

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

CWP No.12957 of 2010 (O&M)

Date of Decision: 05.03.2019

Sheel Suri

... Petitioner

Versus

Bhakra Beas Management Board and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Shikhar Sarin, Advocate,
for the petitioner.

Mr. Arun Nehra and
Mr. Sant Kashyap, Advocates,
for respondents No.1 to 4-BBMB.

Ms. Ambika Sood, DAG, Punjab,
for respondent No.5.

Mr. Anil Sharma, Advocate,
for respondent No.10.

ARUN MONGA, J.(ORAL)

Present petition has been filed, *inter alia*, for issuance of a writ in the nature of certiorari to quash the show-cause-notice dated 29.06.2010 (Annexure P-16), issued by respondent No.4/Estate Officer, BBMB under Public Premises Act, 1971.

2. Mr. Arun Nehra, learned counsel for respondent-BBMB, at the outset, points out that the present petition is not maintainable as the petitioner is at liberty to take all his objections and contentions in the reply to be filed pursuant to the show-cause -notice. He, therefore, contends that the present writ petition is

pre-mature.

3. Even otherwise, he contends that the primary ground to challenge the show-cause-notice is that, at the relevant time, there was some ambiguity with regard to the ownership of the BBMB township and the administration thereof between the State of Punjab and the BBMB. The said controversy was put to rest by a Division Bench's judgment rendered by this Court in **CWP No.13690 of 1994** titled as **Piare Lal Vs. Punjab State and others**.

Relevant whereof is extracted hereinbelow:-

5. "In view of the above, all of these cases are disposed of at this stage, without expressing any views on merits on the individual claims, with the following directions:-

i) The Central Government through Ministry of Power shall notify the Competent Authority comprising an Officer not below the rank of Secretary to Union of India, who shall in exercise of powers vested with the Central Government under the Act, call upon the parties by issuing a public notice besides individual notices through their counsel(s) or otherwise to those who are party to the cases which are being disposed of vide this order;

ii) the notified Authority shall grant reasonable opportunity to the parties to submit their claims/counter-claims duly supported with documents etc. The authority shall also call for the records from the concerned quarters;

iii) the notified Authority shall give reasonable opportunity of being heard to the parties to the case before us, as also to the other stake holders who may in response to the public notice, decide to appear and assist the notified Authority to resolve the dispute;

iv) The notified Authority, may permit the parties to engage advocates to represent their claim.

v) The notified Authority shall decide the principal issue regarding “ownership/ management/ administration/ control over the residential/ commercial/ agricultural properties located within the municipal limits of Nangal” by passing a speaking order as early as possible but preferably within 6 months.”

4. Learned counsel for the respondent-BBMB submits that pursuant to the directions of this Court, as reproduced above, vide an order dated 30.12.2014, Government of India submitted a report by a Committee comprising of Chairperson, Central Electricity Authority (CEA), Member (Hydro) CEA, Joint Secretary Ministry of Law, Government of India and a nominee from Government of Punjab. Vide the said report, a conclusive finding has been given that the land acquired and allotted for the project (BBMB) is to be administered, controlled and managed by BBMB under which the same continues to be part of the project. He further submits that liberty was granted by this Court to challenge the said report by any stakeholder, if aggrieved by the said report. He points out that till date the said report has not been challenged by any of the stakeholder and the same has attained finality and, therefore, based on the said report, he submits that BBMB is fully empowered to initiate proceedings under Public Premises Act and, therefore, show-cause-notice has rightly been issued.

5. Having gone through the pleadings filed by various

parties and also keeping in view the contentions of the learned counsel for the respondents-BBMB, which, I am in agreement with, I find that there is no scope to interfere under Article 226 in the present proceedings and the present petition has been filed prematurely to assail the show-cause-notice under the Public Premises Act.

6. Without expressing any opinion on the merits of the case, present petition is disposed of with liberty to the petitioner to raise all his contentions by filing appropriate reply to the show-cause-notice, in accordance with law.

05.03.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No