

**DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE, CGO COMPLEX,  
BLOCK - 1, LODHI ROAD, NEW DELHI - 110 001**  
(MINISTRY OF HOME AFFAIRS)

NO.A.II-1/2016-Adm-3

No. B.V-02/2017-Law-DA-V

Dated, the 5 October, 2017

To

The Dy. Secretary,  
Delhi Minorities Commission,  
Govt. Of National Capital Territory of Delhi,  
C-Block, 1<sup>st</sup> Floor, Vikas Bhawan,  
I.P. Estate, New Delhi - 110 110

Delhi Minorities Commission

Dy. No.....785.....Admn./DMC/

Date.....06/10/17.....  
9/10/17  
Mr. Rank of J.N.A

Subject: - REPLY/ STATUS REPORT ON NOTICE SERVED U/S 10(h) OF DMC  
ACT 1999 ON THE COMPLAINT OF SH. HABIB-UR-REHMAN.

Kindly refer to your office Notice dated 06/09/2017 issued on the subject matter.

2. The Reply/ Status Report on Notice served u/s 10(h) of Delhi Minorities Commission, Govt. Of National Capital Territory of Delhi on the complaint of Shri Habib-ur-Rehman are furnished as under: -

- i) GOI/MoUD, Land and Development Office, Nirman Bhawan, New Delhi has considered allotment of land measuring 2.23 acres (approximately) to Ministry of Home Affairs (MHA) at CGO Complex, Lodhi Road, New Delhi on "as is where is basis" subject to the terms and condition which inter-alia included in the para-1 of allotment order, for construction of office accommodation, shifting of the CPC Canteen, barracks for men and parking of vehicles for CRPF vide their allotment order No. L&DO/L-IIA/11(1116)/ 2015/c/o dated 28.02.2017 (**Annexure-A**). MoUD advised the allottee i.e. MHA to construct the office building within a period of two years from the date of handing over the land.
- ii) On allotment of the land, Commissioner of Police, New Delhi/Dy. Commissioner of Police, South Delhi, Mayfair Garden, Hauz Khas, New Delhi were requested for fencing and to initiate action for eviction of encroachment from the said allotted 2.23 acres land vide letter No. A-II-1/ 2016-Adm-3 dated 14.03.2017 (**Annexure-B**), No. A-II-1/2016-Adm-3 dated 01.05.2017 (**Annexure-C**), D-III-1/2017-Ops dated 26.05.17 and 27.05.17 (**Annexure-D & E**), D-III-1/2017-Ops dated 02.06.17 (**Annexure-F**), A-II-1(DTE)/2016-17-Works-NZ dated 04.07.2017 (**Annexure-G**) and A-II-1(DTE)/ 2016-17-Works-NZ dated 05.09.2017 (**Annexure-H**).

