

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

**CWP No. 17361 of 2014(O&M)
Date of decision:17.03.2016**

Verinder Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Harsimran Singh Sethi, Addl.AG, Punjab.

Mr. Ashok Kumar Arora, Advocate
for respondents No. 3 and 4.

Mr. R.S.Bains, Advocate
for respondent No.5.

Rakesh Kumar Jain, J.(Oral)

This petition is filed to challenge the Order dated 22.08.2014(Annexure P-14) by which the District Magistrate, Fatehgarh Sahib directed the petitioner not to commence construction of LPG Godown till he obtains No Objection Certificate from the Director, Archaeological Department, Sector 38, Chandigarh who had issued notice No. 284 dated 28.07.2014 to him under Section 30 A of the Ancient Monument Archaeological Sites & Remains Act, 1958 and (Amendment & Validation) Act, 2010.

At the time of notice, stay was granted.

During the pendency of this petition, respondents No. 3

and 4 passed the order dated 5.12.2014, declining the prayer made by the petitioner for raising construction within the regulated area of the ancient monument namely, "Ancient Buddhist Stupa" which has been declared a monument of national importance. The relevant portion of that order is reads as under:-

"I am directed to inform that the proposal was placed in the 111th meeting of National Monument Authority held from 27.10.2014 to 29.10.2014 and after careful consideration of the same Members decided not to recommend grant of NOC in this case as the C.A.Punjab in his report mentioned that there is likelihood of any mishap taking place and also the possibility of any grave damage caused to the said protected monument o/e/ Ancient Budhish Stupa, cannot be ruled out which is clearly against the national and global interest from the archaeological view."

It is an admitted fact that the order dated 5.12.2014 is already under challenge in the writ petition filed by the petitioner bearing CWP No. 5934 of 2015 which is now pending adjudication and is fixed for 9.05.2016.

It is pertinent to mention that the present writ petition was filed against the order of Deputy Magistrate, Fatehgarh Sahib who had asked the petitioner to stop construction till he obtains permission from the Competent Authority under the Act. Since the Competent Authority has declined the permission and the said

order is under challenge, this petition has been rendered infructuous with the passage of time. Consequently, this petition is hereby dismissed as having become redundant and infructuous.

17th March, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**