

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

**CWP No.7956 of 2016 (O&M)
Date of Decision :01.10.2018**

Subhash Kapoor and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Ms. Rita Kohli, Sr. Advocate with
Mr. Saurabh Kapoor, Advocate and
Mr. Rishabh Kapoor, Advocate for the petitioners.
Mr. Gurminder Singh, Sr. Advocate with
Mr. Rohan Markanda, Advocate as *amicus curiae*.
Mr. Avinit Avasthi, AAG, Punjab.
Mr. R.S.Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate for respondent No.2.
Mr. A.P.S.Sandhu, Advocate for
Mr. Ashok Kumar Arora, Senior Panel Counsel
for respondent No.4.
Mr. Rajinder Goyal, Advocate for respondents No.6 to 10.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

The main relief sought in this petition was to command the State Government to declare the area in question as a protected monuments and to preserve it as it is. An affidavit of Ms. Swaranjeet Kaur, Deputy Secretary, Department of Archaeology, Museums and Archives, Punjab, has been brought on record today stating that a final notification under Section 4 sub Section 3 of the Punjab Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1964, has been issued on 23.08.2018 and published on 31.08.2018.

Learned *amicus curiae* after having gone through the affidavit states that the cause in this petition stands served and does not survive any

further, and thus, there exists no reason to continue any further with this petition at this juncture.

Mr. R.S.Khosla, learned Senior counsel appearing for the Punjab Urban Development Authority, states that the notification has been issued without considering the objections filed by the authorities.

That being so, it is always open to the Development Authority to challenge the notification issued by the State Government on whatever legal grounds that may be available to it. However, the issue being raised by the PUDA is beyond the scope of this Public Interest Litigation and hence not liable to be considered. The same is the position with respect to the arguments advanced by Sh.Rajinder Goyal, learned counsel appearing for respondents No.6 to 10, auction purchaser from PUDA.

Learned *amicus curiae* points out that the entire consideration towards auction has not been deposited by them and they have deposited only 25% and no allotment order has been issued to them.

If any of their legal rights exit or is violated it is also open to them to take such recourse as may be available to them. In so far as, this petition in the nature of PIL is concerned since it has served its purpose, the proceedings are closed and the matter stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.10.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No