

**IOIN-CWP-5445-2016 (O&M)**

Jaskaranjeet Singh and others  
Vs  
Ministry of Environment and Forests and others

Present:- Ms. Supriya Garg, Advocate,  
Ms. Mallika Dhillon, Advocate,  
Mr. Deepak Jaglan, Advocate,  
for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India,  
with Mr. Arun Gosain, Senior Panel Counsel, UOI.

Mr. Saurabh Kapoor, Additional Advocate General, Punjab.

Mr. Jatinder Pal Singh, Advocate,  
for respondent No. 15.

Mr. Atul Goyal, Advocate,  
for respondents No. 18, 19 and 21.

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1. This petition has come up for compliance of the order dated 17.09.2024 by which the same was disposed of.
2. It would be appropriate to reproduce the order dated 17.09.2024 for convenience and ready reference:-

*“1. After having discussions with all the stake holders in this petition, including the learned Advocate General of the State of Punjab, this Court is of the considered view that it would be appropriate to find out amicable solution to the entire issue for which the Deputy Commissioner, District Ferozepur would be the appropriate authority to have a joint meeting with the Chief Wildlife Warden, Punjab and the representatives of the respondents with an object to find out as to whether Baba Kundan Singh Memorial Project, North Notch Harike, Head Works, Makhu, District Ferozepur can be shifted to a place which is away from Harike Wildlife Sanctuary. The Deputy Commissioner shall take into account the following aspects:-*

*i) Whether the Baba Kundan Singh Memorial Project is falling within the precincts and the protected area of the sanctuary?*

*ii) Whether the said Gurdwara was constructed after the land in respect of the Sanctuary had vested with the State or not?*

*2. With these observations, the writ petition is disposed of.*

*3. Let the report be submitted to the Registry of this Court, within a period of 8 weeks, from today.*

*4. In case, the petitioners or any other stake holders have any grievance, they can re-visit this Court.”*

3. While disposing of the aforesaid petition which has been filed against certain constructions being made within the area declared as Harike Wildlife Sanctuary vide notification dated 18.11.1999, this Court with an object of shifting Baba Kundan Singh Memorial Project, North Notch Harike Head Works, Makhu, District Ferozepur to a place away from Harike Wildlife Sanctuary had directed the Deputy Commissioner, District Ferozepur to answer certain queries as contained in the said order dated 17.09.2024.

4. The Deputy Commissioner, District Ferozepur, by way of an affidavit dated 27.12.2024/08.01.2025, has responded thus:-

“2. That in compliance to order dated 17.09.2024 passed by the Hon'ble Court it is submitted that on 18.11.1999 Punjab Government had issued the Notification No. 34/7/99-Ft-IV/16393 vide which certain area was declared as Wild Life Sanctuary. The area notified for the said wild life sanctuary as per notification was entered in Rapt Rojnamcha Wakiyati vide Rapt No. 134 dated 16/12/1999. The mutation of same was recorded in the revenue record vide mutation No. 5399 dated 13/1/2016. That Baba Kundan Singh Memorial Project came into existence after a Sale Deed bearing Wasika No. 56 dated 25/4/2008 which was executed and registered in favour of Baba Kundan Singh Memorial Project. However as per the actual and factual position and the detail report of Sub Divisional Magistrate, Zira the respondent Baba Kundan Singh Memorial Project is in possession of the land falling within the precincts and the protected area of the sanctuary. That a detailed reply by way of affidavit has already been filed by the predecessor before this Hon'ble Court regarding aforesaid fact alongwith the report of Sub Divisional Magistrate. The contents of the said report are not reproduced for the sake of brevity, however, the respondent seeks to place reliance on the same and the contents of the said affidavit may be read as part and parcel of the present affidavit as well.

3. That in compliance of the orders passed by this Hon'ble Court numerous joint meetings have been convened on various dates i.e. on 09-10-2024, 23-10-2024, 18-11-2024, 27-11-2024, 10-12-2024 and 11-12-2024 in the office of Deputy Commissioner Ferozepur. That Lakhwinder Singh, District Forest Officer and other respondents including care takers of the Baba Kundan Singh Memorial Project North Notch Harike Head Works participated in the meeting on 27-11-2024 and they had made a written representation to the deponent. That land for this project was purchased from private owners in the year 2008 and they had no knowledge of the Notification date 18-11-1999 vide which the area was declared as a Wild Life Sanctuary. As per the respondents/care takers of said project the said place holds religious significance and importance for them as it provides the opportunity to feel closer to their Guru, to meet other followers with same beliefs and the same is a designated place where the congregation, the local embodiment of followers, visit to worship. That the respondents/care takers of the project stated that they own and possess the right in said immovable property and are entitled to freedom of profess and propagate and activity related with their religious practice with said Baba Kundan Singh Memorial Project. They had further stated in the meeting that they will not further make

