

IN THE COURT OF K.A. KABUL, EXERCISING THE POWERS OF ESTATE OFFICER, UNDER PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1971, ARCHAEOLOGICAL SURVEY OF INDIA, BAY NO. 51-52, SECTOR 31A, CHANDIGARH.

Archaeological Survey of India

Versus

✓ Shri Jagmohan Singh S/o Shri Hakumat Singh R/o Theh Polar, Kaithal

Dated: 21.04.2025

ORDER

The present proceedings have been initiated under Public Premises (Eviction of Unauthorized Occupants) Act, 1971, against the respondents for illegal occupation of Notified protected site Theh Polar, Siwan District Kaithal, total are of 48.31 Acre of land.

Notices of proceedings were issued to the respondent and the same was served upon the respondent on 06.09.2016. On service of the said notice Sh. S.S. Momi Advocate appeared and sought time to file reply. Thereafter, a second notice of appearance was served upon the respondent for 16.01.2018. The said notices were served through the office of Deputy Commissioner, Kaithal and the report of service is also on the file.

The Court was on leave on 16.01.2018 and the case was adjourned for 20.02.2018. Today on 20.02.2018 none has put an appearance for the respondent. The Court proceeding started at 03:00 p.m. and the Court waited till 04.30 P.M. yet no one appeared for the respondent not any communication was received. Therefore, vide order dated 20.02.2018 the respondent was proceeded exparte.

The department was directed to submit its affidavit in evidence and vide affidavit dated 22.11.2022 the evidence was

tendered by the department. The department has tendered notification dated 19.09.1925 and 28.12.1925 is exhibited as Ex.A-1 and Ex.A-2, Letter dated 22.01.1927 as Ex.A-3, Letter dated 03.11.1959 as Ex.A-4, Letter dated 14.12.1960 as Ex.A-5, Letter dated 10.12.1971 as Ex.A-6, Judgment dated 04.10.2008 as Ex.A-7, Letter dated 02.01.2009 as Ex.A-8, Letter dated 02.05.2009 as Ex.A-9, Letter dated 19.06.2009 as Ex.A-10, Letter dated 03.08.2009 as Ex.A-11(Colly), Map showing the encroached area and the protected area of Theh Polar at Siwan is exhibited as Ex.A-12, Notices dated 04.01.2018 as Ex.A-13, Ex.A-14, Ex.A-15, Ex.A-16.

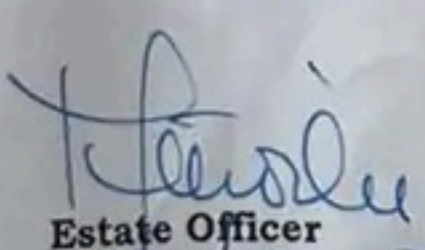
It is argued by the representative of the department that the site was acquired by the department vide notification dated 19.09.1925 and Final notice was issued on dated 28.12.1925. The land was transferred in the name of Central Government vide letter no. 8865 Dated 14.12.1960 and till date the ownership of the land vest in department. It is further argued that the possession of the site was taken over by the Superintendent Archeological Survey, Hindu and Buddhist Monument, Northern Circle of Theh Polar on 07.01.1927 & 21.01.1927 (Ex.A-3). It has also been submitted that an amount of 56 Rupees 6 Paisa 3 Anna was paid as compensation to the owner of the ancient mound at Amin on 15.03.1926. It is submitted by the representative of the department that even the mutation of the land is in the name of the Central government. It is further argued that a letter dated 10.12.1971 was written by the Deputy Commissioner, Karnal to Government of Haryana requesting him to get the land vacated from illegal possession of 87 encroachers. It is further to mention that a writ petition is filed in Punjab and Haryana High Court which was numbered CWP

17704 of 1997 tilted as Munsi Ram V/s State of Punjab and Ors. Wherein vide order dated 04.10.2008 directions have been issued for getting the land vacated. It has been further submitted that various notices has issued to the authorities and also to the respondent for removing the encroachment, despite numerous notices no action has been taken by the state authorities in getting the land vacated.

I have given thoughtful consideration to the arguments raised by the Representative of the department and to the evidence on record which has gone unrebutted. It is a matter of record that the respondents who was served twice to be present during the proceedings initiated under the Public Premises Act, yet despite being represented by counsel on one date, subsequently no one has been appearing therefore, vide order dated 20.02.2018 the respondent was proceeded exparte. Even till date no application has been filed for seeking permission to join the proceedings. The evidence produced by the department which shows that the ownership of the Archeological Survey Of India which was acquired about 100 years back and the ownership still holds in the name of the department and the said evidence have got un-rebutted. In view of the facts explained above and also the legal position that encroacher on land has to vacate the same as he is in possession without any basis and authority, the present petition for eviction is allowed and the respondent is directed to vacate the site which is in illegal occupation of the respondent.

18-158/cc/2024/CMD-3

Dt. 21/4/25


Estate Officer

21/4/2025