

**CWP-PIL-9-2023 (O&M), CWP-27621-2013 (O&M),
RA-CWs-259 (O&M), 252, 261, 268-2020 and 69-2021 in CWP-18253-2009 and
CWP-PIL-143-2024**

Vinod Dhatteerwal and others

Vs

Union of India and others

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,
Mr. Varun Aryan Sharma, Advocate,
for review applicant in RA-CW-259-2020 in CWP-18253-2009.
Mr. Sumit Kumar, Advocate,
for 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,
Mr. B.S. Kanwar, Senior Panel Counsel, UOI (through video conferencing),
for respondent No. 4.
Mr. Amit Jhanji, Sr. Standing Counsel, UT Chandigarh, with
Mr. Jaivir S. Chandail, Addl. Standing Counsel, UT Chandigarh,
Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Brijeshwar S. Kanwar, Sr. Panel Counsel, UOI,
for respondent No.4 – UOI in CWP-27621-2023.
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,
for respondent No. 9 in CWP-PIL-9-2023,
for respondent No.3 in CWP-PIL-143-2024.
Ms. Pooja Dahiya, Advocate,
in RA-CW-259-2020, 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. Gulshan K. Moudgil, Advocate, for
Mr. Sandeep Khunger, Advocate,
for MC Nayagaon in RA-CW-259-2020 in CWP-18253-2019.

Mr. Naveen S. Bhardwaj, Addl. Advocate General, Haryana.
 Mr. J.S. Gill, Addl. Advocate General, Punjab, and
 Mr. Salil Sabhlok, Senior DAG, Punjab
 (through video conferencing).
 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.

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Status reports dated 12.12.2024 and 13.12.2024 filed in CWP-PIL Nos. 9 of 2023 and 143 of 2024 on behalf of U.T. Administration, Chandigarh, are taken on record.

In furtherance of the orders passed by this Court on 29.11.2024, learned counsel for the rival parties are heard and their submissions and the corresponding directions of this Court are recorded as follows:-

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

Submission(s)

Shri Satya Pal Jain, learned Additional Solicitor General of India, informs that on 12.12.2024, compensatory cost has been paid by the U.T. Administration to the Central Government in terms of the Environment (Protection) Act, 1986, and Government of India shall be granting sanction within a period of one week for converting the land lying within the jutting out portion of Rock Garden from forest to non-forest purposes.

Direction(s)

The Government of India is directed to issue appropriate/express order of sanction for conversion of land from forest to non-forest purposes

which is lying within the jutting out portion of the Rock Garden within one week from today.

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

Submission(s)

As Shri Jhanji, learned senior standing counsel for U.T. Administration, informs that 90% of the work in regard to creation of additional parking space is complete and the same can be made functional. However, it is noticed that the Bar Association, Punjab and Haryana High Court has not reached at any consensus amongst its Members for creation of corpus for purchase of electric auto-carts/rickshaws for commuting between additional space for parking and the High Court premises.

Direction(s)

We have already directed the Bar Association, Punjab and Haryana High Court by way of a Writ of Mandamus to hold General Meeting or meeting of the office bearers for creation of corpus on the last date of hearing. We reiterate the said writ and expect that the Bar Association shall submit compliance report in that regard before the next date of hearing.

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

On the last occasion, this Court had refrained from passing any specific direction awaiting report of IIT Roorkee. Learned Additional Solicitor General of India has placed on record the Minutes of the Meeting dated 27.11.2024 held amongst various stakeholders including representatives of IIT Roorkee.

A bare perusal of the said Minutes of the Meeting dated 27.11.2024 reveals that it fails to resolve the stalemate.

However, it is seen from the record that IIT Roorkee has not submitted the final report qua impact assessment of the holistic plan may have over the heritage building of the High Court.

Direction(s)

The IIT Roorkee is directed to submit the final impact assessment report before the next date of hearing.

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

Submission(s)

Mr. Jhanji, learned senior standing counsel for the U.T. Administration, informs that the tenancy deed with the owner of the accommodation could not be executed due to bereavement in his family. But it is assured by Mr. Jhanji that the tenancy deed shall be executed before the next date of hearing.

Direction(s)

A direction in this regard has already been issued on the last date of hearing which is reiterated herein.

Construction of verandah in front of Court Room No. 1

On the last date of hearing, in this regard, a Writ of Mandamus was issued directing the U.T. Administration to start construction of verandah in front of Court Room No. 1 in line with and of the same type as already existing in front of Court Rooms No. 2 to 9 within a period of two weeks and complete the process of construction within four weeks thereafter.

Despite lapse of two weeks from the last date of hearing, no effort has been taken by the U.T. Administration to show that the process of construction has commenced.

As such, this Court directs the Registry to implead Shri C.B. Ojha, Chief Engineer, U.T. Administration as party and on doing so contempt notice be issued against Shri C.B. Ojha to explain as to why contempt proceedings be not commenced and he be not punished for causing contempt of Writ of Mandamus issued on 29.11.2024.

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

Submission(s)

Pursuant to the last order, Shri Jhanji, learned senior standing counsel for the U.T. Administration, informs that NIT has been issued for allotting the work of construction of four slip roads and the same shall be opened on 18.12.2024.

Direction(s)

Let the process of tenders be completed within a period of 15 days and thereafter the same be finalized and work-order be issued and produced before the next date of hearing.

Demarcation report in terms of 23.08.2024

Submission(s)

A demarcation report has been prepared and submitted by the Survey of India which is on record which *inter-alia* shows that the High Court campus excluding certain portions comprising of the original heritage building of the High Court, the extension portion of the High Court and certain other buildings, fall within the catchment area of Sukhna Lake.

Direction(s)

Both, the U.T. Administration and the Government of India are directed to produce the documents relating to date of initiation of construction

of the Capitol Complex, in particular the original building of the High Court, and also the date of construction of Sukhna Lake.

Non-filing of fortnightly report

Submission(s)

It is informed by learned senior standing counsel for the U.T. Administration that the fortnightly report as directed by this Court on the earlier occasion has already been sent to the Registrar General.

Direction(s)

The fortnightly report, if filed, along with the fresh fortnightly report, which is filed by the U.T. Administration, shall be perused on the next date of hearing.

Let the matter be taken up on 10.01.2025 when the holistic plan matter along with the objection of the Heritage Committee to the said holistic plan will be taken up.

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

**(SHEEL NAGU)
CHIEF JUSTICE**

**(ANIL KSHETARPAL)
JUDGE**

13.12.2024

Amodh Sharma