

Transfer of ownership of land to Himachal Pradesh University after 46 years

-Dr. Baldev Singh Negi



The Context and Background:

Himachal Pradesh University was established by an Act of the Legislative Assembly of Himachal Pradesh on 22nd July, 1970 as a response to the needs and aspirations of the Union Territory, poised for full statehood in the Union of India on 25th January, 1971. It had been more than 46 years since the University was not aware of its boundaries. More than dozens of Vice-Chancellors or pro-vice chancellors led the only State University but failed to demarcate the boundaries of their institution.

In the background of this demarcation story, how a progressive organization i.e., People for Responsible Governance (PeRGo) came into the picture: The case of the construction of a multi-faculty building (Vivekananda Bhavan) was in the culmination stage in which construction of the building was initiated in 2006 by the then Vice-Chancellor without having clear land entitlement and without the approval of Town & Country Planning department. After the completion of its structure, the construction activity was stopped for many years. The total project cost was 2.5 crore approximately and the source of funds was PM's special unassigned grant of Rs. 10 crores. It was part of the first installment and the second installment were never been issued for the want submission of the utilization certificate. Then, People for Responsible Governance (PeRGo) filed a petition in this regard, and in the first hearing, the Hon'ble High Court of Himachal Pradesh ordered the Chief Secretary to constitute a committee under the Secretary home, comprising of Secretary revenue, Director TCP and Registrar of H.P. University and ensure the final construction of the said building before December 31st, 2017. During the proceedings of this very case, it came to the notice of PeRGo that the university did not know its physical boundary and especially in the light of fact that title of land was had also not vested in University.

The case was presented and argued in the Hon'ble Court by the Senior Advocate Rajnish Maniktala who is the Chairperson of the Society (PeRGo), the petitioner was the same as was in the case of construction of the multi-faculty building, Mr. Pankaj Kumar, a student of Himachal Pradesh University. Twenty-one hearings took place from 5-1-2018 to 8-10-2018 (Ten months) before the division bench comprising of the then Hon'ble Chief Justice, in which mutation cases of Centre for evening studies, Ava lodge where the two institutions UILS & UCBS are running, upper Summer Hill, Chailly, below the buildings of girls hostel, near the railway station, Sangti etc. were processed. Each and every *khasra No.* was verified in these ten months.

The final judgment was passed by the Hon'ble High Court:

1. Various issues have been raised in this petition filed in public interest. Paramount importance pertaining to the transfer of land to Himachal Pradesh University, Shimla as also construction of buildings by the University have been the subject matter of this petition filed in public interest. Most of those issues have been effectively resolved, as the substantial part of the land has been transferred to the H.P University and the Khasra numbers pointed out by this Court in the previous order dated 14th August, 2018 have also since been transferred to the University, as informed by the Deputy Commissioner, Shimla, vide his written instructions dated 6th October, 2018 sent to the Advocate General, Himachal Pradesh.
2. So far as the land bearing khasra Nos 258, 260, 261, 263, 266, 276, 287, 288, 289, 292 to 295, 312, 357, 378, 379, 380, 387 to 391 situated at Up Mohal Summer Hill is concerned, it is pointed out that these khasra numbers have been entered in the name of private individuals. No directions thus can be issued by this Court for transfer of these khasra numbers in favour of the H.P University, as those individuals are not party-respondents in this petition and the question of title cannot be effectively adjudicated in these proceedings.
3. Suffice it would be to direct the State of Himachal Pradesh to verify whether these khasra numbers have been rightly mutated in favour of the individuals and if not, let follow-up action, strictly in accordance with law and principles of natural justice, be taken.
4. In view of the fact that most of the issues stand resolved, the University Grants Commission shall take up the matter on priority basis for approval of the projects forwarded by the H.P University. We clarify that the observations made by this Court in the order dated 26th July, 2018 shall have no adverse inference against the Registrar of the University.
5. With these directions and observations, the petition stands disposed of, so also pending application(s), if any.

Lessons For the Governing Authorities: It is basic learning for the individuals or the authority as a whole that the institution which one leads or heads, are the source of their bread and butter or family survival. Hence, they should act with full integrity, honesty, and sincerity. The land demarcation of the institution seems to be the fundamental task that should have been accomplished by the institution much earlier or soon after the foundation of this university. A number of academic leaders (vice-chancellors or pro-vice-chancellors) came and led this institution for years but did nothing to know resolve the geographical disputes. Anyhow, the university community and the authorities should be thankful to the Society i.e., People for

Responsible Governance (PeRGo) for such a wonderful initiative and must acknowledge its contribution, as the area of the university which was 122.4 Bigha (or 76.5 acres shown in the university's self-study report (SSR) is now 241.11 Bigha (Source: HPU website).

- ❖ Case Initiated on 5.1.2018 CWP No. 56 of 2018 presented and argued by Senior Advocate, Rajnish Maniktala and heard by Hon'ble Justice Sanjay Karol (acting Chief Justice) and Hon'ble Justice Ajay Mohan Goel.
- ❖ Name of the Petitioner: Mr. Pankaj Kumar
- ❖ Case led by: People for Responsible Governance
- ❖ Final Judgment: October 8, 2018 by Hon'ble Justice Surya Kant, Chief Justice, and Hon'ble Justice Ajay Mohan Goel.