- iii) Possession of the land in favour of CRPF has been obtained from Shri Biri Singh, Overseer, L&DO, MoUD, Nirman Bhawan, New Delhi by Shri D.M. Mishra, 2-I/C, 55 Bn, CRPF on 22.05.2017 and possession/handing over/taking over report dated 22.05.2017 (**Annexure-I**) & Sketch of the land handed over/taken over dated 22.05.2017 (**Annexure-J**) received vide IGP, Northern Sector, CRPF letter No. L-I-1/2016-17-Works-II (near CBI Bldg) dated 24.05.2017 (**Annexure-K**).
- iv) Further, a Civil Suit No. 82862/2016 filed by Habib-ur-Rehman V/s Union of India is pending before the Hon'ble Saket Court, New Delhi. The CRPF was not a party in the above Civil Suit, hence an application for impleading CRPF in the array of respondents was filed before the Hon'ble Court and the Ld. Court of Ms. Priya Mahendra, Senior Civil Judge-cum-Rent Controller (South), Saket Courts vide order dated 03/08/2017 (**Annexure-L**) has disposed off the application and allowed CRPF to be impleaded as defendant No. 08 in above Civil Suit.
- v) The above Civil Suit came up for hearing on 24/08/2017 and defendant evidence of Revenue Authority was recorded. Also copy of Jamabandi allowed by the Hon'ble Court. The matter was further adjourned to 14/09/2017 for remaining arguments, but could not be heard on 14/09/2017 due to non availability of the Hon'ble Judge. Accordingly, the matter further Adjourned to 03/10/2017 for further proceedings.
- vi) The above individual also filed WP(C) No. 6158/2017 (**Annexure-M**) in the Hon'ble Delhi High Court with the following prayers: -
- a) Issue writ, order or directions in the nature of mandamus directing the respondent to ensure compliance of order dated 31/10/1996 passed in Appeal No. 175 of 1995 by the Court of Shri J.P. Singh, then Additional Distt. Judge, Delhi.
  - b) Pass ex-parte order directing the respondents to file status report about the action taken by it concerning a grave yard and a masjid, being the subject matter of the Appeal No. 175 of 1995 mentioned above, called Lal Masjid situated in Khasra No. 359, 360, 361 situated in the Village Aliganj, Lala Lajpat Rai Marg, New Delhi.
  - c) Pass any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
- vii) The above case was heard on 20/07/2017 and the Hon'ble Delhi High Court vide Order dated 20/07/2017 (**Annexure-N**) directed that there was no order restraining the respondent from taking over and / or maintaining possession of the graveyard. It is further directed that the respondents to ensure that the Lal Masjid is preserved and no damage is caused to the graves as well and directed to file a status report before the next date of hearing i.e. 25/07/2017.
- viii) In compliance to above Court order dated 20/07/2017, status report was filed in the Hon'ble Court.
- ix) The above case was heard on 25/07/2017 and the Hon'ble Delhi High Court vide Order dated 25/07/2017 (**Annexure-O**) has disposed off the matter with the following remarks: -

"The status report has been filed in compliance with the order passed on 20.07.2017. It is stated that the land in question has been allotted to CRPF who has taken physical possession of the land (vacant portion). The Lal Masjid and the graves are not being damaged and are preserved. The status report is taken on record. In view of the above, no further orders are required to be passed in this petition. The same is disposed of."

3. In view of above, it is submitted that the department has taken possession of vacant land and the Lal Masjid and the graves are preserved.

4. The instant case i.e. Civil Suit No. 82862/2016 filed by Habib-ur-Rehman V/s Union of India is sub-judice before the Hon'ble Saket Court, New Delhi and the next date of hearing has been fixed for 03/10/2017. Further, it is also pertinent to mention here that the Lal Masjid and Grave Yards situated in the land in question have not been interfered with by the department and sentiments of minority community have not been harmed. The issue pertains to property rights which is subjudice and it is not related with minority rights by any means.

Encl. : As above.

  
**DIG (Adm)**

**INTERNAL: - (SELO)**

**DIG (Law/ Works/ Ops) Dte.**  
for information please.

**OFFICE OF THE DY. COMMISSIONER OF POLICE ; SOUTH DISTT. NEW DELHI**

No.127/III-A/17/2027 /SDC/SD, dated, New Delhi the 10/10 /2017.

To

Deputy Secretary,  
Delhi Minorities Commission,  
Govt. of NCT of Delhi,  
C-Block, 1<sup>st</sup> floor, Vikas Bhawan, IP Estate,  
New Delhi-110010.

**Subject: Regarding Complaint of Sh. Habib-Ur-Rehman against Delhi Police Personnel**

Sir,

Kindly refer to your office letter Nos. F.02(43)/ Comp. /DMC / 2017/726 and F.02(43)/Comp./DMC/2017/959 dated 06.09.2017 & 25.09.2017 respectively, on the subject cited above, I am to intimate that enquiry into the matter has been conducted through ACP/Defence Colony. During enquiry the following facts emerged are as under:-

