

CWP-13351-2018 (O&M)
CWP-PIL-26-2018 (O&M)
CWP-PIL-113-2021 (O&M)

Aneet Goel
Vs
Union of India and others

Present:- Mr. Shiv Kumar Sharma, Advocate,
for the petitioner in CWP-13351-2018.

Mr. Amrinder Singh, Advocate (Amicus-Curiae),
in CWP-PIL-113-2021.

Mr. Satya Pal Jain, Additional Solicitor General of India,
with Ms. Saigeeta Srivastava, Senior Panel Counsel,
for the respondent – UOI.

Mr. Amit Jhanji, Senior Standing Counsel,
with Mr. Sumeet Jain, Additional Standing Counsel,
for U.T. Chandigarh in CWP-13351-2018.

Mr. Parminder Singh Kanwar, Additional Standing Counsel,
for U.T., Chandigarh in CWP-PIL-26-2018.

Mr. Sanjiv Ghai, Advocate,
for the respondent – Municipal Corporation, Chandigarh.

Mr. Manish Bansal, PP U.T., Chandigarh,
Mr. J.S. Toor, APP U.T., Chandigarh,
Mr. Navjit Singh, Advocate.

Mr. Saurav Khurana, Additional Advocate General, Punjab.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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1. Status report by way of affidavit of Kanwardeep Kaur, IPS, Senior Superintendent of Police, U.T., Chandigarh has been filed in compliance of the order dated 16.11.2023 in CWP-PIL-113-2021 and also the last order dated 02.04.2024 in a sealed cover which we have opened and placed on record. The concerned officer has taken great pains as to highlight the threat perception, firstly, to the Chief Minister of Punjab while making reference to the fact that RPGs have also been used in two instances in the

State of Punjab. Some examples have been given of the incident which happened in the Police Station, District Tarn Taran which is situated at a distance of about 230 kms from Chandigarh. It is admitted that there is a green area of 100 feet between the road and the Chief Minister's residence, but it is being put-forth in the affidavit that it does not act as a buffer between the road and the Chief Minister's residence. The threat perception that a vehicle carrying heavy amount of explosives could approach the residence of the Chief Minister or the road enclosed quarters is part of the averments made in the affidavit.

2. The opening of the road leading to huge vehicular flow is the main apprehension apparently which goes on to show that admittedly there is an admission that the same vehicular flow has to use another road and is not being given access to the Lake road. The fall back has also been made on the report given by the Haryana Intelligence and Haryana Chief Minister's Security while not noticing the observations made by this Court on an earlier occasion that traffic management with high technology is the solution which can be managed at times when required and the roads cannot be closed in perpetuity.

3. We have also perused the opinion of the Additional Director General of Police, Security, Punjab, Chandigarh, which he has given to the Director General of Police, U.T., Chandigarh on 20.04.2024 (Annexure R-1). Much ado has been made about a gentleman called Gurwant Singh Pannu who is based in USA and has not stepped on the Indian soil for long. The various threat perceptions have been mentioned which we do not want to elaborate and we all feel that the inputs as such regarding the threat of drones and the RPGs being used would go on to show that the opinion is based on a closed mind-set

of the authorities who are insensitive to the general public's convenience. Not a word has been averred in the affidavit regarding the law which has been laid down by the Apex Court in *State of Himachal Pradesh and another Vs Umed Ram Sharma*, 1986(2) SCC 68 and by three Judges' Bench of the Apex Court in *Amit Sahni Vs Commissioner of Police and others*, 2020(10) SCC 439 regarding the usage of public roads as mentioned in our earlier order dated 02.04.2024.

4. The threat perception as such from the State of Haryana, if examined closely, would go on to show that examples have been given of how various associations including elderly, handicapped and widow women have come to give representations outside the residence of the Chief Minister. It is apparent that as and when people have come to their elected representatives to show their grievances that is also considered a threat perception. The basic criteria which is the reason for closing the road as such is, thus, apparently based on a figment of imagination of the authorities.

5. The manner in which they are wanting to proceed, which would also be clear from the letter written on 21.04.2024 by the Additional Director General of Police, CID, Haryana, Panchkula to the Senior Superintendent of Police, U.T., Chandigarh (Annexure R-II), would go on to show that further proposal has been made to close the road in front of the Chief Minister's residence in Haryana. Lord Acton's quote that "Power tends to corrupt and absolute power corrupts absolutely" would aptly apply to the police authorities who apparently are unaware of the said observation while seeking to pay lip service to the persons concerned while blocking access to the lawyers and general public who reside in Naya Gaon to approach the High Court by the shortest route.

6. In such circumstances, we are of the considered opinion that the Director General of Police/Senior Superintendent of Police, U.T., Chandigarh shall formulate a traffic management plan as how to ease the traffic congestion by opening the road on experimental basis from 01.05.2024. He/she can give suggestions and it is for the traffic experts to formulate. Accordingly, the proposal is that the road should be opened on working days from 7.00 AM to 7.00 PM initially as it would ease the traffic situation on working days. We are already informed that a similar exercise is carried out at the Lake where on weekends partially the road is blocked to make it traffic free to ensure the convenience of the people visiting the Lake which face a heavy foot-fall on the weekends. A similar exercise, thus, can also be conducted for the said stretch of road. It is also open for the authorities that in case they have any prior notice of any demonstration which is to take place, they can take redressal steps to ensure that the demonstrators do not reach the sensitive portions.

7. Let the earlier order dated 02.04.2024 be complied with by all concerned.

8. Mr. Khurana, appearing for the State of Punjab, has also prayed for time to comply with the said order regarding the creation of bye-passes and preventing various traffic bottlenecks.

9. We are also informed that the issues of cost over-runs on providing the under-ground transit facility for metro coaches and further providing facilities for parking of coaches in the near vicinity also need to be elaborated by the Union Territory, Chandigarh as well as the States of Punjab and Haryana by filing appropriate affidavits.

10. We further elaborate that the proposed mobility plan for Chandigarh Tricity which has been acted upon shall also be positively acted

upon by the State of Punjab and there is no tangible reason as such for the State of Punjab to drag its feet on the same since it is going to be a beneficiary of the said mobility plan which will not only benefit the people visiting Chandigarh, but also the officials who have to travel to Chandigarh from distant parts of Punjab. The concept as such of providing a seamless access into the heart of the city by way of the proposal as such needs to be acted upon and given a commensurate effect as Chandigarh has already lost out for a decade as such only on account of the feasibility aspect being looked into on account of lack of consensus.

11. To come up on 13.05.2024.
12. A photocopy of the order be placed in the connected file(s).

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

22.04.2024
Amodh Sharma