

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

116

**CWP-841-2023
Date of decision: 17.01.2023**

ANGURI DEVI & OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Mohit Nehra, Advocate
for the petitioners.

Mr. Vivek Saini, Addl. A.G. Haryana
for the respondents No.1,3 and 4.

Mr. Himanshu Arora, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents No.3 & 4 to decide the representations dated 15.11.2022 submitted by the petitioners as Annexures P-7 to P-10 respectively in reply to the notices dated 11.10.2022 sent to the petitioners by the respondent No.3 (Annexures P-3 to P-6).

Learned counsel appearing on behalf of the petitioners contends that the Khokra Kot falls within the limits of Municipal Council, Rohtak and has densely populated having over 3,000 houses alongwith complete ancillary supporting facilities that has Schools, Temples, Anganwaris,

Majars, moseques, Creamation grounds etc. The residents have been provided electricity connection, telephone connections, ration cards and also have paid house tax as imposed by the Municipal Council/Corporation Rohtak. He submits that the petitioners had undertaken certain repair works of the already existing construction, however, Show Cause notices Annexure P-3 to Annexure P-6 were issued by the respondent No.3 under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 Act and the rules framed thereunder. It is averred that the petitioners responded to the above said Show Cause Notice served by the respondent No.1 and submitted their detailed reply pointing out that the repair work undertaken by them was not akin to the work of "construction" as defined under Section 2 (dc) of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation Act), 2010. He submits that even though the aforesaid responses/replies were submitted by the petitioners in November, 2022, however, no decision has been taken thereupon and the petitioners fear that their house may be demolished by the respondents without taking any decision on the notice sent by them and/or considering the response filed by the petitioners. He submits that he would be satisfied at this juncture in case the respondents are directed to take a decision on the Show Cause Notice issued by them after taking into consideration the response filed by them and affording them opportunity to advance evidence in support of their case.

Notice of motion.

Mr. Vivek Saini, Addl. A.G. Haryana appears and accepts notice on behalf of respondents No.1, 3 and 4.

Mr. Himanshu Arora, Advocate appears and accepts notice on behalf of respondent No.2-Archaeological Survey of India.

Counsel appearing on behalf of the respondents have no objection to the aforesaid prayer.

Accordingly, the present petition is disposed of with the consent of the parties and without commenting on the merits of the present case with a direction to the respondent-authority of Archeology Survey of India to take a decision on the Show Cause Notice served upon the petitioners to which response already been filed, after granting an opportunity of hearing to the concerned parties by passing a reasoned and speaking order thereupon within a period of 03 months of receipt of certified copy of this order.

The present petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 17, 2023

Vishal Sharma

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