1. There is One Masjid, known as Lal Masjid, two graves and a Mazar of Hazrat Nazar Ali Shah Baba situated on the alleged land. About 100/150 devotee's offer Friday Namaj in this Masjid and 15/20 persons offer routine Namaz of five times a day in this Masjid. A sign board of Madarsa has also been found placed on the wall of Masjid, but no student was found studying there. One Habib-ur-Rehman @ Chida aged 75 years S/o Sh. Chand Khan R/o 145, Basti Hazrat Nizamuddin, New Delhi is self claimed care taker of Mazars and Masjid.
2. **Civil Litigation:** Sh. Habib-ur-Rehman @ Chida, aged 75 years S/o Sh. Chand Khan R/o 145, Basti Hazrat Nizamuddin, New Delhi (earlier B.C. of PS HN Din, now downgraded to personal file) filed a suit for permanent injunction in the Court of Sh. Vinay Kumar Gupta, CJ, Delhi on 08.11.1989 and made parties namely U.O.I, Delhi Administration, CPWD, L & DO, MCD, DDA, CP Delhi, SHO PS Lodhi Colony and NDMC. Sh. Brijesh Sethi, CJ, Delhi vide order dated 19.12.1995 dismissed the above civil suit. The petitioner filed appeal on 21.12.1995 in the Court of Sr. Civil Judge against the dismissal order. Further, a local Commissioner was appointed by the court, to submit his report and Sh. G.P.Singh, the then ADJ, Delhi (the appellate court) after perusal of the report filed by the Local Commissioner, passed the following order. **"Considering all the facts and circumstances, I direct the parties to maintain status quo as regards the existing Lal Masjid and graves only and this will not cover any other residential accommodation."** Since then the matter was pending trial in the Court of MS Priya Mahendra, Senior Civil Judge, Saket Court, ND.
3. **Criminal Case:** A Case vide FIR No.325/01, dt. 03.09.2001, u/s 186/353/34 IPC r/w 3 and 4 of Prevention of Damageto Public Property Act, 1984, PS Lodhi Colony was registered on the complaint of Sh. Arab Singh, Ex. Engineer, U-Division, CPWD, New Delhi alleging there in that on 03.09.2001 the CPWD authorities were constructing the boundary wall, when a crowd of 15-25 persons led by accused Habib-ur-Rehman and his wife Mrs Nafisa started obstructing the government work, Sh. Syed Ahemad Bukhari, IMAM, Jama Masjid also reached there, used abusive language and damaged the sign boards etc. The mob also

Delhi Minorities Commission

Dy. No. 852 Admn./DMC/

Date 17/10/17

*Signature*  
17/10/17  
Mrs Pankaj

investigation charge sheet was filed on 21.10.2003 against Sh. Syed Ahmed Bukhari, Habib-ur-Rehman and his wife Nafisa. Charge was framed u/s 114/147/186/353/34 IPC & 3 of the Prevention of damage to Public Property Act. 1984, against the accused persons. The next date of hearing in this case is fixed for 07.11.2017 in the Court of SH. R.K.Pandey, Ld. MM, Saket Court New Delhi.

4. **Delhi High Court order:** On 22.05.2017, the land measuring 2.23 Acre allotted to CRPF by Ministry of Urban Development, Nirman Bhawan, New Delhi on paper and on 20.07.2017 physical possession taken over by CRPF on the above said land partly as some portion of this land is encroached by some unauthorized persons. There are 40-45 jhuggies still existed on the remaining piece of land. On 20.07.2017 Sh. Habib-ur-Rehman filed the petition vide W.P.(C) No. 6158/2017, before the Hon'ble High Court praying that a writ of mandamus be issued to the respondent to ensure compliance with the order dated 31.10.1996 passed by the Addl. District Judge, Delhi in the appeal No.175/1995. The Hon'ble High Court passed an order that "A plain reading of paragraph 8 of the above mentioned order clearly indicated that the learned ADJ had directed that status quo be maintained only with regard to the existing Lal Masjid and the graves. There was no order restraining the respondent from taking over and/or maintaining possession of the graveyard". The Hon'ble High Court directed the respondent to file a status report. On 25.07.2017, the Hon'ble High Court disposed of the petition with the order "The status report has been filed in compliance with the order passed on 20.07.2017. It is stated that the land in question has been allotted to CRPF who has taken physical possession of the land (vacant portion). The Lal Masjid and the graves are not being damaged and are preserved. The status report is taken on record. In view of above, no further orders are required to be passed in this petition."
5. On 05.08.2017 Sh. Shahid Ali (Adv) National President United Muslims Front had filed an application for seeking permission for 'Protest March' from Lal Masjid to Delhi High Court on 11.08.2017. The permission was not granted by the PHQ/Competent Authority in view of law and order problems.

