

CWPs-PIL-170 & 249-2024 (O&M)

District Bar Association, Malerkotla
Vs
State of Punjab and others

Present:- Mr. S.S. Behl, Advocate (through video conferencing),
Mr. Gaurav Vir Singh Behl, Advocate,
for the petitioner in CWP-PIL-170-2024.

Mr. Sandeep Arora, Advocate,
for the petitioner in CWP-PIL-249-2024.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab

Mr. Alok Shekhar Srivastava, Additional Chief Secretary (Justice),
Punjab (through video conferencing).

Mr. Amarinder Singh, Deputy Secretary, Department of Justice,
Punjab.

Mr. Tarun Garg, Additional Chief Architect, PWD (B&R) Branch,
Punjab.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Abhinav Sood, Additional Standing Counsel,
with Mr. Nitesh Jhahria, Advocate,
Ms. Mehndi Singhal, Advocate for U.T., Chandigarh.

Mr. Gaurav Chopra, Senior Advocate,
with Mr. Shobit Phutela, Advocate,
Ms. Sanya Kapoor, Advocate,
for respondent No. 4 – High Court.

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1. Mr. Alok Shekhar Srivastava, Additional Chief Secretary
(Justice), Punjab has been heard virtually.

2. Learned senior counsel, appearing for respondent No. 4 – High
Court, has pointed out a very sorry state of affairs as regards non-availability
of residential houses for Judicial Officers and also regarding non-availability
of Court Rooms which is given in a tabular illustration (Annexure R-1 at
page 146 of CWP-PIL-170-2024).

3. There is no response coming-forth from the State of Punjab as to why the majority of houses in occupation of the Judicial Officers have been kept in a dilapidated state where no repair has been carried out since years together. The Judicial Officers are compelled to occupy residential accommodations which are not suitable for occupation.

4. If the example of District Amritsar is taken, the chart at Annexure R-1 filed by the State of Punjab with its affidavit dated 17.12.2024 reveals that out of 55 Judicial Officers posted in the District of Amritsar, the availability of residential houses is only 38. This situation becomes all the more grim in places like Ludhiana where the availability of Judicial Officers is 91 as against which only 33 houses are available.

Another shocking aspect as regards the condition of houses if we take the example of District Amritsar is that out of 38 houses which are available and some of which have been occupied, 12 are under minor repairs and the remaining 26 are under major repairs and, therefore, none of the 38 houses allotted to the Judicial Officers by the Government of Punjab are habitable.

5. This Court takes a serious view of the sad situation where it seems that the State of Punjab is treating the third pillar of democracy (Judiciary) very shabbily. Therefore, this Court is compelled to pass stringent orders to avoid the situation from becoming worse in the face of a new batch of newly recruited judicial officers joining in March/April, 2025.

6. Taking up the case of Sub Division Derabassi, District Mohali, it has been informed by the High Court counsel which fact is not denied by the State of Punjab counsel that 03 Judicial Officers are holding Court on the ground floor of a double storied building in which Sub Divisional Magistrate's

office is situated on the first floor. If we compare the condition of the SDM's office on the first floor and the condition of the 03 Judicial Courts on the ground floor, there is a stark difference. The SDM's office on the first floor is renovated, well furnished and well kept in a habitable state, whereas the ground floor of the same building housing three Courts is dilapidated and is virtually screaming for repairs and renovation.

7. In view of the aforesaid and in the compelling circumstances where the State of Punjab by its inaction has left this Court with no other option, this Court directs that the Sub Divisional Magistrate, Derabassi shall vacate the premises on the first floor within a period of two weeks from today and report compliance.

8. In the meanwhile, the competent authority under the State of Punjab is directed to issue allotment order of the entire building on the first as well as ground floor in favour of the Sub Divisional Judicial Courts, Derabassi, Mohali for occupation of the Judicial Officers for holding Court.

9. Let the aforesaid exercise of vacating as well as issuance of fresh allotment order be made within a period of two weeks and report in that regard be filed.

10. List on 07.01.2025 for reporting compliance.

11. The State of Punjab shall also ensure that the repairs of the ground floor of the said building are completed before the next date of hearing and compliance report is filed alongwith photographs of the ground and first floor in repaired, fully furnished and habitable state.

12. Learned senior counsel for respondent No. 4 – High Court has drawn the attention of this Court to a notification dated 07.06.2014 issued by

the Department of Public Works (B&R), Government of Punjab which provides thus:-

“NOTIFICATION

The June 17, 2014

No. 11/141/2012-4B&R3/2166

In view of the directions given by the Hon’ble Building Committee of Punjab and Haryana High Court as contained in minutes of meeting held on 03.04.2014 under the Chairmanship of Hon’ble Mr. Justice T.P.S. Mann as conveyed by the Registrar General, Punjab & Haryana High Court, Chandigarh vide his letter No. 1416/Spl Gen/III.Z2(a), dated 25.04.2014 and the intimation given by the Chief Architect, Punjab vide her memo No. C.A.P-2014/4418, dated 16.05.2014 and Department of Home Affairs & Justice I.D. No. 5/22/12-2Judl(2)/231331/1, dated 29.05.2014, the norms of covered area of Govt. residences in respect of Judicial Officers of State of Punjab is hereby notified as under:

<i>Sr. No.</i>	<i>Designation</i>	<i>Plot Size</i>	<i>Covered Area</i>
<i>1.</i>	<i>District and Sessions Judge</i>	<i>4 kanals</i>	<i>4400 sqft.</i>
<i>2.</i>	<i>Additional District and Sessions Judge</i>	<i>2 kanals</i>	<i>4100 sqft.</i>
<i>3.</i>	<i>Civil Judge (Sr. Div)/Chief Judicial Magistrate</i>	<i>1.25 kanal</i>	<i>3175 sqft.</i>
<i>4.</i>	<i>JMIC/Civil Judge (Jr. Div.)</i>	<i>1 kanal</i>	<i>2950 sqft.</i>

3. These norms shall be applicable prospectively. All concerned are requested to take necessary actions accordingly.

4. The notification No. 11/141/2012-4B&R3/2367 dated 08.10.2013 issued in this regard is hereby withdrawn.

Sd/-

P.S. Aujla

Secretary to Government of Punjab

Department of Public Works (B&R)”

Dated, the Chandigarh

12.06.2014

13. The aforesaid notification, which is taken on record as Annexure ‘H’, shall be considered on the next date of hearing.

14. Learned senior counsel for respondent No. 4 – High Court further informs that the rough cost estimates and drawings approved by the Building

Committee, Punjab and Haryana High Court for raising makeshift/temporary/permanent Court Rooms in all the District Headquarters and Sub Divisional Headquarters in the State of Punjab have been forwarded by the High Court to the State of Punjab on 11.12.2024 and 19.12.2024. The State of Punjab is directed to expedite the further process.

15. A photocopy of the order be placed in the connected file(s).

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

20.12.2024
Amodh Sharma