- construction or renovation in the said project and are ready to furnish undertaking in this regard. The copy of representation is annexed as Annexure-R-1.*
- 4. That upon the representation made by care takers of Baba Kundan Singh Memorial Project comments were sought from the Chief Wildlife Warden, Punjab. The copy of minutes of meetings dated 09.10.2024, 23.10.2024, 18.11.2024 and 27.11.2024 are annexed as Annexure R-2 to R-5 for kind perusal of this Hon'ble Court.*
  - 5. That as multiple round of negotiations were carried with Department of Wild Life and care takers of Baba Kundan Singh Memorial Project. Further, during the meeting held on 10-12-2024 the Deponent offered a proposal for shifting the project from the existing place to representative of the Trust and also Offered them that the local authority shall assist to get the land selected and to register the said land without any delay from the revenue authority in the name of concerned respondents, upon which the Representatives of Baba Kundan Singh Memorial Project sought some time to consider the offer made by the Deponent. The Representative of the Chief Wildlife Warden, Punjab and concerned Baba Kundan Singh memorial project were directed to have further discussions so as to give suggestions/consent for alternative piece of land before next date of meeting in order to arrive at an amicable solution. The copy of minutes of meeting dated 10.12.2024 is annexed as Annexure R-6.*
  - 6. That on 11-12-2024 again meeting was convened, wherein during the course of meeting the care takers of Baba Kundan Singh Memorial Project refused to accept the said offer of proposal of shifting the project from the existing place citing reasons that Baba Kundan Singh had left his body at the said place of Project due to which their deep emotions, religious sentiments and faith is attached with the said piece of Land.*
  - 7. That the Chief Wildlife Warden also joined the meeting through video conference and during the course of meeting he had stated that there is no provision in the wild life protection Act to exempt land for religious place in the Notified Area of sanctuary. Even the DFO had produced guide lines of the department wherein reference was made that Hon'ble Supreme Court vide Order dated 13.11.2000 had directed that no de-reservation or de-notification of sanctuaries can be made without the permission of Hon'ble Supreme Court. On the other side representative of Baba Kundan Singh Memorial Project made submission in writing that they are ready to modify the structure as desired by the department of forest, however the Chief Wild Life Warden stated that there is no such provision in the Act. The copy of minutes of meeting dated 11.12.2024 is annexed as Annexure R-7.*
  - 8. That the Deponent submits that as per the previous reply filed by way of affidavit by the predecessor of Deponent's office the said Baba Kundan Singh Memorial Project falls within the Wild Life Sanctuary. Further, as concluded in the deliberation and rounds of meetings both with the Wild Life Department as well as Care takers/Representatives of Baba Kundan Singh Memorial Project, the aforesaid project falls within the Wildlife Sanctuary and was constructed after the Notification dated 18.12.1999 vide which the said area was declared as Wild Life Sanctuary.*
  - 9. Thus the Deponent has made best efforts so as to workout consensus between the parties for amicable solution and had offered a proposal*

*to shift the Baba Kundan Singh Memorial Project peacefully. However at this stage the Representatives of Baba Kundan Singh Memorial Project have not shown any interest to shift the project from existing place and have rejected the said Offer as proposed by the Respondent/Deponent.”*

5. The first query as to whether the project falls within the precincts of protected area of the sanctuary has been answered in the affirmative in the said report/affidavit, while the second question as to whether the Gurdwara was constructed after the land in respect of the sanctuary had vested with the State or not is also answered in the affirmative.

6. Learned counsel for respondent No. 15 as well as respondents No. 18, 19 and 21 have disputed the aforesaid report/affidavit of the Deputy Commissioner, District Ferozepur so far it relates to title of the land in question and submitted that they be extended liberty to approach Civil Court on the issue of title of disputed land.

7. In view of the above liberty sought by learned counsel for respondent No. 15 as well as respondents No. 18, 19 and 21 for approaching Civil Court, this Court would not like to enter into the merits of the issue of title of land in question since it is fraught with disputed questions of fact and, thus, leaves it for Civil Court to decide as and when occasion arises.

8. With the aforesaid liberty to respondent No. 15 as well as respondents No. 18, 19 and 21, IOIN-CWP-5445-2016 stands disposed of.

9. Let IOIN-CWP-5445-2016 be consigned to the Record Room.

10. The functionaries of the State of Punjab are directed to remove all the unauthorized constructions made by any of the aforesaid private respondents leaving the question of title of land open for them to be agitated in Civil Court.

**(SHEEL NAGU)  
CHIEF JUSTICE**

**(SUDHIR SINGH)  
JUDGE**

**17.01.2025**  
Amodh Sharma