

205

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

**CWP No.5934 of 2015 (O&M)
Date of Decision: 17.05.2022**

VERINDER SINGH AND ANR

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Mr. C.L. Pawar, Sr. D.A.G., Punjab
for respondents No.1 and 2.

None for respondent No.3.

Mr. Sunil Kumar Sharma, Advocate
for respondents No.4 and 5.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have assailed the order dated 05.12.2014 passed by the Competent Authority/respondent No.4 under the Ancient Monuments & Archeological Sites & Remains Act, 1958 vide which permission for construction in the regulated area/prohibited area of protected monument was refused on the ground that the proposal was placed in the 111th meeting of National Monument Authority held from 27.10.2014 to 29.10.2014 and after careful consideration of the same, the

Members decided not to recommend grant of NOC in this case as the C.A. Punjab in his report mentioned that there is likelihood of any mishap taking place and also the possibility of any grave damage caused to the said protected monument i.e. ancient Buddhist Stupa, cannot be ruled out which is clearly against the national and global interest from the archeological view.

The grievance of the petitioners is that the impugned order has been passed by the Competent Authority under the aforesaid Act without granting any opportunity of hearing to them and also without supplying the copy of CA Report which is mandatorily required under Section 20(D) of Act.

The written statement filed by the respondents is conspicuously silent about this fact.

Learned counsel for respondents No.4 and 5 could not show any notice/show cause notice issued to the petitioners prior to passing of the impugned order. Learned counsel however submits that in case the petitioners approach the Competent Authority within a stipulated time, the Competent Authority would decide the claim of the petitioners expeditiously in accordance with law.

Having heard learned counsel for the parties, I am of the view that the impugned order needs to be set aside with the

liberty to the petitioners to press the case in the prescribed format under Form-I (Annexure P-10) before the Competent Authority. It appears that the prescribed form is already available with the Competent Authority.

In view of above, the impugned order dated 05.12.2014 passed by the Competent Authority/respondent No.4 is set aside. The Competent Authority shall grant adequate opportunity of hearing to the petitioners and then pass appropriate order in accordance with law at the earliest.

It is also expected that the copy of C.A. Report shall also be supplied to the petitioners before passing the appropriate order in accordance with law.

May 17, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No