**Present Scenario:** The jhuggies were not removed yet from the land. The CRPF has taken possession on the above said land partly as some portion of this land is encroach by some unauthorized persons. The allegations leveled by the complainant against Delhi Police and CRPF personnel's for illegally encroaching area bearing Khasra No.359, 360 and 361 and damaging the Grave-Yards and Lal Masjid situated in the said plot are false and baseless. Hence the complaint may please be filed.

Yours faithfully,

  
(CHINMOY BISWAL) IPS

Addl. Dy. Commissioner of Police:  
South Distt., New Delhi.

Police  
bf

N.D.

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**DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE, CGO COMPLEX,  
BLOCK - 1, LODHI ROAD, NEW DELHI - 110 001**  
(MINISTRY OF HOME AFFAIRS)

No. A-II-1/2016-Adm-3

Dated, the 10 May, 2018

To

The Dy. Secretary,  
Delhi Minorities Commission,  
Govt. Of National Capital Territory of Delhi,  
C-Block, 1<sup>st</sup> Floor, Vikas Bhawan,  
I.P. Estate, New Delhi - 110 110

*Yung*  
*15/5/18*  
Delhi Minorities Commission  
Dy. No. 250 Adm./DMC/  
Date 15/5/18

Subject: - **REGARDING LAL MASJID AND GRAVES ON 2.23 ACRE LAND  
ALLOTTED TO CRPF NEAR CBI BUILDING FOR CONSTRUCTION  
OF OFFICE ACCOMMODATION, CPC CANTEEN, BARRACKS FOR  
MEN AND PARKING OF VEHICLES.**

Respected Sir,

Kindly refer to DMC letter No. F2/43/Comp/DMC/2017/8326-27 dated 02.04.2018 issued on the subject matter.

2. The Reply/ Status Report on Delhi Minorities Commission, Govt. of National Capital Territory of Delhi letter ibid are furnished as under: -

- i) No comments being matter of record.
- ii) No comments being matter of record.
- iii) No comments being matter of record.
- iv) CRPF took over charge of most part of the land excluding Lal Masjid and adjacent graves on 26.02.2018 after the decision of the Hon'ble High Court of Delhi since the Court gave orders only to maintain status quo over the area of Lal Masjid and adjacent graves. For the remaining part of the land there was direction to make necessary constructions for the purpose for which the land was allotted to the department from the Court. No damage whatsoever was caused to the mosque and graves during possession. Further, the electricity supply and water supply of that area have not been cut off and the same are available in that area without any hindrance from CRPF personnel.
- v) The matter is subjudice in Hon'ble High Court but the Hon'ble Court has not given any stay over construction work on the land. Further during last date of hearing at Delhi High Court, the Court had appointed a local Commissioner on the request of the Petitioner to visit the site and present videos and photographs of the land and also to assess the damage, if any, to Lal Masjid and Mosques and report was to be submitted to the Hon'ble Court. The said Commissioner in his report has submitted that there has been no damage caused to Lal

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Masjid as well as graves by CRPF personnel during possession. The next date fixed for the matter is 30.05.2018 in the Hon'ble Court, New Delhi.

- vi) For the objection made in this Para, it is to be said that the area is fenced for the safety and security of our men living there for sentry duty and administrative purposes. Further it is part of the SOP (Standard Operating Procedures) of the force that area should be covered and protected properly for the sake of safety and security of our men and weaponry. No damage whatsoever was caused to the mosque and the water supply and electricity supply in the entire area under possession of the caretaker is available even today. Nobody has raised any issue regarding the supply of electricity and water. The allegations of the wife of the caretaker are totally false and have no ground. The allegations are being made only to ruin the image of force, and stake an illegal claim in the Government land duly allotted to CRPF by Ministry of Urban Development, GOI.

3. In view of above, it is submitted that the department has taken possession of the vacant land and the areas of Lal Masjid and the graves have been preserved.

4. It is also pertinent to mention here that the Lal Masjid and Graves situated in the land in question have not been interfered with by the department and sentiments of the minority community have in no way been harmed. The issue pertains to property rights only which is subjudice and is not related to minority rights by any means.

