

COCP No.3092 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP No.3092 of 2015
Date of decision:17.10.2016**

H.C. Arora

...Petitioner

Versus

Ms. Anjali Bhawara

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.C. Arora, petitioner in person.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J.

This petition has arisen out of an order passed in CWP No.20236 of 2014 titled as “H.C. Arora vs. State of Punjab and others”, decided on 15.01.2015 filed in public interest with a prayer for issuance of a direction to the respondents therein to preserve the double-storeyed building situated in Mohalla Shahganj, Turi Bazar, Ferozepur, which remained as the office of Shaheed Bhagat Singh and other revolutionaries during the year 1928-29, as monument under the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964 (hereinafter referred to as the “Act”). The said petition was dismissed as not pressed because the Court had recorded in its order that *“in para 3 of the written statement filed on behalf of respondent No.1, it has been stated that on consideration of the issue, the said building has been declared as protected monument under the*

Act. In this regard, notification dated 22.12.2014 has already been issued, copy of which has been annexed with the written statement as Annexure R-1/2.

In this petition, it is averred by the petitioner that the said notification dated 22.12.2014 was the preliminary notification by which objections, if any, were invited from the general public within two months from the date of its issuance but even after the expiry of two months on 22.02.2015, the respondents had not issued the final notification despite the fact that no objection was filed by the general public.

The petitioner sent an e-mail dated 24.10.2015 to the Chief Secretary, Government of Punjab for the issuance of final notification under the relevant statutory provisions but still final notification has not been issued.

In the reply filed by the respondents, it is categorically mentioned that since the final notification has been issued under Section 4(3) of the Act on 17.12.2015, therefore, the present petition has become infructuous. However, with regard to the miscellaneous application filed by the petitioner bearing CM No.3617-CII of 2016 for seeking a direction to ensure conversion of the hide out of revolutionaries into a museum/memorial, it is submitted that there is no undertaking given by the respondents or a direction issued by this Court. It is also stated that the monument is a double-storeyed building situated in Mohalla Shahganj, Turi Bazar, Ferozepur, which cannot be opened to the public as it happens to be a private property occupied by the private persons, otherwise a museum dedicated to life and times of Shaheed Bhagat Singh is being made at

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Khatkar Kalan at an expense of ₹16.81 Crore and the house of the martyr at Khatkar Kalan has been protected and conserved by the department and since it would be a government property, therefore, it is open to the public. It is also stated that the protected monument is located in Turi Bazar, Ferozepur, which is very congested area of Ferozepur and as per the information received from the Deputy Commissioner, Ferozepur, presently the building is in good condition as its repair has been carried out by its occupants and, thus, it is considered safe. However, a signage has been installed outside the property for information and knowledge of the general public.

After hearing learned counsel for the parties and examining the available record, I am satisfied with the reply filed by the respondents that the final notification has been issued declaring the property in question as a protected monument and has rightly not converted it into a museum because of its location and the fact that it is owned by a private person. However, it is directed that the respondents shall make all efforts for preservation of the protected monument in terms of Section 6 of the Act.

With these observations, the present petition is disposed of.

October 17, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No