

Court on its own motion vs. State of H.P.

CWPIL No. 19/2016

29.10.2024

Present: Ms. Seema Guleria, Advocate, as amicus curiae.

Mr. Anup Rattan, A.G. with Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Rakesh Dhaulta, Mr. Govind Korla, Addl. A.Gs. and Ms. Priyanka Chauhan, Dy.A.G., for respondents-State.
Mr. Mukul Sood, Advocate, for respondents No. 5 and 6.

This Court had issued certain directions to restrict entries of vehicles in Sanjauli Bazaar and Chhota Shimla while dealing with CWPIL No. 4/2009 keeping in view convenience of schooling going children, officer goers and public at large.

2 Pursuant to these directions issued by the Court, the traffic police Shimla fixed the timings restricting the entries of the vehicles in these areas in the morning and evening hours. Such timings were modified from time to time keeping in view the larger public interest.

3 As regards timings for Sanjauli Bazaar, none of the parties is aggrieved by the timings so fixed and as a matter of fact, no complaint has been received by this Court, however insofar as restriction of entries from Chhota Shimla is concerned, it is pointed out by the learned amicus curiae that the same is causing inconvenience to the public at large and furthermore, such restrictions are otherwise no longer necessary in view of the widening of the road from Chhota Shimla to Panthaghati Chowk via Kasumpti and Vikas Nagar via

Brock Hurst and also because now a pedestrian path has also been constructed and made operational. This fact is not even disputed either by the State or the Municipal Corporation.

4 Accordingly, we direct that henceforth there shall be no restriction on the movement of vehicular traffic on the road leading from Chhota Shimla to Panthaghati Chowk via Kasumpti and Vikasnagar via Brock Hurst. We further direct that there shall be no idle parking on these roads except the above designated spots and it shall be the personal responsibility of the SHO, Police Station East (Chhota Shimla) to ensure due compliance of this part of the order. All directions contrary to the above directions are hereby vacated as regards roads from Chhota Shimla to Panthaghati Chowk via Kasumpti and Vikasnagar via Brock Hurst.

5 In addition to above, this Court while dealing with this petition vide order dated 23.3.2017 had taken cognizance regarding the management of movement and parking of the vehicles in and around IGMC Shimla and plying of vehicles from Sanjauli Chowk to IGMC, but the directions issued in this regard are not being adhered to and rather being blatantly violated.

6 Therefore, we direct the Superintendent of Police Shimla, Deputy Superintendent of Police, Traffic, Shimla, SHO Sadar, SHO Dhalli, Incharge Police Posts Lakkar

Bazaar and Sanjauli to ensure that the directions passed by this Court are complied with in its letter and spirit and they shall be personally responsible in implementing these orders.

7 Further, this court vide its order dated 23.3.2017 had expressed its deep anguish and concern for lack of parking space available near IGMC Shimla and had in fact directed the Chief Secretary to the Government of Himachal Pradesh to constitute a committee to be headed by him, of senior responsible officers of the concerning departments/authorities to look into the matter inter alia among others:

- i) Construction of adequate parking space at IGMC so that no inconvenience is caused to the visitors of the hospital.
- (ii) How vehicular traffic can be restricted and regulated in various roads i.e. Sanjauli to IGMC, Nav Bahar to Ram Chandra Chowk and other forest/ambulance roads available in the city.
- (iii) Steps taken or required to be taken for providing pedestrians paths along with Cart Road as well as other vehicular roads in and around Shimla city.
- (iv) Tarring/metalling work of State/ Municipal Roads in Shimla city within a stipulated time.
- (v) Action, if any, taken in pursuance to various orders passed by this Court regarding encroachments having been made either by shopkeepers or others on the road sides, especially, in main bazars of Shimla city.

(vi) Committee may also consider and decide whether restriction as imposed in Sanjauli and Kasumpti areas can be imposed in other areas of Shimla city for smooth regulation of traffic.

(vii) Details of parking made available to general public in and around Cart road by the Authorities may also be made available in the report of the Committee and Committee may further identify adequate spaces for parking.

(viii) Committee in light of detail furnished by Deputy Commissioner regarding registration of vehicles with Registering and Licensing Authority Shimla (Urban and Rural) may also deliberate and consider strict conditions, if any, can be imposed while registering vehicles in Shimla (Urban and Rural).

(ix) Committee may also consider plying smaller/compact buses in the city so that traffic is not unnecessarily caused due to huge size of HRTC/private buses.

(x) Committee may also explore the possibility of providing common service duct, if any, on either side of road for water pipes, telephone lines and electricity lines etc. so that roads are not dug frequently and repair, if any, is made by the concerned Authorities by using service ducts. In this regard Committee may hire services of some expert agency/consultants.

(xi) Lastly, Committee may also consider whether one big parking having capacity of approximately thousand vehicles can be constructed at the entrance of Shimla city so that tourists are encouraged and persuaded to park their vehicles there and thereafter use public transport.

8 We have noticed that even though construction of the parking near IGMC is being carried out, but the pace thereof is absolutely tardy and therefore, contractor of the parking is required to deploy more manpower and machinery so as to ensure that the construction of parking is completed within the fixed target.

9 In the given facts and circumstances, we deem it appropriate to implead the Tenzin Construction Company, Lakkar Bazar, Shimla, Shimla-171001 through its proprietor, being necessary party, as respondent No.12.

10 Further, we find that there is only one passage with one lift and stairs through D-block, which goes to trauma building and new OPD block with rest of the blocks of the hospital.

11 Learned amicus curiae informs us that this narrow passage is not sufficient as there remains a huge rush in the stairs which in turn is causing hindrances to the patients, attendants and general public visiting the hospital.

12 We are informed at the Bar that a passage had been proposed to be constructed from the Principal Office to new trauma building with two lifts and one ramp for the patients accessibility, which can also be used during disaster, but the outcome of such plan is not known.

13 Therefore, the Chief Engineer, HPPWD to the Government of Himachal Pradesh, being necessary party,

is impleaded as party respondent, who shall now figure as respondent No. 13.

14 Issue notice to the newly added respondents returnable for 12.11.2024. Ms. Priyanka Chauhan, learned Deputy Advocate General, appears and waives service of notice on behalf of respondent No.13.

15 Issue notice to respondent No. 12 calling upon him to file status report regarding construction of the parking at IGMC Shimla clearly delineating therein road map ahead. The respondent No.13 shall also file his personal response qua the aforesaid proposed passage in IGMC Shimla and status report regarding the construction of parking by clearing pointing out as to whether respondent No.12 has achieved the milestones as per the contract agreement.

16 List on 12.11.2024.

(Tarlok Singh Chauhan)
Acting Chief Justice

(Satyen Vaidya)
Judge

29.10.2024
(pankaj)

