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**CRM-W-184-2018 in
CRWP-428-2017 (O&M),
CRWP-590-2017,
CRWP-488-2017 (O&M) and
CRWP-601-2017**

Mohit Nayyar vs. State of Punjab and others

Present: Mr.I.P.Singh, Advocate,
for the applicant.

Mr.Rohit Suri, Advocate,
for the petitioner.

Mr.Sanjeev Sharma, Sr. Advocate with
Mr.Arjunvir Sharma, Advocate,
learned *Amicus Curiae*.

Ms.Reeta Kohli, Senior Advocate with
Mr.Kirat Pal Dhaliwal, Advocate.

Mr.R.S.Rai, Sr. Standing Counsel, UT, Chandigarh with
Mr.Sukant Gupta, Advocate.

Mr.Suvir Sehgal, Advocate and
Mr.Tarun Walia, Advocate,
Sr. Standing Counsel for UT, Chandigarh.

Mr.Daldeep Singh, DAG, Punjab

Mr.Pawan Girdhar, Addl. A.G., Haryana and
Mr.Pawan Kumar Jhanda, AAG, Haryana.

Ms.Deepali Puri, Advocate,
for Municipal Corporation, Chandigarh.

CRM-W-184-2018

An application has been filed in Court today by Mr.Kirat Pal Dhaliwal, Advocate, of which he had made a mention in the morning, seeking the constitution of an “empowered committee” for regularly monitoring the traffic in the tri-city (Chandigarh, Mohali and Panchkula), to ensure that the directions of this Court are complied with in letter and spirit.

Though learned counsel had sought permission to file it in the

Registry for fixing it today alongwith the accompanying petition, that application not having been attached as yet, the application submitted in the Court today by learned counsel is accepted, with the Registry directed to assign an appropriate serial number to it.

Notice in the application to all the learned counsel opposite.

Mr. Suvir Sehgal, Advocate, learned Senior Standing Counsel for UT, Chandigarh, Mr. Daldeep Singh, Deputy Advocate General, Punjab, and Mr. Pawan Kumar Jhanda, AAG, Haryana, accept notice at the asking of the court.

A copy of this application be given to all learned counsel aforesaid.

I do not see why this application should not be allowed, at least to the extent of allowing citizens to bring to the notice of the court, traffic violations, especially on the immediately ongoing issue of misuse of cycle tracks and pedestrian paths; because despite the tremendous efforts put in by the Chandigarh Police in particular and the Chandigarh Administration in general, to at least ensure that cycle tracks are used for the purpose for which they are made, with repair of cycle tracks also visibly taking place, still, an appropriate number of persons would have to monitor regulation of traffic for the purpose of bringing to the notice of the Court any “regular” violation of traffic norms as is not being appropriately dealt with by the traffic police or the Administration.

Consequently, this application is allowed to the extent that the applicant, as also any concerned citizen, would be at liberty to bring to the notice of this court, or the learned *amicus curiae*, Mr. Sanjeev Sharma, Sr. Advocate, any violation of traffic norms as is not being dealt with

effectively, provided of course such incidents are backed by photographic evidence, etc.

Consequently, Ms. Reeta Kohli, Senior Advocate, as also Mr. Sanjeev Sharma, Senior Advocate, would work in tandem to try and ensure that frivolous applications are not filed in Court and that any problems aired either by the applicant or any concerned citizen, are genuine and need to be dealt with by the Court.

**CRWP-428-2017 &
other connected petitions**

Pursuant to notice issued to M/s Arya Toll Infra on the last date of hearing, Mr. Surjit Singh Salar, Advocate, appears and has filed his power of attorney, which is taken on record.

