

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 3341 of 2017

Petitioner :- Anjuman Intazamia Masazid Varanasi

Respondent :- Ist A.D.J. Varanasi And Others

Counsel for Petitioner :- A.P.Sahai,A.K. Rai,D.K.Singh,G.K.Singh,M.A. Qadeer,S.I.Siddiqui,Syed Ahmed Faizan,Tahira Kazmi,V.K. Singh,Vishnu Kumar Singh

Counsel for Respondent :- C.S.C.,A.P.Srivastava,Ajay Kumar Singh,Ashish Kr.Singh,Bakhteyar Yusuf,Hare Ram,Prabhash Pandey,R.S.Maurya,Rakesh Kumar Singh,V.K.S.Chaudhary,Vineet Pandey,Vineet Sankalp

Hon'ble Prakash Padia,J.

On the last of hearing, i.e., 28.09.2022 following order was passed:-

"Order on MATTERS UNDER ARTICLE 227 No. - 3562 of 2021 & MATTERS UNDER ARTICLE 227 No. - 3844 of 2021

Heard Sri Shashi Prakash Singh, Senior Counsel/Assistant Solicitor General of India assisted by Sri Manoj Kumar Singh, learned counsel for respondent No.7

Sri S.F.A. Naqvi, learned Senior Counsel assisted by Sri Syed Ahmad Faizan, & Sri Punit Kumar Gupta, assisted by Ms. Poorva Agarwal, learned counsel for petitioner and Sri Ajay Kumar Singh, Sri Vijay Shankar Rastogi, Sri Sunil Rastogi, Sri Tejas Singh, Sri Chandra Shekhar Seth and Sri Vineet Sankalp, learned counsel for contesting respondents, and Sri M.C. Chaturvedi, learned Additional Advocate General/Senior Advocate assisted by Sri Hare Ram and Vijay Sharnkar Prasad, learned Standing Counsel for the respondent No.8 are also present.

Pursuant to the order dated 12.09.2022 passed by this Court, affidavit has been filed by one Abinash Mohanty, working on the post of Superintending Archaeologist, Archaeological Survey of India, Varanasi along with an application for exemption, the same is taken on record.

It is stated in paragraph 4 of the affidavit that the Director General of the Archaeological Survey of India/respondent No.7 had been suffering with gynaecological health issues and was advised surgery which was to be conducted in August 2022, but due to infecting with CORONA virus on 08.08.2022, the surgery was rescheduled on 14.09.2022 and the same is done on 14.09.2022 in the Max Hospital New Delhi.It is further stated in the affidavit that due to major surgical intervention, respondent No.7 was an inpatient at the Max Hospital, New Delhi and was discharged from the hospital on 17.09.2022. It is further stated that Doctor given specific advise that she has be in bed rest for a further period of one month which is to be end on 14.10.2022, copy of the medical/fitness certificate issued by the Senior Director and Unit Head of Obs. & Gynaecology, Max Smart Super Speciality Hospital, New Delhi is appended Annexure No. 1 to the affidavit.

In this view of the matter, a prayer has been made by Sri Shashi Prakash Singh, Senior Counsel/Assistant Solicitor General of India assisted by Sri Manoj Kumar Singh, learned counsel for respondent No.7 to grant some more time to comply with the order dated 12.09.2022.

List this matter on 18.10.2022 at 2:00 p.m. in the additional cause list.

In this view of the matter, personal appearance of respondent No.7 is exempted for today.

Since the matter is of national importance and fact that the suit is pending before the trial Court since 1991, this Court hopes and trust that the respondent No.7/the Director General, Archaeological Survey of India, New Delhi will comply with the order dated 12.09.2022 in its letter and spirit on or before the next date fixed in the matter, i.e., 18.10.2022.

Interim order, granted earlier, is extended till 31st October, 2022."

Today when the matter is taken up, again a prayer has been made by Sri Shashi Prakash Singh, Senior Counsel/Assistant Solicitor General of India assisted by Sri Manoj Kumar Singh, learned counsel for Archaeological Survey of India/respondent No.7 to grant at least six weeks time to file counter affidavit.

Since the Civil Suit is pending before the Civil Court Varanasi is of the year 1991, in the interest of justice, as a last opportunity, ten days further time is granted to file counter affidavit subject to payment of Rs. 10,000/- in the Legal Services Committee, Allahabad. The aforesaid amount will be deposited on or before the next date of listing.

List this case on 31.10.2022 at 2:00 p.m.

Order Date :- 18.10.2022

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