

CWP-PIL-9-2023 (O&M) and other cases

206 (4 cases)

**CWP-PIL-9-2023 (O&M)
VINOD DHATTERWAL AND OTHERS
versus
UNION OF INDIA AND OTHERS**

**CWP-27621-2013 (O&M),
RA-CWs-259 (O&M), 252, 261, 268-2020 and 69-2021 in CWP-18253-2009
AND IOIN-FAO-3313-2022 IN FAO-3313-2022**

Present:- Mr. Aashish Chopra, Senior Advocate with
Ms. Rupa Pathania, Advocate,
Mr. Varun Aryan Sharma, Advocate
for the petitioner(s) (in CWP-PIL-9-2023).

Mr. Aashish Chopra, Senior Advocate with
Ms. Nitika Sharma, Advocate and
Mr. Varun Aryan Sharma, Advocate
for review applicant in RA-CW-259-2020 in CWP-18253-2009.

Ms. Tanu Bedi, Advocate (*Amicus Curiae*)
(in RA-CW-252-2020).

Mr. Rupinder Singh Khosla, Senior Advocate with
Mr. Yogender Verma, Advocate
for the petitioner (in CWP-27621-2013).

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Arun Gosain, Senior Panel Counsel, UOI,
for respondent No. 4.

Mr. Brijeshwar S. Kanwar, Sr. Panel Counsel, UOI
for respondent No.4 – UOI (in CWP-27621-2023)
(presence marked through video-conferencing).

Mr. Jaivir S. Chandail, Addl. Standing Counsel, UT Chandigarh and
Ms. Eliza Gupta, Advocate for the U.T., Chandigarh.

Mr. Ranjit Singh Kalra, Advocate,
Ms. Seerat Saldi, Advocate,
Ms. Gauri C. Kaushal, Advocate and
Ms. Mona Yadav, Advocate
for respondent No.9 – High Court (in CWP-9-2023) and
for the review-applicant(s) in RA-CW-252-2020.

Mr. Gaurav Chopra, Senior Advocate with
Ms. Gauri C Kaushal, Advocate and
Mr. Rajeev Anand, Advocate
for respondent No.9 (in CWP-PIL-9-2023).

Ms. Pooja Dahiya, Advocate in RA-CW-259-2020,

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RA-CW-252-2020, RA-CW-261-2020, RA-CW-268-2020 and RA-CW-69-2021.

Mr. Harsh Kumar, Advocate for respondent No.16 in RA-CW-261-202.

Ms. Sanchi Bindra, Advocate for Mr. Amar Vivek Aggarwal, Advocate for respondents.

Mr. Sandeep Khunger, Advocate for MC Nayagaon(in RA-CW-259-2020 in CWP-18253-2019).

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. J.S. Gill, Addl. Advocate General, Punjab and Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Jasdev S. Brar, Advocate (Acting President, P&H Bar Association) and Mr. Swarn Singh Tiwana, Advocate (Secretary, P&H High Court Bar Association).

Mr. Hardik Ahluwalia, Advocate and Mr. Shiv Charan Bhola, Advocate (Executive Members, P & H High Court Bar Association)

Mr. K.D.S. Hooda, Advocate for respondent – High Court.

Mr. Gurinder S. Bhandari, Advocate for respondent No.16 in RA-CW-261-2020.

Affidavit dated 10.01.2025 by the Secretary, Punjab and Haryana High Court Bar Association, Chandigarh filed by learned counsel for the Bar Association is taken on record.

As regards the various aspects, vide the last order, this court after hearing learned counsel for rival parties, pass the following order:-

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

Learned counsel for the U.T., Chandigarh submits that an amount of Rs.22,54,689/- has been deposited on 12.12.2024 as environmental compensation

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for 0.2159 hectares of forest land situated within the jutting out portion of the Rock Garden.

Shri Satya Pal Jain, learned Additional Solicitor General of India thus, assures that within a week, the order of permitting Change of Land use from Forest to Non-Forest, shall be issued by the Ministry of Environment, Forest and Climate Change of India/Central Government. Thus this court deems it appropriate to refrain from passing any order *qua* this aspect.

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

The Bar Association of the Punjab and Haryana High Court has filed an affidavit stating that 04 e-rickshaws have been provided by the Association for commuting between the additional parking zone created by the U.T. Administration behind MLA, Punjab hostel and the High Court premises. The affidavit further informs that 02 more e-rickshaws will be provided within a period of one week. The affidavit further expresses concern about lack of parking space within the premises of the High Court.

It would be appropriate to deal with the said situation on administrative side.

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

The other issue of creation of service road (parallel to the Uttar Marg on the Northern side) shall be taken up as soon as the Central Government files the report of IIT, Roorkee. Shri Jain submits that the report is in his possession and shall be filed during course of this week.

Let the same be filed with an additional copy to counsel for the other side, within one week.

Construction of verandah in front of Court Room No. 1

In regard to the construction of *verandah* in front of Court Room No.1, learned counsel for the U.T., Chandigarh informs that an **SLP(C)-162-163-2025** titled as “**Chandigarh Administration versus the Registrar General, High Court of Punjab and Haryana and others**” was filed before the Apex Court, which by an order passed today has stayed the direction for construction of *verandah* in front of Court Room No.1 and has also restrained this Court from proceeding further in contempt against the Chief Engineer, U.T., Administration.

Construction of slip roads on all four sides at the junction of Uttar Marg and Jan Marg

As regards slip roads on all four sides at the junction of Uttar Marg and Jan Marg, construction has started with allotment on 20.12.2024 and same shall be concluded by March, 2025.

In regard to widening of entry road from the Rock Garden and slip roads, it is informed by the counsel for U.T., Chandigarh that the entry road is being widened by 06 feet on one side and 04 feet on the other side. The slip road already existing is also being widened.

Let photographs of the said construction process be filed before the next date.

In this regard, the functionaries of the U.T., Chandigarh who are involved in widening of entry road from Rock Garden side are directed to ensure that no hindrance or obstructions is caused in the smooth flow of traffic by the process of widening.

As regards *kutcha* parking

Learned counsel for the Bar Association has raised an issue of scarcity of parking space behind the heritage building of the High Court. It is informed that there is *kutcha* parking where there are no trees or very little.

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Learned counsel for the U.T. Administration is directed to file an affidavit as to why the aforesaid *kutchra* parking space cannot be laid with green pavers in similar fashion as done by U.T. Administration while creating additional parking space behind the Punjab MLA Hostel.

Learned counsel for the U.T. Administration however objects to the suggestion on the ground that *kutchra* parking area is a green belt.

It is the suggestion from this Court that *kutchra* parking space can be used not only for parking but also for planting additional trees in such a manner that it does not hinder movement of vehicles and at the same time facilitates green cover. Let an affidavit be filed in that regard by the U.T. Administration before the next date of hearing.

Learned counsel for the U.T. Administration is further directed to bring on record the legal status of Le Corbusier Foundation, Paris, the terms & conditions subject which High Court original building was declared UNESCO World Heritage site and also the legal status of Chandigarh Heritage Committee.

List on 16.01.2025.

Photocopy of this order be placed in the connected case files.

**(SHEEL NAGU)
CHIEF JUDGE**

**(SUDHIR SINGH)
JUDGE**

January 10, 2025
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