
(2001) 05 P&H CK 0170
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6731 of 2000

Bhartiya Kissan Union (Punjab)	Vs	APPELLANT
State of Punjab		RESPONDENT

Date of Decision : 10-05-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 3 RCR(Civil) 820

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Mr. R.S. Bains, for the Appellant; Mr. Rajiv Atma Ram and Mr. G.S. Kanwar and Mr. M.C. Berry, Senior DAG, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The Bhartiya Kissan Union (Punjab) is the petitioner. It alleges that the Sugarcane Research Centre, Jalandhar, was established in the year 1934. It is located on an area of 104 acres of land. It is doing useful work on "varietal, cultural, manurial and insecticidal aspects of sugarcane crop." It is one of the leading institutions in the northern India. Its performance has been recognised by various agricultural scientists. Despite this, the State Government has taken a decision to shift the centre and set up a Medical Institute, On this basis, the petitioner prays that the State Government be restrained from closing "wholly or partially Sugarcane Research Centre, Jalandhar" and that all decisions of the Council of Ministers and the Punjab Agricultural University to close or shift the Sugarcane Research Station be quashed.

2. The respondents contest the petitioner's claim. It has been inter alia averred that the petitioner has concealed material facts. In fact the Institution was located on an area of 165 acres. 60.77 acres were taken over for setting up the Punjab, Institute of Medical Sciences. The Institute was then running on an area of 104.23 acres. On May 5, 1997, it was decided that the land be sold, so as to raise resources for setting up of the Medical Institute. It has been further pointed

out that the alternative land has been allotted for the Sugarcane Research Station. Even though the farms at Kartarpur, Dhogri and Lesriwal were initially transferred to the respondent/University, it was finally decided to transfer 1000 acres of land at Ladowal near Phillaur. The counsel for the Punjab Urban Development Authority has produced before us a photo copy of the letter dated May 8, 2001 from the Director, Sugar-cane Research Station, Jalandhar, indicating that the farm at Ladowal has been given for setting up the Sugarcane Research Centre to the Punjab Agricultural University. This letter is taken on record as mark "A". It has also been stated that an amount of Rs. 15 crores has been given to the Research Station for creating the infrastructure etc. at the new site.

Besides the above, the respondents have also pointed out that the Research Centre at Jalandhar is situated almost in the midst of the town. The use of insecticides, pesticides etc. in the populated area carries with it various problems. Even otherwise, on account of the sugarcane crop, the area is "infested with rodents and snakes". Thus, it is only proper to shift the Research Centre. To ensure that the research work does not suffer, it has been provided that "the existing facilities, such as laboratories and offices and research crops located in approximately 45 acres of land shall continue to be in possession of the Agricultural University till the new site is fully operational."

On these premises, the respondents contest the claim of the petitioners and pray that the writ petition be dismissed.

3. Counsel for the parties have been heard.

Mr. Bains, learned Counsel for the petitioner has made a two fold submission. Firstly, it has been contended that the action of the respondents in proceeding to shift the research station is totally violative of the order dated July 25, 1994 passed by a Bench of this court in Civil Writ Petition No. 3789 of 1994. Secondly, it has been contended that the research station is performing an important function. The performance has been lauded by eminent persons. The shifting of the station shall disrupt the research work. Thus, the action of the Government should be annulled.

4. The claim made on behalf of the petitioner has been controverted by the learned Counsel for the respondents.

5. The two questions, that arise for consideration are :-

(1) Have the respondents acted in violation of the directions given by the High Court in its order dated July 25, 1994 ?

(2) Is the action of the respondents unfair or likely to affect the research work, being conducted at the Sugarcane Research Station?

Regarding 1

6. In the year 1994, Kulwant Singh etc. had approached the Court. They had an

identical grievance, which has been raised in the present case. After hearing the counsel for the parties, the writ petition was disposed of with the following order:

Order

Ms. Sheila, Advocate

Mr. Ashok Aggarwal, Addl. AG, Haryana.

Ms. Ritu Bahl, Advocate.

