

Orders

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03.12.2003

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Present: Mr. Abdul Hafiz for the Petitioners.  
Ms. Rekha Palli for respondent no. 1.  
Mr. Zafar Sadique for Respondent.  
Mr. Sanjay Jain for respondent.  
Ms. Deepali Gupta for counsel for respondent.  
Ms. Namrata Chopra for respondent no. 8.  
Mr. Jayant Tripathi for respondent.

CW No. 7293/2003 & CM 12672/2003

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In a similar matter filed by one of the occupants of the regulated/ prohibited area under the Ancient Monuments of Archaeological Sites and Remains Act, 1958, a Division Bench of this Court had held that since disputed questions of fact were raised in the petition inasmuch as while the case of the petitioner was that the construction was existing prior to 1992, the respondents had alleged that the construction was raised after the issue of notification in 1992, the Court will not like to interfere with the matter and dismissed the petition giving liberty to the petitioner to seek appropriate relief in an appropriate forum as may be permissible in law. Since the present petition also raises disputed question of fact similar to the disputes raised in CWP NO. 7490/2003 decided by the Division Bench on 24.11.2003, in my opinion, this petition is also not maintainable and is, accordingly, dismissed with liberty to the petitioner to seek appropriate relief in an appropriate forum as may be permissible in law.

Copy of the order be given DASTI to counsel for the petitioner.

December 03, 2003

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(S.K. MAHAJAN)  
JUDGE

Signature Not Verified

Digitally Signed By: AMULYA  
Certify that the digital file and  
physical file have been compared the  
digital data is as per the physical file