

CWP-40607-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-40607-2018

Date of Decision: January 7th, 2019

Surjit Singh & others

...Petitioners

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S. Sathi, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for quashing of the order dated 25.07.2018 (Annexure P-8) passed by the Superintending Archaeologist, Archaeological Survey of India, exercising the powers of Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, whereby, upon notice having been issued to the petitioner for encroachment upon the protected monument, an application was filed for supplying certain documents, which has been declined.

It is the contention of the learned counsel for the petitioners that the Superintending Archaeologist, Archaeological Survey of India, exercising the powers of Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, has wrongly rejected the application

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for supplying the documents, which would be necessary for the petitioners, who are respondents in the eviction petition, to formulate their reply and file their defence. He, therefore, contends that the rejection of the application would amount to violation of principle of natural justice.

I have considered the submissions made by the learned counsel for the petitioners and with his assistance, have gone through the impugned order but do not find myself in agreement with the assertions of the counsel.

The order as passed by the Estate Officer calls for no interference as it has rightly been observed that a party has to stand on its own legs and has to prove its own assertion. The defence or the stand of the party is depicted in the pleadings if certain documents are not attached with the said pleadings that would not confer any right upon the other party to call for production of certain documents even prior to filing its reply to the petition. The contention of the learned counsel for the petitioners that non-supplying of the documents would amount to violation of the principle of natural justice also cannot be accepted for the simple reason that as of now, at the stage where the case is poised, only an eviction petition has been filed and the respondents have to file their reply to the said eviction petition. There is no question of violation of principle of natural justice at this stage especially when the plea as depicted in the application is known to the petitioners herein. They have been given an opportunity to file reply to the eviction petition for complying with the provisions of natural justice itself, which opportunity has been given but it appears that the petitioners are intentionally delaying the proceedings by moving unnecessary application

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in the proceedings instead of filing reply to the grounds and reasons for eviction as raised in the application.

The writ petition stands dismissed in the light of the above.

January 7th, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No