



(120)

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

CWP-PIL-38-2024 (O&M)
Date of decision:- 09.09.2024

Dilbag Singh

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Joginder Pal Sharma, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India (UOI),
with Mr. Vikram Bajaj, Senior Panel Counsel,
for respondents No. 1 and 2.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab.

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SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed as Public Interest Litigation seeking to quash the agreement dated 09.01.2014 (Annexure P-3) entered into between the State of Punjab who is the owner of the ancient monument known as Maharaja Ranjit Singh Fort, Phillaur, District Jalandhar and the Central Government alleging the same to be contrary to Section 23 of the Indian Contract Act, 1872 read with Section 18 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (in short the '1958 Act').

2. It is not in dispute that the said monument is an ancient monument declared as such under the '1958 Act'.



3. The grievance of the petitioner, as projected by the learned counsel and the pleadings in the petition, appears to be that general public does not have free and full access of visiting the fort.

4. From a bare perusal of the agreement in question and the averments made in the replies already filed by respondents No. 1 and 2 – Union of India as well as respondent No. 3 – State of Punjab and also the oral submissions made by learned Senior Deputy Advocate General, Punjab, it is revealed that the fort is accessible to the general public on every Thursday and a request has already been made by the Director, Punjab Police Academy, Phillaur to the Director General of Police (Training-1, Branch), Punjab, Chandigarh vide letter dated 20.04.2013 (Annexure R-2/3) for giving access to the general public visiting the fort on Tuesday as well. The said request is yet to be considered.

5. The '1958 Act' recognizes the concept of an agreement under Section 6 between the Central Government and the owner of the ancient monument. The owner of the ancient monument in question in the present case is the State of Punjab. The agreement in terms of the provisions of Section 6 of the '1958 Act' is entered into, essentially, for the purpose of maintenance of the monument.

6. There is no averment in the petition that the monument is not being properly maintained.

7. In view of the above and the fair stand taken by the respondents, this Court does not deem it appropriate to keep this petition pending.



8. The grievance raised by the petitioner in this Public Interest Litigation does not appear to be surviving any more and, therefore, the petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

09.09.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No