Affidavits of Dr. Ajay K. Singla, Secretary, Transport, Chandigarh Administration, Sh. O.P.Mishra, Deputy Inspector General of Police, UT, Chandigarh (acting as DGP, UT, Chandigarh with the DGP stated to be on leave), Sh. Kapil Setia, Chief Architect, Chandigarh Administration, Sh. Kamal Kishor Yadav, Commissioner, Municipal Corporation Chandigarh and Mr. Shashank Anand, SSP (Security and Traffic), UT, Chandigarh, have been filed in Court today by Mr. Suvir Sehgal, Sr. Standing Counsel for UT, Chandigarh, Mr. Deepender Brar, Advocate and Ms. Deepali Puri, learned counsel for the Municipal Corporation, Chandigarh, with copies given to Mr. Sanjeev Sharma, Senior Advocate, learned *amicus curiae*. The said affidavits are taken on record.

2. As regards the affidavit of Mr. Anand Mukesh, the Chief Engineer-cum-Special Secretary, Chandigarh Administration, Mr. Suvir Sehgal seeks further time to file the same as the affidavit submitted to him is

stated to be not actually responding to the directions given by this Court.

3(i). Taking up the affidavit of the Secretary, Transport, UT, Chandigarh, as regards the direction contained in paragraph 6(i) of the order dated October 15, 2018, it is stated by the Secretary that 567 buses are being operated by the Chandigarh Administration/ Chandigarh Transport Undertaking, of which 128 are being used for inter-city operations, 392 for city/tri-city operations and 47 for sub-urban operation.

Adequate staff is also stated to have been recruited for operating the buses.

Out of the aforesaid buses, 193 buses are stated to be air-conditioned and 199 non-air conditioned (as regards the buses operating within the tri-city), the fare charged from the passengers having also been given in paragraph 6 of the affidavit.

3(ii). As regards the optimum utilization of public transport (i.e. buses), it has been stated by the Secretary, Transport, that people would not opt for travelling by that means unless the buses augmented are made very comfortable, with air-conditioning (heating and cooling).

However, no proposal or time frame with regard to obtaining such buses has been indicated in the affidavit.

3(iii). As regards the directions contained in paragraph 6(ii) of the earlier order of this Court, pertaining to the report of Mr.Navdeep Asija, the affidavit of the Secretary, Transport, states that the number of standard size buses plying on main roads is 67 and those through sector markets is 64, with the number of mini/mid size buses on main roads being 84 and those on inter sector roads being 116.

Mr.Sanjeev Sharma, learned *amicus curiae*, points also to the

annexure attached to the affidavit of the Secretary, to submit that on most routes the frequency of bus service is approximately 20 minutes to half an hour, with infact the frequency on the routes from the ISBT Sector-43 to the PGI being one bus every 80 minutes and from the ISBT to the Railway Station being 90 minutes, etc.

Mr. Sehgal, learned Senior Standing Counsel has pointed out that the frequency may not need to be increased in view of the fact that some of the routes are overlapping each other and though on particular point to point routes, buses may be seen to be plying with a lesser frequency, when combined with other overlapping point to point routes (for any particular sectors in between), the frequency would automatically increase.

3(iv). Keeping the aforesaid in view and also the fact that increased frequency would also result not only in air pollution but also increase the number of vehicles on the road, the Secretary, Transport, is directed to immediately go into the matter in its entirety, after consulting experts, and to come up with a viable plan with regard to increased number of non-polluting buses plying on a dedicated bus corridor on different routes in the city, ensuring that the size of the buses is as per the passenger usage thereof, so as to make them economically viable rather than unviable, to possibly wean travellers within the tri-city away from using personal transport everywhere and using public transport instead.

3(v). Coming to the the directions given in paragraph 6(iii) of the earlier order, the Secretary, Transport, has stated that on providing adequate parking space for cycles along cycle tracks, the Chief Engineer, UT, Chandigarh, the Commissioner, Municipal Corporation, Chandigarh, and the Chief Architect, UT, Chandigarh, would need to go into that issue to file

an appropriate reply.

4(i) At this stage, on this aspect Ms.Deepali Puri, points to the affidavit of Shri Kamal Kishore Yadav, Commissioner, Municipal Corporation, Chandigarh, in paragraph 7 of which it is stated that under the Chandigarh Smart City Project, 'a public bike sharing plan' is “in the pipeline”, with the project to start in January, 2019, to be implemented within one year.

