

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

**CWP No.10017 of 2018
Date of decision: 08.05.2019**

Baljeet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. T.P.S. Walia, Advocate, for the petitioner.
Mr. Shireesh Gupta, Sr. Deputy Advocate General, Punjab.
Mr. Harsh Mehla, Advocate, for respondent No.2.
Mr. B.S. Guliani, Advocate, for respondent No.3.
Mr. Mukesh Kumar Sharma, Advocate, for respondent No.5.

KRISHNA MURARI, C.J. (Oral)

This Public Interest Litigation has been filed by the petitioner portraying himself to be a Social Activist, seeking the following main reliefs:

“(ii) and to issue a Writ of Mandamus, or any other appropriate writ, direction or order, for directing the respondents to restore the building of Working Women’s Hostel in Bhai Randhir Singh Nagar Ludhiana to Indian Red Cross Society, Ludhiana District Branch, and to allow utilization of the said building for the benefit of residence of working women only, as per terms and conditions under which this building was allotted by Town Improvement Trust, Ludhiana to India Red Cross Society, Ludhiana, by mandating the 3rd India Reserve

Battalion to give up the illegal possession of this building by the respondents No.4 and 5;"

Grievance raised is that certain land was allotted to the Red Cross Society for construction of Working Women Hostel and the premises after construction is being occupied by one Indian Reserve Battalion, Punjab Police, Ludhiana.

In response to the notice of motion, reply has been filed by respondents No.1 & 4 stating, *inter alia*, as under:

"3. The Punjab was reeling under the Pak-Supported Terrorism, the security and safety of urban areas was of paramount importance. The concept of locating armed component of para-military forces in the cities came into force and Ludhiana being the financial and business hub, the largest urban settlement was one of the priority city to be secured, hence in 1984, a Battalion of CRPF was allocated for this purpose of securing the Ludhiana City and the Choice of Locating the Armed Component Headquarters in Ludhiana at present site was due to strategic location of the building. The then District Magistrate in Public Interest allotted this building lying unoccupied for many years, as CRPF Battalion Head Quarters due to reasons of its location so that Area Security can be provided to business and Financial Nerve Centre of Punjab. After the withdrawal of Central Para-military Forces from Punjab, the component of State Armed Battalions replaced CRPF and the 3rd IRB replaced the CRPF in Ludhiana and has stepped into the shoes of CRPF being an alternative of Armed Police Forces in the area and is in possession of the building and the formal rent agreement between the 3rd IRB and the Indian Red Cross Society, Ludhiana Branch, reduced into writing on

11.6.2002 and the IRB is regularly paying the License Fee to the Indian Red Cross Society. The IRB Punjab Police is maintaining the building, from time to time since then. It is pertinent to mention here that the Punjab Police Department was allotted land in Seed Farm of Punjab Agricultural University, Lathowal vide Memo No.27/21/78-PB2(7)//178 dated 11.1.2001. The said letter is annexed herewith as Annexure R-1. The said land was further allotted to 3rd IRB (Punjab Police) in the year 2012 and the Charge was taken by the then Commandant 3rd IRB (Punjab Police) on 27.9.2012, the said letter is annexed herewith as Annexure R-2. It is pertinent to mention here that this Headquarters of Armed Components i.e. 3rd IRB (Punjab Police) for the security duties of Ludhiana City was to be placed at its new allotted location at Ludhiana but the State Govt. Department of Revenue and Rehabilitation (Land Revenue Branch) vide its order dated 24.10.13 Endorsement No.26/39/2013-LR-3 had transferred the land to the Ministry of Home Affairs, Govt. of India for permanently stationing a Battalion of the National Disaster Response Force (NDRF). The said order is annexed herewith as Annexure R-3. The State Govt. decision was taken in Public Interest to place and locate Head Quarters of National Disaster Response Force in the State of Punjab at Ludhiana. As a result the 3rd IRB (Punjab Police) in compliance handed over the Charge and sent compliance report vide letter no.4919/AC-3 dated 28.3.2014. The copy of the same is annexed herewith as Annexure R-4. The 3rd IRB (Punjab Police) has sent a proposal letter in the year 2015 to the Higher Authorities to take up the matter with the State Govt. for transferring the land in question from Red Cross Society in the name of 3rd IRB (Punjab Police). The said proposal is still under consideration by the Authorities.

4. That the petitioner has not come to this Hon'ble Court with clean hands and has concealed the material facts. The Improvement Trust, Ludhiana has allotted the site in question to the Indian Red Cross Society, Ludhiana but till date the Ludhiana Improvement Trust has not sold the land to the Red Cross Society, Ludhiana and is still the owner of the land as per information sought by 3rd IRB, Ludhiana vide letter dated 8698/AC-1 dated 11.5.2018 and had received the information from the Executive Officer, Ludhiana Improvement Trust, Ludhiana vide its Office Memo No.LIT/8570 dated 16.5.2018. The copies of the Letters are annexed herewith as Annexure R-5 and R-6 respectively. The copy of the jamabandi is annexed herewith as Annexure R-7."

A perusal of the aforesaid averments make it apparent that the building is in occupation of Indian Reserve Battalion, which is a Police Force performing sovereign functions for maintaining law and order, internal security and to assist the Administration.

It has also further been stated in the affidavit that Police Personnel of 3rd IRB are also performing duties on PCR Bikes/Vans and also providing protection at venerable points of Category-I, e.g. Civil Airport etc. The site in question is strategically and geographically best to mobilize the Force for maintaining law and order, as and when emergent situation arises across the State of Punjab and particularly in District Ludhiana.

In view of the aforesaid averments made in the reply filed on behalf of the respondents, it is clear that Indian Reserve Battalion, a Police Force is in lawful possession of the building in question, which has been occupied by it on the basis of the rent agreement executed between the Red Cross Society and the IRB.

The grievance raised by the petitioner in respect of Working Women Hostel is totally mis-founded. Question of National security is of utmost importance than any other thing. In the given situation, we find no good reason to interfere in the matter. The petition is bereft of merit much less any public interest and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

08.05.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO