

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 12350 of 2021 (O&M)
Date of Decision: 20.07.2021**

Chief Justice N.K. Sodhi (Retired),
R/o House No. 36, Sector-4, Union Territory, Chandigarh

..... Petitioner

Versus

The Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Rajiv Atma Ram, Senior Advocate, assisted by
Mr. Arjun Pratap Atma Ram, Advocate for the **petitioner**.
(Applicant in CM No. 8560-CWP of 2021)

Mr. Satya Pal Jain, Additional Solicitor General of India,
assisted by Ms. Saigeeta Srivastava, Central Govt. Counsel,
for respondent Nos. 1 & 6 / **Union of India**.

Mr. Namit Kumar, Additional Standing Counsel, UT, Chandigarh
for respondent Nos. 2 to 4 / **U.T., Chandigarh**.

Mr. Gurminder Singh, Senior Advocate, assisted by
Mr. Kanwal Goyal, Advocate
for respondent No. 5 – **Pb. & Hry. High Court, Chandigarh**.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

CM No. 8560-CWP of 2021

Prayer in the present application under Section 151 of the Code of Civil Procedure moved by the **applicant – petitioner** is for placing on record a letter / communication dated 08.07.2021 (**Annexure P-4**) written by the Registrar General, Punjab and Haryana High Court, Chandigarh to the petitioner.

Application is **allowed**. The aforesaid letter dated 08.07.2021

Registry to place the same at appropriate place in the paper-book and paginate accordingly.

MAIN CASE

Petitioner, who is former Judge of this Court and retired as Chief Justice of Karnataka High Court, has filed the instant petition seeking directions to respondents for removing the CCTV cameras installed near the front boundary of official residence of Hon'ble the Chief Justice viz. House No. 35, Sector-4, Chandigarh. **Second prayer** made by the petitioner is for framing of Rules for regulating the installation of CCTV cameras in Chandigarh.

[2] The apprehension raised is that the CCTV cameras installed at the official residence of Hon'ble the Chief Justice **can** invade the privacy of the house of petitioner, which is right in front of House No. 35, i.e House No. 36, Sector 4, Chandigarh. As per contents of the petition, the petitioner feels that the CCTV cameras, which are high resolution Infra-red capable ones can capture detailed images upto 150 meters and thus, can easily invade the privacy of petitioner, which is his Fundamental Right guaranteed under Article 21 of the Constitution.

[3] Vide an application bearing **CM No. 8560 of 2021**, the petitioner has placed on record a letter dated 08.07.2021 written by the Registrar General of Punjab and Haryana High Court, Chandigarh to petitioner informing him that the matter was taken up with the Director General of Police, Union Territory, Chandigarh on receipt of letter dated 17.05.2021 by petitioner and in response thereto, it has been intimated by the Director General of Police, Union Territory, Chandigarh that after spot inspection, examining the footage and working of the CCTVs installed at

the official residence of Hon'ble the Chief Justice, it was found that none of the cameras installed at the house cover the houses on opposite side of the street and only cover the area upto the road berm of House Nos. 34 and 36, Sector 4, Chandigarh. Relevant part of the **communication dated 08.07.2021** is reproduced as under:-

*“ In response thereto, it has been intimated by the office of Director General of Police, U.T. Chandigarh that after the spot inspection, examining the footage and working of the CCTVs installed at the official residence of Hon'ble the Chief Justice i.e. House No. 35, Sector-4, Chandigarh, it was observed that the installation of the CCTVs has been done to secure the protected person from all possible apprehension of threats in accordance with the provisions of 'Yellow Book' and these cameras installed there **do not cover the houses on opposite side of the street and only cover the area upto the road berm** of House No. 34 and 36, Sector 4, Chandigarh and **there is no trespass or breach into the privacy of House No. 36, Sector-4, Chandigarh.** ”*

(Emphasis Supplied)

[4] During the course of hearing, learned counsel for the petitioner has pointed out that although the letter written by the Registrar General, Punjab and Haryana High Court, Chandigarh, satisfies the apprehension raised by the petitioner, however, he has urged that the security agencies should be bound down in such a manner that in future as well there is no misuse of the CCTV cameras installed at House No. 35 so as to invade the privacy of petitioner.

[5] In order to quell any doubts about any such alleged misuse in future by any security agency and in order to satisfy ourselves as to whether any such direction is required to be issued by us, we have perused the report sent vide **Letter No. 21678/Spl./Security, Chandigarh, dated 07.07.2021**

by DGP, U.T, Chandigarh, which was brought before us in a sealed cover.

[5.1] A perusal of the said report would show that security agencies have balanced the privacy of residents of area with the threat perception of the ‘protected person’ by **permanently** adjusting the cameras in such a way so that privacy of not only the House of Petitioner, but also of other houses in vicinity is maintained. We are, thus, satisfied that the discomfort shown by the petitioner on installation of cameras is misplaced. The report is ordered to be re-sealed and be kept by the Registrar General, Punjab and Haryana High Court, Chandigarh, in his custody.

[6] Upon hearing our observations, learned counsel for the parties are *ad idem* that nothing more is required to be pursued in the instant case.

[7] As far as **second prayer** made by the petitioner for framing of Rules is concerned, we are of the opinion that at this stage no such direction is required to be given. We leave it to the discretion of the Chandigarh Administration to take a decision as and when the situation in the city warrants.

[8] In view of the above, the instant **petition** is **disposed of** as having been rendered **infructuous**.

(JASWANT SINGH)
JUDGE

July 20, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No