Mr. I.P.Singh, Advocate, who is present in the Court, submits that the viability of 5000 more cycles running on a 3 to 5 foot wide cycle track would also need to be looked at by all concerned.

This is to be seen with what Mr.Sanjeev Sharma, learned *amicus curiae*, has pointed out, that as per the Chandigarh Administrations' own stand, 11% of the population of Chandigarh use bicycles, with 3% using cycle rickshaws. Thus the number of cycles being used/proposed to be used in the public bike sharing project, would naturally need be taken into account.

Mr.Sharma also points out that infact the aforesaid figures are given by Mr.Navdeep Asija, Traffic Consultant (appointed by the Court in a different petition), which has been accepted to be correct by the Municipal Corporation. Thus, if the aforesaid figures are found to be incorrect, the Commissioner, Municipal Corporation, would give the correct figures on affidavit.

4(ii). Consequently, on that aspect, the Commissioner, Municipal Corporation, Chandigarh, is directed to file an affidavit, giving therein the details of the public bike sharing project, showing also the number of parking spaces to be made available for bicycles, i.e. both personal bicycles

and public bicycles meant for sharing, as also the viability of a large number of bicycles plying on cycle tracks of the existing width.

Needless to say, the aforesaid affidavit shall be filed in tandem with and in consultation with the Chief Architect and the Chief Engineer.

Naturally, if the Commissioner, Municipal Corporation, needs to take any necessary approval from the Secretary, Transport, Chandigarh, the Secretary would consider it and if any suggestions coming from the Commissioner are unacceptable, the Secretary, Transport, would give detailed reasons for that, by way of an affidavit to be filed by him. Otherwise it shall be understood that the Secretary, Transport, has no objection to whatever is stated by the Commissioner, Municipal Corporation in his affidavit with regard to the issue.

(Cycle tracks and parking spaces along such cycle tracks also, naturally, also would fall within the domain of the Administration at different points, and in any case would be covered under the subject of “transport”, rather than being exclusively within the jurisdiction of the Commissioner, Municipal Corporation).

4(iii). Coming to the next aspect of the affidavit of the Commissioner, Municipal Corporation, Chandigarh, in response to the query of this Court, as put in paragraph 5(i) of the order dated 15.10.2018, it is stated that there is a single contractor by the name of M/s Arya Toll Infra that has been allotted the contract to manage 25 parking sites in Chandigarh, as per an agreement dated 29.06.2017, a copy of which has been annexed as Annexure A-4 with the affidavit.

It is further stated that various notices have been issued to the contractor with regard to violations made by it, including haphazard parking

in Chandigarh, with copies of some notices also having been annexed as Annexure A-5 collectively with the affidavit.

However, it is not stated in the affidavit as to whether the penalties proposed to be imposed upon the contractor have been realised from it or not.

It is further stated therein that the agreement does not envisage cancellation of the contract and only a penalty can be levied on the contractor.

4(iia). That statement of the Commissioner is found to be incorrect, at least to the extent of there being no provision at all for cancellation of the contract, because a perusal of clause 19 thereof shows that for the offences of overcharging of parking fee, non-issuance of parking slips, commercial activity in parking area and non-use of e-ticketing machines, cancellation of the licence is provided for, if any of these offences are committed for the 6th time.

However, for the offence of parking of vehicles in an unauthorised area or for haphazard parking, very strangely, possibly deliberately, non-cancellation of the licence is not stipulated, with only a penalty imposable for such an offence, that being 10 times the parking fee of the vehicle.

4(iv). Consequently, the Commissioner, Municipal Corporation shall also inform this Court in his affidavit to be filed by the next date of hearing, as to how many times the penalty of 10 times the parking fee of the vehicle has been imposed on the contractor, because even in a place like Sector-17, Chandigarh, as already noticed in an earlier order of this Court, it is seen that vehicles are parked even on the pedestrian paths, other than

overcrowded parking being allowed in that area.