  
16/5/2018  
**DIG (Adm) Dte**

No. A-II-1/2016-Adm-3

Dated, the 10 May, 2018

Copy forwarded to the IG, Northern Sector, CRPF New Delhi w.r.t. their letter No. J-II-4612/2018-NS-P-1 dated 16.04.2018 for information please.

  
**DIG (Adm) Dte**

2/43

(1)

(Speed Post)

**DIRECTORATE GENERAL, CENTRAL RESERVE POLICE FORCE, CGO COMPLEX,**  
**BLOCK - 1, LODHI ROAD, NEW DELHI - 110 001**  
**(MINISTRY OF HOME AFFAIRS)**

No. A-II-1/2016-Adm-3

Dated, the

July, 2018

To

The Dy. Secretary,  
Delhi Minorities Commission,  
Govt. of National Capital Territory of Delhi,  
C-Block, 1<sup>st</sup> Floor, Vikas Bhawan,  
I.P. Estate, New Delhi - 110 110

Subject: - **LAL MASJID AT CGO COMPLEX, LODHI ROAD, NEW DELHI-110003 REG.**

Respected Sir,

Kindly refer to DMC letter No. F2/43/Comp/DMC/2017/9092-93 dated 25/28.05.2018 on the subject matter.

2. The compliance report on Delhi Minorities Commission, Govt. of National Capital Territory of Delhi letter ibid are furnished as under: -

2 (a). The Mosque and adjacent graves are available on the subject land. The land has been allotted to the CRPF on basis of "as is where is" and CRPF took over possession of the land on 22/05/2017. As per the Map attached (Appendix-'A') with the proceedings, the Lal Masjid and adjacent graves have been shown and the status quo is being maintained. No grave has been demolished by the department in this process. Further, as per order of the Hon'ble Delhi High Court status quo in respect of Mosque and adjacent grave is also being maintained. During pendency of the matter and as per the request of the plaintiff the Hon'ble Delhi High court had appointed Sh. Raghu Vashishth, Advocate as local commissioner to visit the site and submit his report. Accordingly, Sh. Raghu Vashishth visited the site on 17/03/18 and submitted his report before Hon'ble the Delhi High court. As per his report no damage or destruction of any kind has been done to the graves and the Masjid.

Further the Hon'ble High Court of Delhi has not passed any stay order over ongoing construction work on the land which is in possession of the department.

3. With regards to the electricity in the area of the Mosque it is to be said that the department has taken a proper and legal connection for electricity supply for the land due to security reasons and other purposes.

(1) The department has neither interfered nor cut the electric supply of Mosque area.

Cont.....P/02.

Delhi Minorities Commission

Dy. No. 676/Admn./DMC/

Date 8/7/18

12/7/18



- (2) The department has taken over the possession of land on 22/05/2017 on "as is where is" basis.

Further there is no connection for water supply in that area. Water trucks are being utilized for supply of water for our men living there for administrative duty and other purposes. Hence, the allegation made in the paragraph is completely false and baseless. We are not aware whether the Mosque has valid and proper electricity connection from the Electricity department.

In reply to the directions of Delhi Minorities Commission (DMC), it is submitted that :-

- 1) The matter is subjudice in the Hon'ble High Court of Delhi for maintaining status quo with regards to the Mosque and the adjacent graves area.
  - 2) As discussed in para 3 above there is no connection for supply of water on the land and water is being provided by water trucks of the department.
  - 3) The status quo is being maintained with utmost care as per the direction of the Hon'ble Delhi High Court.
    - 1) The graves available in the fenced area as well adjacent to the Mosque are available in their original condition.
    - 2) No road has been closed down by us. The Mosque opens directly on the main road.
3. In view of above, it is again submitted that the department has taken possession of the vacant land and the areas of Lal Masjid and the graves are preserved.

  
5/7/2018  
**DIG (Adm) Dte**

No. A-II-1/2016-Adm-3

Dated, the 5 July, 2018

Copy forwarded to the IG, Northern Sector, CRPF New Delhi w.r.t. their letter No. J-II-4612/2018-NS-P/I 28.06.2018 for information please.

  
**DIG (Adm) Dte**