by the State.

Insofar as FAO(OS) No.348 of 2012 is concerned, we are informed that proceedings are going on, almost on a day to day basis.

The Committee is to submit a report to us before the next date.

For the time being, neither of the parties have a role assigned to them to play in this exercise and it would be under the supervision of the Committee.

We further permit the respondents to assist the Committee in identifying various aspects of the renovation work.

List on 21<sup>st</sup> March, 2023.

(RASHMI DHYANI PANT)  
COURT MASTER

(POONAM VAID)  
COURT MASTER