4(v). As regards the number of vehicles allowed to be parked in different parking locations, a chart has been annexed by the Commissioner as Annexure A-11 with his affidavit, with it seen that as regards Sector-17, on the larger side of the parking area, 849 vehicles are allowed to be parked, whereas on the lesser side of the parking area (reference Sr. no.2 of the said chart), 543 vehicles are allowed to be parked.

The Chief Architect and the Commissioner, Municipal Corporation, are directed therefore to specifically give the breakup of number of vehicles allowed to be parked in the front parking spaces and back parking spaces separately, i.e. the area in front of the Empire Store, as also in the parking space on the 'Sahib Singh side' of Sector-17, giving the parking area as per ECS norms.

4(vi). The learned *Amicus Curiae* and the applicants who have been requested to make suggestions/recommendations for better control of traffic in the city, i.e. the “Serving in Organisation for Legal Initiatives” (SIOLI), are requested to pay random visits to Sector-17 as also other parking areas given in the chart Annexure A-11, (also noting down the number of vehicles parked on the pedestrian paths there, with photographs), and bring that to the notice of the Court, so that in case the number of vehicles that are allowed to be parked by the contractor exceeds the number actually allowed in the area, the Commissioner can be given a direction to realize the fine from the contractor in respect of each vehicle parked above the norms, even in terms of the penalty provided in the contract.

4(vii). As regards parking of vehicles on the pedestrian path ways provided in Sector-17 (and other places), by the parking contractor, the SSP,

Traffic and Security, Chandigarh, is directed to not only get such vehicles towed away but also to initiate legal action under the Motor Vehicles Act (and the Rules and Regulations promulgated thereunder), not only against the owners/drivers of the vehicles but also against the parking contractor itself, in respect of each such violation.

Non-compliance of this direction, shall be taken to be contempt of the orders of this Court, such order being for actual implementation of Rules of the Road Regulations, by which, obviously, parking at non-authorised places, is prohibited.

4(viii). In addition to that, as parking on pedestrian path ways/cycle tracks (even in parking lots) is obviously endangering pedestrians, therefore, the SSP, Traffic and Security, Chandigarh, is directed to ensure that upon vehicles being deliberately parked on pedestrian paths even in parking slots, Section 336 of the Indian Penal Code is duly invoked against not just the drivers of the vehicles, but also against the person allowing such parking, i.e. the parking contractor.

4(ix). In his affidavit, the Commissioner has also referred to a complaint filed by the contractor on 03.10.2018 (copy Annexure A-10), on the issue of parking space in Sector-17-A, Chandigarh, opposite the Debts Recovery Tribunal, being occupied to a large extent by Advocates who do not pay any parking fee.

Mr. Salar, learned counsel appearing for the contractor, Ms. Deepali Puri, counsel for the Municipal Corporation, Mr. I.P.S. Singh and Suri, (learned counsel who had brought to the notice of this Court earlier the judgment of the Supreme Court with regard to parking space being made available for lawyer and litigants), would all address arguments in terms of

the said judgment on the next date of hearing, with learned *Amicus Curiae* and Ms. Reeta Kohli, learned senior counsel, also to address argument on that issue if they wish to add anything to what the other learned counsel want to argue.

4(x). The Commissioner Municipal Corporation, Chandigarh, shall also, in his affidavit to be now filed, specify utilization of all underground spaces in Sector-17, Chandigarh and other places in Chandigarh, i.e. as to why they are not being allowed to be utilized to their full capacity and why the parking contractor is not directing extra vehicles, as cannot be parked at 'above ground parking', to be diverted to nearby underground parking slots.

All learned counsel appearing in this case, especially Mr. Sanjeev Sharma, *Amicus Curiae* and Ms. Reeta Kohli, learned senior counsel are requested to visit different parking spaces and take photographs and prepare a report on such parking slots as are not being utilized/are not being allowed to be utilized, with, thereafter, appropriate directions to be given to the Commissioner, Municipal Corporation as also the SSP, Traffic and Security, Chandigarh, to take penal action to blockage of such space by any person.

