

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

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 petitioner(s) in CWP-PIL-9-2023. Mr. R.S. Khosla, Senior Advocate, with Mr. Yogender Verma, Advocate for the petitioner(s) in CWP-27621-2013. Mr. Satya Pal Jain, Additional Solicitor General of India, with Mr. Dheeraj Jain, Senior Panel Counsel, Mr. Arun Gosain, Senior Panel Counsel, for respondent No.1 and 10 – UOI and IIT, Roorkee in CWP-PIL-9-2023. Mr. Brijeshwar Singh Kanwar, Senior Panel Counsel, for respondent No.4 – UOI in CWP-27621-2013. Mr. Amit Jhanji, Senior Standing Counsel, with Mr. J.S.Chandail, Additional Standing Counsel, Ms. Zaheen Kaur, Advocate, for respondent – U.T. Chandigarh. Mr. Saurav Khurana, Additional Advocate General, Punjab, Mr. J.S. Gill, Additional Advocate General, Punjab. Mr. Deepak Balyan, Additional Advocate General, Haryana. Mr. Gaurav Chopra, Senior Advocate, with Mr. Anurag Chopra, Advocate, Ms. Himani Jamwal, Advocate, for respondent No. 9 in CWP-PIL-9-2023. Mr. Sandeep Khunger, Advocate, for Municipal Council, Nayagaon, in RA-CW-259-2020 & in CWP-18253-2009. Mr. Kanwaljit Singh, Senior Advocate, with Mr. K.S. Rupal, Advocate, Ms. Navyuggeet Brar, Advocate, for the applicant-respondent in CM-3610-CWP-2024. Mr. M.S. Khaira, Senior Advocate, with Mr. Jaswinder Singh, Advocate. Mr. Rajeev Anand, Advocate, for the review-applicant(s) in RA-CW-252-2020. Ms. Tanu Bedi, Advocate (Amicus-Curiae), Mr. Akhil Dadwal, Advocate, Ms. Pooja Dahiya, Advocate in RA-CW-259-2020. Ms. Gurnoor Sandhu, Advocate, for the applicant(s) in RA-CW-259-2020.

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1. It is surprising to note that this Court in the present matter as early as on 16.09.2022 had requested for formation of the Technical Experts

Committee comprising of members/nominees from Department of Hydrology and Department of Geography, Panjab University; States of Punjab and Haryana as well as Survey of India, but the same has not yet been constituted.

1.1. From order dated 13.01.2023, it appears that the Chandigarh Administration had nominated Dr. Rajesh Bansal, Superintending Engineer, Public Health Circle, U.T., as its nominee, but the Panjab University as well as the States of Punjab and Haryana have not appointed their respective nominees.

1.2. Mr. Satya Pal Jain, learned Additional Solicitor General of India, informs that the Survey of India has appointed Director, Punjab, Haryana & Chandigarh G.D.C. as its nominee vide letter dated 07.10.2022.

1.3 It appears that even on a special request made by this Court to the other stakeholders i.e. the Panjab University as well as the States of Punjab and Haryana, they did not pay heed to the request of this Court.

2. As such a writ of mandamus is issued to the Panjab University as well as the States of Punjab and Haryana to appoint their respective nominees within a period of one week from today failing which coercive steps shall be taken against them.

3. The other aspect which is of relevance in the present case is the High Court campus coming within or outside the Sukhna catchment area. This Court in its final order dated 02.03.2020 in CWP-18253-2009 (Court on its own motion Vs Chandigarh Administration) had, *inter-alia*, held that all commercial/residential and/or other structures constructed in the catchment area of Sukhna Lake falling in the areas of Punjab, Haryana and U.T. Chandigarh as demarcated in the map prepared by the Survey of India on 21.09.2004 are declared illegal/unauthorized and are ordered to be demolished. Pursuant to filing of various review-applications in CWP-18253-2009, the order dated 02.03.2020 was stayed by Coordinate Bench of this Court on 18.12.2020 to the extent of demolition of constructions raised in the catchment area. However, the restraint against construction or building activities of any

kind in the catchment area was not disturbed. The said review applications are still pending for adjudication.

3.1. As to whether the High Court campus lies within the catchment area as per the Survey of India Map dated 21.09.2004 becomes relevant to the issue involved and, therefore, physical demarcation of the said catchment area of Sukhna Lake is required to be completed at the earliest.

3.2. In view of the aforesaid, it is of prime importance that physical demarcation of Sukhna catchment area is commenced and concluded at the earliest.

4. The Committee of Technical Experts is directed to submit demarcation report, first in regard to whether the High Court campus overlaps the Sukhna catchment area or not?

5. It has also been informed that the Chandigarh Heritage Conservation Committee has approved the creation of a parking space behind MLA Hostel, Sector 4, Chandigarh. Learned Senior Standing Counsel, appearing for the Union Territory, Chandigarh, informs that tender has already been floated on 07.06.2024 and after laying pavers, the parking lot behind MLA Hostel, Sector 4, Chandigarh would become functional by 30.09.2024.

5.1. Let progress of the said parking lot be communicated by filing a report on the next date of hearing.

6. List on 09.08.2024.

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

**(SHEEL NAGU)
CHIEF JUSTICE**

**(ANIL KSHETARPAL)
JUDGE**

02.08.2024
Amodh Sharma