

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

2023:PHHC:052627

CWP-4650-2023(O&M)

Date of Decision:11.04.2023

Virender and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Ms. Gracia Jain, Advocate for
Mr. Sunil K. Tandon, Advocate,
for the petitioners.

Mr. Vivek Saini, Addl. A.G., Haryana,
for respondent Nos.1 and 4.

Mr. Dheeraj Jain and
Mr. Sahil Garg, Advocates,
for respondent Nos.2 and 3-Union of India.

VINOD S. BHARDWAJ , J.(Oral)

CM-4073-CWP-2023

Application is allowed, as prayed for.

CWP-4650-2023

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-5 & P-6 respectively in reply to the notices dated 11.10.2022 sent to the petitioners

by respondent No.3.

Learned counsel appearing on behalf of the petitioners contends that the Khokra Kot falls within the limits of Municipal Council, Rohtak and is densely populated having over 3,000 houses alongwith complete ancillary supporting facilities and amenities i.e. Schools, Temples, Anganwaris, Mazars, Mosques, Cremation grounds etc. The residents have been provided electricity connection, telephone connections, ration cards and have also 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-1 and Annexure P-2 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 respondent No.3 and submitted their detailed reply/representation 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 the petitioners would be satisfied at this juncture in case the respondents are directed to take a decision on the representations/reply dated 15.11.2022 (Annexures P-5 & P-6) submitted 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 and 4.

Mr. Dheeraj Jain, Advocate appears and accepts notice on behalf of respondent Nos.2 and 3.

Learned 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 representations dated 15.11.2022 (Annexures P-5 & P-6), 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.

April 11, 2023
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No