

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-PIL No. 28 of 2021 (O&M)

Date of decision:- 16.02.2021

Pankaj Sharma

.....Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

**Present:-** Mr. Ram Bilas Gupta, Advocate, for the petitioner.  
Mr. S.P.Jain, Addl. Solicitor General of India with  
Mr. Sunil Kumar Sharma, Advocate,  
for respondents No.1 to 3 & 5.  
Mr. Deepak Balyan, Addl. Advocate General, Haryana,  
for respondent Nos. 6 to 8.  
(The aforesaid presence is being recorded through video conferencing since the  
proceedings are being conducted in virtual Court).

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**RAVI SHANKER JHA, C.J. (ORAL)**

This petition has been filed by the petitioner by way of Public Interest Litigation against the construction being raised by respondent No.10 in violation of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 inasmuch as he is undertaking construction within 100 meters of '*Harsh Ka Tilla*' and '*Sheikh Chill's Tomb*' situated in village Bahri, Tehsil Thanesar, District Kurukshetra.

The petitioner has filed certain documents to indicate that on complaints, the Central authorities i.e. respondents No.1 to 3 and 5 have already taken cognizance of the illegal construction and issued notices to the Sarpanch as well as respondent No.10 and have also asked the competent authorities to render effective assistance to ensure that construction in the prohibited area is stopped. The petitioner contends that inspite of the aforesaid notices and orders (Annexures P-4 and P-5) issued by the respondent-Union of India, the authorities of the respondent-State of Haryana are not taking any steps in this regard.

Learned Additional Solicitor General appearing for respondents No.1 to 3 and 5-Union of India submits that the central authorities have already taken cognizance of the matter and dealing with it and they have already written to respondent No.9 to take necessary steps regarding providing of police assistance to the revenue authorities.

Learned Additional Advocate General appearing for respondent Nos. 4 and 6 to 8-State of Haryana submits that all necessary steps would be taken to ensure that the provisions of law are complied with and no illegal construction is permitted to be continued or continued to be raised in the prohibited area.

In view of the aforesaid statements made by the learned Additional Solicitor General of India as well as the learned Additional Advocate General, Haryana, the petition filed by the petitioner is disposed of directing all the respondents specifically respondents No. 4 and 6 to 8 to take necessary steps to ensure that the provisions of law are strictly followed.

It is made clear that we have not expressed any opinion in respect of the averments made in the petition and the respondent-authorities would be at liberty to proceed against respondent No.10 in accordance with law. It is, however, made clear that the respondent-authorities shall do so immediately and not permit any violation of law.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

16.02.2021

ravinder

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|---------------------------|--------|
| Whether speaking reasoned | Yes/No |
| Whether reportable        | Yes/No |