5(i). Coming next to the affidavit filed by Mr. Kapil Setia, the Chief Architect, Chandigarh Administration, in response to the previous order of this Court, as regards the direction contained in paragraph 7(i) of that order. Essentially it has been stated (as has been orally stated also on query by this Court, to Mr.Setia), parking of vehicles has to be catered to by the owner of the building concerned, within the building, even by providing underground space in the building, if necessary.

The Chief Architect has also stated that recommendations, in

the planning stage, are that underground parking even beyond the “footprint of buildings along institutional belts *Jan Marg* and *Madhya Marg* may be allowed”.

Whereas as regards institutional buildings that may be a viable option, however, very obviously, underground parking cannot come about overnight and would take at least 2-5 years to actually be constructed, after getting the plans, designs etc. passed.

Further, it is also seen that there is no uniformity whatsoever as regards raised berms abutting such buildings, even those which are adjacent to each other on the same road. Outside some buildings, there are raised berms with either grass/flowers/trees on them with no parking therefore possible alongwith the walls, whereas outside other such buildings, there are no raised berms existing, with vehicles allowed to be parked perpendicular to the wall, so as to try and ensure that visitors to the building, do not park their vehicles on the road.

5(ia). The Chief Architect would also, in the affidavit, annex therewith the complete map of the cycle tracks and the pedestrian paths to be laid down in the city, with the Chief Engineer to give a viable time frame within which the existing cycle tracks and pedestrian paths will be repaired and with a further viable time frame to be given for construction of new pedestrian paths and cycle tracks, wherever they are found to be needed.

5(ii). The Chief Architect will also, in the affidavit to be filed by him, state as to why properly demarcated parking spaces, as have been provided outside the Le-Corbusier Centre, Sector-19, Chandigarh, are not provided outside every such institutional building along the *Madhya Marg*, as also along institutional and commercial buildings in other parts of the

city.

5(iii). Since it is admitted that enforcement of bye-laws in such buildings falls within the jurisdiction of the Deputy Commissioner-cum-Estate Officer, Chandigarh, the Deputy Commissioner is directed to immediately ensure, starting from all institutional buildings along the *Madhya Marg* and the *Dakshin Marg*, that parking space within such building is fully utilized, with no parking taking place outside the buildings, and that other than those buildings that house defence institutions or the CBI/IB, nobody is stopped from entering the building to park their vehicles to the extent of the parking capacity of such buildings.

The SSP, Traffic and Security, U.T. Chandigarh, is directed to ensure that all necessary manpower is given to the Deputy Commissioner (who otherwise of course is also the District Magistrate, U.T. Chandigarh), to ensure that no person in such buildings stops parking of vehicles of those who have necessarily come to the building, (other than buildings housing “sensitive institutions”.

The Deputy Commissioner will also file his affidavit, giving therein the result of the exercise conducted, as directed hereinabove.

If it is found by the Deputy Commissioner-cum-Estate Officer, that parking spaces within the buildings have not been provided as per norms, he shall issue notices to the owners/occupiers of the building, who are then directed to ensure that necessary parking space is immediately provided, at least above ground, with the issue of any additional underground space to be taken up with the Chief Architect and the Deputy Commissioner.

5(iv). The Deputy Commissioner, Chandigarh Administration, who is

stated to be also the Chairman/Incharge of the District Level Road Safety Council, will also, in his affidavit, state the policy on ensuring road safety.

5(v). Upon space within each building being optimistically utilised as per norms for parking space, if in cases of particular buildings, it is found that there is lack of space, the Chief Architect and the Deputy Commissioner will give suggestions as to the solution thereto.

Naturally, a proper and final solution to the parking problem can only be arrived at after proper and regular public transport is made available, alongwith, possibly, appropriate hike in parking fees, so as to try and ensure that vehicle or traffic is possibly decreased, and alternate convenient public transport is available.

