

CWP-PIL No. 9 of 2023 (O&M)
CWP-27621 of 2023 (O&M)
RA-CW-259-2020, RA-CW-252-2020, RA-CW-268-2020,
RA-CW-69-2021 in CWP-18253-2009,
IOIN-FAO-3313-2022 in FAO-3313-2022

Vinod Dhatteerwal and others Vs. **Union of India and others**

Present:- Mr. Aashish Chopra, Senior Advocate (through v.c.) with
Ms. Rupa Pathania, Advocate,
Mr. Gagandeep Singh, Advocate, for the petitioner(s) in
CWP PIL No. 9 of 2023.

Mr. Aashish Chopra, Senior Advocate (through v.c.) with
Mr. Varun Aryan Sharma, Advocate,
Ms. Priyanka Chaudhary, Advocate,
for the review applicant in RA-CW-259-2020 in
CWP No. 18253-2009.

Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel
(through v.c.) for respondent No.4-UOI in
CWP No. 27621 of 2013.

Mr. S.P.Jain, Addl. Solicitor General of India with
Mr. Arun Gosain, Sr. Panel Counsel
Mr. Dheeraj Jain, Sr. Panel Counsel for respondents
No.1 and 10-UOI and IIT Roorkee in CWP PIL No. 9 of 2023.

Mr. Rupinder Khosla, Sr. Advocate with
Mr. Yogender Verma, Advocate, for HCBA.

Mr. Amit Jhanji, Sr. Standing Counsel with
Mr. Jaivir S. Chandail, Addl. Standing counsel for U.T. Chd.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. Deepak Balyan, Addl. Advocate General, Haryana with
Mr. Aditya Pal Singla, Assistant Advocate General, Haryana.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. Rajeev Anand, Advocate,
Ms. Seerat Sali, Advocate,
Ms. Devanshi Sharma, Advocate, for respondent No. 9 in
CWP PIL No. 9 of 2023.

Mr. Sandeep Khunger, Advocate for MC Nayagaon in
RA-CW-259-2020 and in CWP-18253-2009.

Ms. Tanu Bedi, Advocate (amicus curiae) in
RA-CW-252-2020.

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Learned Senior Standing counsel appearing for Union Territory, Chandigarh prays for and is permitted to withdraw the affidavit dated 24.01.2025 filed on behalf of respondents No.3 and 8-Union Territory, Chandigarh with liberty to file a fresh one answering the queries put by this Court vide order dated 16.01.2025.

In continuation of the last order dated 24.01.2025, the matter is taken up and after hearing learned counsel for the rival parties, the following directions are issued:-

(Conversion of forest land into non-forest (qua jutting out portion of Rock Garden)

Shri Jhanji, learned Senior Standing counsel appearing for Union Territory Administration, Chandigarh informs that all the formalities of cutting of trees, excavation and replantation in regard to the jutting out portion of Rock Garden will be completed latest by the end of April-2025. Shri Jhanji further informs that the said area made available for parking shall accommodate about 100 four wheelers and the U.T. Administration is also contemplating providing additional space to accommodate 200 more four wheelers on the stretch of open space available between the jutting out portion of Rock Garden and the Rock Garden parking. Let the aforesaid work be started and progress be shown by the next date of hearing.

(Additional space for parking (near the junction of Jan Marg and Uttar Marg)

The matter is being dealt with on the administrative side of the High Court where attempts are being made to find out temporary and short term solutions to the insurmountable crisis of traffic congestion. Thus, no orders are being passed qua this aspect for the time being.

Creation of service road (parallel to the Uttar Marg on the northern side)

For the same reasons as mentioned earlier, the matter stands deferred to be considered later.

(Construction of Verandah in front of Court Room No.1)

For the reasons mentioned earlier, this issue also stands deferred to be considered later.

(As regards Kutcha Parking)

It is informed by learned counsel for the High Court that on the suggestion made by this Court under this head vide order dated 24.01.2025, the Building Committee was unsuccessful in convincing the U.T. Administration to allow green pavers to be laid in the area of kutcha parking with adequate number of trees to be planted so that the green cover can be restored and the vacant space can be used for parking purposes.

This Court is of the considered view that the suggestion made by this Court on earlier occasion for restoration of green cover and simultaneously laying green pavers for parking was not only reasonable but a step towards sustained development.

There is extreme shortage of parking space in the open areas provided for parking behind the heritage building of Punjab and Haryana High Court. On any given hour, during working session of the High Court, about 3000-4000 four wheelers daily visit the High Court out of which at least 2000, if not more, are permanently parked. The existing underground multilevel parking which has three tiers can accommodate only 600 four wheelers while the remaining vehicles are parked in the open parking areas which also fall short and therefore, there is need to use the kutcha parking area which is opposite the three tiers multilevel underground parking.

The green pavers are meant to allow water to percolate down to replenish ground level water and therefore, are much beneficial and eco-friendly as compared to pavements or roads. In this manner, the objection of U.T. Administration that the said area of kutcha parking is earmarked within the capital complex as a green belt/forest, will also be taken care of and the dire need for parking space can be satisfied. More so, the plantation of at least 200 or more trees in the said kutcha parking is possible to increase the green cover and facilitating the four wheelers to be parked.

Despite the U.T. Administration having made available the additional parking space of about 200 four wheelers near the junction of Janmarg and Uttar Marg, the said facilitation does not resolve the problem of acute shortage of space for parking within the High Court premises. As such, this Court is constrained to pass the following directions as regards kutcha parking:-

Writ of mandamus is issued to the U.T. Administration to lay green pavers in the kutcha parking and plant sufficient number of trees at reasonable intervals with tree guards providing space for parking and allow this kutcha parking to be used for parking of four wheelers visiting the High Court.

(Allotment of building in Sector 17, Chandigarh for Administrative Branches of the High Court)

It is informed by U.T. Administration that the process of execution of tenancy deed with the landlord in regard to four floors made available in the building in Sector 17, Chandigarh is underway. Thus, no direction is being issued in this regard.

The Management and regulation of traffic especially between 9.00 A.M. to 12.00 noon and during post lunch session from 2.00 P.M. to 4.30 P.M., the High Court campus experiences extreme congestion due to various bottlenecks in and around the campus of the High Court, which are aggravated by the factum of the High Court and its surrounding having been declared as Unesco World Heritage Site.

Thus, as a temporary measure, the U.T. Administration is directed to depute adequate number of traffic policemen to regulate and manage the flow of traffic and also to ensure the vehicles to be parked at the right place in an ordinarily manner so that the limited space for parking available can be utilized to it's optimum. The U.T. Administration is directed to ensure this by deputing adequate number of traffic policemen between 9.00 A.M. to 5.00 P.M. every day.

List on 21.02.2025.

A photocopy of this order be placed in the connected files.

(SHEEL NAGU)
CHIEF JUSTICE

07.02.2025
ravinder

(SUMEET GOEL)
JUDGE