

Present : Petitioner in person

Let notice of motion issue to the respondents, returnable on 28.09.2007.

In the meanwhile, we direct the respondents not to tamper with the buildings, structures, entrances, passages etc. comprising Jallianwala Bagh National Memorial by way of demolishing, altering, reconstructing the original structure in any manner whatsoever.

Process dasti.

Copy of the order be given dasti under the signature of Bench Secretary.

Sd/-
(Vijender Jain)
Chief Justice

Sd/-
(Mahesh Grover)
Judge

Attest

SPECIAL SECRETARY TO
HON'BLE CHIEF JUSTICE
PB. & HRY. HIGH COURT
CHANDIGARH

21.09.2007
'ravinder'

Date of hearing: 16/11/2007

Nil Nil Dist

8293/HC—Item 1—Govt. Press. U.T., Chd.

H.C.J.D./A-4

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
JUDICIAL DEPARTMENT

Cepr? No. 14863/07, dated Chandigarh, the _____ 200

To

Administrative

The _____

Senior

Subordinate Judge,

(Chandigarh)

Dear Sir,

You are directed to cause this notice to be served upon the respondent within named and leaving the duplicate with him, return the original notice to this Court with the report of the serving officer as to time when, and manner in which the notice was served, endorsed or annexed as required by Order V, Rule 18 of Code of Civil Procedure.

You should further certify service under your signature in the form printed on the reverse.

2. In effecting service you will be guided by the provision of order V of the Code of Civil Procedure.

3. I am to ask that every effort may be made to have service of the notice effected by a very early date.

Yours faithfully,

[Signature]
SUPERINTENDENT, CIVIL-I.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.
(CIVIL WRIT JURISDICTION)

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CWP NO.14863 OF 2007

Malwinder Jit Singh Waraich
..Petitioner(s)

Versus

State of Punjab etc.
....Respondent(s)

NOTICE OF MOTION

To

1. State of Punjab through the Chief Secretary, Punjab
Civil Secretariat, Chandigarh.

Whereas a petition under Article 226/227 of the Constitution of India, wherein you have been joined as respondent and of which a copy is attached.

You are hereby informed that the said petition has been fixed for 28.9.2007(Actual) and that if you wish to urge anything in reply to the petition, you may appear in this Court on that date, and file your written statement 3 days before that day either in person or through any Advocate duly instructed.

Take notice that in default of your appearance on the date aforementioned the case shall be heard and decided in your absence.

Given under my hand and the seal of the Court
this 21st day of September 2007.

BY ORDER OF THE HIGH COURT OF PUNJAB AND HARYANA,
CHANDIGARH

ASSISTANT REGISTRAR(Writs)

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IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH

C.W.P. No. 14863 OF 2007

(Public Interest Litigation)

Malwinder Jit Singh Waraich .. Petitioner

Versus

State of Punjab & Ors. ... Respondents

I N D E X


Sr.	PARTICULARS	DATED	PAGES
1.	Application for exemption from filing the certified copy of Annexure P-1.	20.9.07	1-2
2.	Civil Writ Petition	20.9.07	3-7
3.	Annexure P-1 (News paper)	20.9.07	8
4.	Power of Attorney not required.		

Note:

1. The substational questions of Law involved in the Writ Petition are contained in para No. 6 at page 5 & 6.
2. Relevant rules & Statutes:
 - i. Constitution of India.
 - ii. Any other similar case: Nil
3. Whetner caveat Petition has been filed in this case: No

Chandigarh

Dated 20.9.2007


Petitioner in person

(Malwinder Jit Singh Waraich)

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH

C.W.P. No. _____ OF 2007
(Public Interest Litigation)

Malwinder Jit Singh Waraich .. Petitioner

Versus

State of Punjab & Ors. ... Respondents

Application U/s 151 CPC for exemption
from filing the certified copy of
Annexure P-1, the copy of Newspaper
report in Indian Express dated
20.9.2007 in the interest of justice.

RESPECTFULLY SHOWETH:

1. That the Petitioner is filing the accompanying Writ Petition in this Hon'ble Court and is sanguine to its success on the grounds mentioned therein.
2. That the Annexure P-1, a newspaper report titled as "Authorities accused of tampering with Jallianwala bagh " published in Indian Express dated 20.9.2007, the certified copy of the above Annexure P-1 is at present not available with the

Petitioner. However the photocopy of the same is being annexed herewith.

It is, therefore, most respectfully prayed that the Petitioner may kindly be exempted from filing the certified copy of Annexure P-1, a newspaper report titled as "Authorities accused of tampering with Jallianwala bagh " published in Indian Express dated 20.9.2007, in the interest of justice.

Chandigarh

Dated 20.9.2007


Petitioner in person

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH

C.W.P. No. _____ OF 2007
(Public Interest Litigation)

Malwinder Jit Singh Waraich, Village & P.O. Saketri
District Panchkula Haryana .. Petitioner

Versus

1. State of Punjab through the Chief Secretary
Punjab Civil Secretariat, Chandigarh
2. Jallianwala Bagh Trust through its
Chairman, Head Office, Jallianwala Bagh,
Amritsar.
3. The Deputy Commissioner, Amritsar
4. Union of India through Ministry of Cultural
Affairs, Central Secretariat New Delhi.