However, increase in parking fee being wholly a matter of executive policy, nothing further is being stated by this Court on that issue, with the Advisor to the Administrator to take a call on it, in consultation with all concerned.

5(vi) Even so, whether parking fee is increased or not, this Court is still bound to enforce the law as it exists, and violation of traffic norms, whether by moving vehicles or by stationary vehicles, has to be looked upon strictly, with directions given to enforce such regulations and norms in their true spirit and intent.

6(i). Coming then to the affidavit filed by Dr. O.P. Mishra, Deputy Inspector General of Police, U.T. Chandigarh, on behalf of the Director General of Police, who is stated to be on leave till 30.10.2018.

It is stated therein that as regards the proposal for creation of 1355 additional posts for Chandigarh Police, including manpower for the Traffic Police, the Principal Secretary, Home, U.T. Chandigarh, "has been

sent a letter on 08.10.2018 to intimate the stage of the said proposal”, with a letter also sent to the Ministry of Home Affairs, Government of India, on 12.10.2018 seeking approval for the proposal.

6(ii). Consequently, the Principal Secretary, Home, U.T .Chandigarh, is directed also to file an affidavit as to by when posts would be filled in so as to ensure that law and order is maintained, including traffic regulations.

6(iii). The Director General of Police, U.T. Chandigarh, is also directed to file an affidavit, giving therein the hierarchy and breakup of personnel employed on traffic duty, including Home Guard volunteers etc., as also the number of mobile patrolling units on duty in different parts of Chandigarh, with their 'duty jurisdiction' also to be given, including whether or not they are to empowered to check at least blatant violation of traffic norms, such as vehicles coming onto the wrong side of a carriage-way, vehicles plying/parked on cycle paths and pedestrian paths etc.

If the mobile units have not been empowered to do so, the Director General of Police would state in his affidavit as to what prohibits them from being so empowered, to ensure that safety of citizens using the roads/cycle/pedestrians, is not endangered.

This direction has been found to be necessary in view of the fact that despite tremendous efforts made by the SSP, Traffic and Security in particular, in the past one month or so, to try and ensure that pedestrian and cyclist paths are not encroached upon by motorised vehicles, far far too many such vehicles are still to be seen standing on pedestrian paths, with very often even traffic police men and mobile units present there not bothering to do anything about it.

Consequently, the Director General of Police and the SSP,

Traffic and Security, are directed now to give specific directions to each and every Deputy Superintendent of Police, Traffic and all their subordinates, right down to the last constable, that any vehicles seen to be plying/parked on cycle/pedestrian paths, whether along main roads or inner roads, are towed away; or where it is not feasible for a crane to enter, they are clamped down and *challaned* under the appropriate provisions, with any violation of his duty by any police officer or official, who ignores such violations, to be treated to be a willful contempt of the order of this Court.

7. Coming last to the status report filed by Shri Shashank Anand, SSP, Security and Traffic, U.T. Chandigarh, it has been stated therein that “intensive enforcement of Section 138(2)(h) read with Section 177 and 184 of the Motor Vehicles Act”, is being undertaken throughout the 4 zones of the Chandigarh Traffic Police, and that from 01.01.2018 till 29.10.2018, 15164 *challans* have been issued to persons plying their vehicles on cycle tracks/pedestrian paths.

(It is to be noticed that Section 138 is actually only an enabling provision for the State Governments to make rules under the Act, with clause (h) of sub-section (2) thereof referring to rules for prohibiting the use of footpaths of pavements by motor vehicles. Thus, what is actually being attempted to be implemented is the road safety regulations promulgated under the Act and the Rules framed thereunder).

As already stated hereinabove, the Chandigarh Traffic Police has undoubtedly being doing tremendous work to ensure that traffic norms are complied with in the at least aforesaid aspect, however, as also already stated, far far too many violations, especially of parking on pedestrian paths, are still not being checked. This is especially so in the Southern sectors, but

also in the middle and northern sectors at different places.