"Learned counsel for the petitioners has read out Annexure P-9 and relied strongly on it. It has been categorically stated in this document that the State should acquire the minimum area of land required for the college. There cannot be any dispute that land cannot be wasted. The land which is necessarily required for appropriate infrastructure for running the Medical College, may be acquired. It is made clear that the Government would not pass on such a prime land to any private colonizer or entrepreneur. The control and management of the land acquired for the purpose of medical college should be obtained by the State. There is no objection. This mechanism be adopted.

This petition stands disposed of accordingly.

Sd/- M.S. Liberhan, Acting Chief Justice 25.7.1994

Sd/- V.K. Bali, Judge"

A perusal of the above order shows that the land, which was required for running the Medical College, was permitted to be acquired. It was further directed that the Government shall not pass on that land to any private colonizer or entrepreneur. The control and management of the land acquired for the purpose of the Medical College was to remain with the State Government. Nothing to the contrary is shown to have been done. Thus, it cannot be said that the order of the High Court has not been followed,

7. Mr. Bains submits that 100 acres of land exists besides the land, which had been acquired for the Medical College. This land is now being given to the Punjab Urban Development Authority for sale, by open auction. Thus, the order of the High Court is being violated.

8. We are unable to accept this contention. The order passed by the Bench does not appear to the Government from dealing with the remaining land in an appropriate manner. In fact, it has been explained by the respondents that after the Research Station is shifted, the Punjab Urban Development Authority shall develop the land. It will carve out plots for residential and commercial use. These plots shall be sold by public auction. This appears to be a fair method. Still further, even if it is assumed that the order passed by the Bench in Kulwant Singh's case related to 100 acres of land as well, the proposal of the Government to have the land developed through the Punjab Urban Development Authority and to sell it by open auction, cannot be said to be in violation of or at

variance with what was permitted by the Bench,

In view of the above, the first question is answered against the petitioner. It is held that the respondents are not acting in contravention of the order passed by the Bench.

Regarding 2

9. Mr. Bains was at pains to point out that various officers of the Government had lauded the performance of the Sugarcane Research Centre at different points of time. They had resisted the shifting of the Institution. He has referred to the letters, copies of which have been produced as Annexures P5, P6 and P7 with the writ petition.

10. We have perused these letters. Certain officers had expressed their views during the years 1972 and 1978. A lot of time has elapsed since then. The situation on the ground has changed. The cities have become more crowded. Outer limits of the cities are being extended on account of pressure on the land. One finds evidence of urbanisation all around. These are apparently the effects of an increase in numbers. In this situation, the views expressed decades back cannot hold good in the changed scenario. In any event, the shifting of an institution from one place to another involves primarily a question of policy. A view has been taken by the competent authority. The Court can intervene only when a blatant violation of a rule or law is proved, or the order is shown to be arbitrary. In the present case, we have found no evidence of any arbitrariness. Still more, there is nothing to indicate that the shifting of the Sugarcane Research Centre is not in public interest. Thus, there is no ground for the intervention of the Court.

11. Mr. Bains points out that the open space provides the lungs for the city and promotes good environment.

12. The claim has been controverted by the learned Counsel for the respondents. It has been pointed out that the sugarcane crop necessitates periodic use of insecticides and pesticides etc. It has also been pointed out that the area is infested with rodents and snakes. Both are not conducive for promotion of a good environment. In fact, these can become health hazards. If on consideration of the matter, the appropriate authority has found that it would be proper to shift the Sugar-cane Research Centre, we cannot say that the action is not in public interest.

13. Still further, the counsel for the respondents have pointed out that the continuity of research work shall not suffer. It has been specifically stated that the research facilities, as existing at present, shall continue to be provided till proper arrangement is made at the new site. More than that, it is only when the facilities at the new site become operational that the present laboratories etc. shall be shifted. The petitioner could not have asked for more.

14. Besides the above, it also deserves notice that at present the Sugarcane

Research Station is only on an area of 104 acres. It has been stated on behalf of the respondents that a much larger area has been allocated for the purpose of new Sugarcane Research Station. The site, which has now been allocated to the laboratory etc., for being used as a research Centre, is stated to be many times more than its present area. This shows the concern of the respondents for continuing the research work. Even the University appears to be satisfied with the new arrangement. The petitioner cannot ask for more.

No other point has been raised.

In view of the above, we find no merit in this writ petition. It is consequently dismissed. In the circumstances of the case, there will be no order as to costs.

15. Petition dismissed.