

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
(through video conferencing), with
Ms. Rupa Pathania, Advocate, and
Mr. Varun Aryan Sharma, Advocate,
for the petitioners in CWP-PIL-9-2023.

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

Ms. Tanu Bedi, Advocate (amicus curiae), and
Mr. Sumit Kumar, Advocate,
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, and
Mr. B.S. Kanwar, Advocate (through video conferencing).

Mr. Amit Jhanji, Sr. Standing Counsel, UT Chandigarh, with
Mr. Jaivir S. Chandail, Addl. Standing Counsel, UT Chandigarh,
Mr. Rajiv Mehta, Chief Architect.

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. Seerat Saldi, Advocate, and
Ms. Gauri C Kaushal, Advocate,
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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In regard to various aspects delineated in the order dated
13.11.2024 passed by this Court, submissions made before this Court and the
directions issued by this Court are as follows :

Conversion of forest land into non-forest :-**Submissions**

Shri Satya Pal Jain, learned Additional Solicitor General of India, has produced a letter dated 27.11.2024 issued by the Ministry of Environment, Forest and Climate Change, Government of India, addressed to the Principal Secretary (Forests), Government of UT, Chandigarh, by which in-principle approval has been granted by the competent authority for diversion of forest to non-forest purpose, the land falling within the jutting out portion of the Rock Garden, subject to fulfilling certain conditions. The letter is taken on record as Annexure 'X'. It is further informed by Shri Jain that the conditions have to be fulfilled by the Forest Department and the UT Administration.

Directions

Pursuant to the grant of In-principle approval for diversion of forest to non-forest purpose the aforesaid land, this Court by a writ of mandamus directs the concerned Forest Department and the UT Administration to fulfill the conditions, subject to which aforesaid approval has been granted, within a period of 15 days, and submit compliance report on the next date of hearing.

Additional space for parking :-**Submissions**

Shri Amit Jhanji, learned Senior Standing Counsel for UT Administration informs that 80% of the work for the said purpose is complete and the additional parking area shall become functional within a period of one week.

Shri Swarn Singh Tiwana, Secretary, Punjab & Haryana High Court Bar Association, volunteers that consensus shall be arrived among all the Members of the Bar Association for creating a corpus for purchase of

electric auto carts/rickshaws for commuting between additional space for parking and the High Court.

Directions

This Court, thus, directs by a writ of mandamus that the Bar Association, Punjab & Haryana High Court, shall hold a General Meeting or meeting of the office bearers for creating a corpus among Members of the Bar Association and submit a report on the next date of hearing, as regards creation of corpus for the said purpose.

Creation of Service road :-

Submissions :

In this regard, on the last date of hearing, this Court refrained itself from passing any direction awaiting report of IIT Roorkee.

Shri Satya Pal Jain, learned Additional Solicitor General of India, has informed that the meeting comprising of various stakeholders, including representatives of IIT Roorkee, was held on 27.11.2024 and minutes of the same are under preparation, which shall be filed before the next date of hearing.

Directions :

It is directed that minutes of the said meeting held on 27.11.2024 be brought on record before the next date of hearing.

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

Submissions

Shri Amit Jhanji, learned Senior Standing Counsel for UT Administration has produced a letter dated 28.11.2024 issued by the Executive Engineer, Capital Project Division No.6, Chandigarh, addressed to owner of the Basement, Ground Floor, First Floor and Second Floor of S.C.O. No. 54-

55-56, Sector 17-A, Chandigarh, conveying the approval accorded by the competent authority, i.e. Technical Evaluation Committee, for leasing out the aforesaid premises to the High Court for a period of one year from the date of handing over of possession, on certain terms and conditions mentioned therein. The said letter dated 28.11.2024 is taken on record as 'Annexure Y'.

Directions :

In view of the above, UT Chandigarh Administration is directed to enter into an agreement with owner of the said property before the next date of hearing, and complete all the formalities for ensuring execution of the lease deed and handing over of possession of the said property to the Registrar General of the High Court, on the terms and conditions as mentioned in the lease deed.

Construction of Verandah in front of Court Room No.1

Submissions

Learned Senior Standing Counsel for UT Administration informs that proposed map of the Verandah covering outside of Court Room No.1 has been sent to Archeological Survey of India for approval. It is also informed that in the 24th meeting of Chandigarh Heritage Conservation Committee (CHCC) held on 19.09.2024 in-principle proposal was granted for construction of the said Verandah in front of Court Room No.1 subject to contacting Foundation Le Corbusier Paris for sharing the required drawings/data related to this project.

This Court on 13.11.2024 had refrained from issuing any direction in the backdrop of assurance that Chandigarh Heritage Conservation Committee are being consulted and the UT Administration after due consultation shall revert back within 10 days. This Court had passed a preemptory order that in case, the aforesaid assurance does not turn out to be

true by the next date of hearing, then this Court will be compelled to issue a writ of mandamus to the UT Administration for construction of verandah in front of Court Room No.1, which is dire need of the hour.

Directions

A writ of mandamus is issued to UT Administration to start construction of verandah in front of Court Room No.1 in line with and of the same type as already exists 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.

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

Submissions

It is informed by Shri Amit Jhanji, learned Senior Standing Counsel for UT Administration that a rough estimate has been prepared on 26.11.2024 for the said purpose and shall be produced on the next date of hearing and the work shall commence soon.

Directions

Let the rough estimate of construction of slip roads be positively filed before the next date of hearing and progress of commencement of construction be also shown in the fortnightly report in this regard, failing which this Court shall take coercive steps against any of the functionaries of the UT Administration.

Demarcation report in terms of 23.08.2024

Submission

Learned Additional Solicitor General of India informs that the demarcation report is ready and shall be filed before the next date of hearing.

Direction

Let the demarcation report in terms of the order dated 23.08.2024 passed by this Court be filed before the next date of hearing, failing which coercive steps shall be taken against any of the responsible functionaries of the Union of India.

Non-filing of fortnightly report

It is seen from the record that fortnightly report, as directed by this Court vide order dated 13.11.2024, has not been filed by UT Administration.

This Court takes exception to the failure of filing the fortnightly report and grants last opportunity to UT Administration to file compliance report of the progress made on all the aforesaid counts, including activities proposed and commenced, before the next date of hearing.

The matter is being posted on 13.12.2024 with the consent of learned counsel for the rival parties, for ensuring compliance and to report progress on all the aforesaid aspects.

A copy of this order be placed on the files of connected cases.

(SHEEL NAGU)
CHIEF JUSTICE

November 29, 2024
narotam

(ANIL KSHETARPAL)
JUDGE