The SSP has also stated that advertisements have been issued by the Chandigarh Traffic Police through newspapers, to ensure that traffic is regulated even in the festive season, with cuttings of such advertisements in those newspapers having been annexed with the affidavit.

The efforts of the Chandigarh Police, to yet again repeat, need to be applauded, but with again a rider that far more still needs to be done, as has been observed in the previous paragraph, with directions to be given to every traffic police officer/official to do her/his duty and ensure that the vehicles plying/parked on pedestrian/cycle paths and zebra crossing are dealt with sternly.

7(i). Consequently, the SSP, Traffic and Security, U.T. Chandigarh, is directed to file an affidavit giving therein the number of *challans issued* for violations of traffic rules in the form of (a) vehicles plying on the wrong side of the carriage-way, (b) motorised vehicles plying on cycle tracks, (c) motorised vehicles parked on cycle tracks/pedestrian paths, and (d) motorised vehicles parked/temporarily standing on zebra crossings.

It shall also be stated in his affidavit as to what provision of law the *challans* have been issued, giving therein also the amount of fine imposed by the *challaning* officer, for compounding the offence.

The SSP would also give the number of vehicles towed away/clamped down for wrongful parking on cycle paths/pedestrian paths.

The period to be covered for the aforesaid data would be from the last date of hearing in this case, i.e. October 30, 2018 till two days prior to the next date of hearing, i.e. upto 14.11.2018.

8. All concerned citizens would be at liberty to either approach

this Court, or through the learned *Amicus Curiae*, to show any violation of traffic norms, with 'photographed evidence', also of any police officials found standing around not doing their duty in ensuring that cycle/pedestrian paths/zebra crossing are made safe.

It needs to be said here that too often traffic policemen on duty are seen using mobile phones, with blatant traffic rule violations happening right there, such as people parking on zebra crossings, motorcyclists and small cars taking u-turns without going around the rotonde, even by using the cycle track/pedestrian crossing that cuts into the median in the centre of the road.

Yet further, it is seen that next to markets/showrooms, especially along the *Madhya Marg* etc., vehicles from the parking slot enter onto the main road by ingressing onto the cycle paths/pedestrian paths, simply in order to take a short cut.

9. Since manning of all such points by police personnel, 24 x 7, is obviously not possible, the Chief Engineer is directed to ensure that at all such vulnerable points, duly high iron fences are erected, to ensure that the parking space is blocked off and no illegal entry is made on to the main roads by cutting onto cycle paths/pedestrian paths etc.

10. Thus, now affidavits would be filed as follows:-

- (i) The Principal Secretary, Home, U.T. Chandigarh, as regards directions given in paragraph 6(ii) hereinabove;
- (ii) The Secretary, Transport, UT, Chandigarh, as regards directions given in paragraph 3(iv);
- (iii) The Director General of Police, U.T. Chandigarh, as regards directions given in paragraph 6(iii);
- (iv) The Chief Architect, U.T. Chandigarh, as regards directions given in paragraphs 4(v), 5(ia) and (ii);

- (v) The Chief Engineer, U.T. Chandigarh, as regards directions given in paragraph 10 of the order dated October 15, 2018, as also in paragraph 9 hereinabove;
- (vi) The Commissioner, Municipal Corporation, Chandigarh, as regards directions contained in paragraph 4(ii), 4(iv), 4 (v) and 4(x);
- (vii) The Deputy Commissioner-cum-Estate Officer, Chandigarh, with regard to directions given in paragraphs 5(iii) & (iv);
- (viii) The SSP, Traffic and Security, with regard to directions contained in paragraphs 4(vii), 4(viii) and 7(i).

11. All learned counsel appearing in this case are requested to address arguments in terms of observations made in paragraphs 4(ix) and 8 hereinabove, other than on all other issues as arise in the case.

12. For further consideration, adjourned to 13.11.2018.

A copy of this order be given to all learned counsel under the signatures of the Bench Secretary.

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

**(AMOL RATTAN SINGH)
JUDGE**

October 30, 2018

dharamvir/dinesh