Civil Writ Petition under Article
226 of the Constitution of India
praying for issuance of an
appropriate Writ ; order or
direction to the Respondents
preferably in the nature of a Writ
of Mandamus to restrain them from
tampering with the buildings,
structures, entrances, passages

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etc. comprising Jallianwala Bagh
National Memorial by way of
demolishing, altering, re-
structuring, removing the original
structure in any manner whatsoever.

RESPECTFULLY SHOWETH:

1. That the Petitioner is a citizen of India, hence, is competent to invoke the extraordinary Writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.
2. That the Petitioner is a humble historian of freedom struggle, having written a number of books depicting trials of Bhagat Singh, Kartar Singh Sarbha, Madan Lal Dhingra and others. At present he is compiling biography of Bhagat Singh on behalf of Ministry of Information & Broadcasting Government of India.
3. That the Petitioner was also instrumental in depiction of documents relating to freedom struggle in the Museum established in the premises of this Hon'ble Court, and later in the National Gallery of Portraits Sector 17 Chandigarh.

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4. That having read today's newspapers regarding impending demolition/tampering with the original structure of the National Memorial at Jallianwala Bagh Amritsar, commemorating the massacre of 13th April 1919, I felt obliged to approach this Hon'ble Court for seeking a stay on any such move. A photocopy of these reports vide Indian Express of 20th Sept, 2007 is being annexed as Annexure P-1.
 5. That since the structure in question is a highly cherished national monument associated with an event which is held as the turning point in the history of our freedom struggle, it is imperative to maintain it in its pristine form as far as possible.
 6. That the point of Law involved is :-
 - i) Whether the Respondents be allowed to make irreversible changes in the National monument in an arbitrary and clandestine manner being violative of the letter and spirit of Article 51-A of the Constitution of India (Part IV A) Fundamental Duties (2) ... " To cherish and follow the noble ideals

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which inspired our national struggle
for freedom."

7. That there is no equally efficacious alternative or statutory remedy available with the petitioner except to approach this Hon'ble Court under Article 226 of the Constitution of India by way of this writ petition.

8. That no such or similar writ petition has earlier been filed by the petitioner either in this Hon'ble Court or in the Hon'ble Supreme Court of India.

It is, therefore, most respectfully prayed that an appropriate order or direction, which this Hon'ble Court may deem fit in the facts and circumstances of the case may kindly be issued.

i). Further praying for issuance of an appropriate writ, order or direction to the Respondents preferably in the nature of a writ of Mandamus to restrain them from tampering with the buildings, structure, entrances, passages etc. comprising Jallianwala Bagh National Memorial by way of demolishing, altering, re-structuring, removing the original structure in any manner whatsoever.

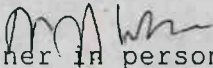
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ii) Grant any other relief to which the
Petitioner may be found entitled to by this
Hon'ble Court.

iii) The Petitioner may kindly be exempted from
serving the advance notices of this Writ
Petition.

iv) The Petitioner may kindly be exempted from
filing the certified copy of the Annexure P-1

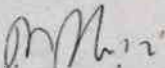
Chandigarh


Petitioner in person

Dated 20.9.2007

VERIFICATION: Verified that the contents of my
above Writ Petition from para No.1 to 5 & 7 are
true and correct. The contents of para No.6 may
believed to be true as being the Law points. No part
of it is false and nothing material has been kept
concealed therein.

Chandigarh


Petitioner in person

Dated 20.9.2007

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Ann. P. 1.

Authorities accused of tampering with Jallianwala Bagh

EXPRESS NEWS SERVICE
JALANDHAR, SEPTEMBER 19

ACCUSING the government, Amritsar civil administration and Jallianwala Bagh Trust of tampering with the historic monument, Desh Bhagat Yaadgar Committee today said the administration was going about changing the original structure in a secretive manner.

Addressing a press conference here, freedom fighter and general secretary of the committee Gandharav Sen Kochhar alleged the administration was changing the structure around the building without making the purpose of it public. He said it was ironic that the government was destroying the historical monument when it was celebrating the centenary of Bhagat Singh, who was motivated by the Jallianwala Bagh incident.

He alleged that with the demolition, the existence of two narrow lanes, other than the main lane through which armed personnel led by General Dyer had entered into the Bagh, had been destroyed. He added that these narrow lanes are an integral part of the Bagh



Sarabjit Singh

Desh Bhagat Yaadgar Committee alleges Amritsar admn secretly demolishing historical place to make way for VVIP parking

as they depict the horrible massacre and the helplessness of the people inside.

While mentioning the Jallianwala Bagh National Memorial Act, 1951, he said what the administration had done was in utter violation of the Act, which mentions that the historical place cannot be disfigured.

A letter by former prime minister Morarji Desai was

also produced by the committee, in which it was mentioned that there was no need to widen the entrance of the Bagh. It was also alleged that when a three-member team of the committee visited the Bagh, the officials were not forthcoming about the reason for demolishing these structures and they learnt that a parking place was being created for visiting VVIPs.