



Court on its own motion Vs. State of H.P. & Ors.

CWPIL No. 06/2017

19.06.2024 Present: Mr. Deven Khanna, Advocate, as Amicus Curiae.

Mr. Anup Rattan, Advocate General with Mr. Yash Wardhan Chauhan, Senior Additional Advocate General, Ms. Sharmila Patial, Additional Advocate General and Mr. Raj Negi, Deputy Advocate General, for respondents No. 1, 2 & 4 to 17, 25-State.

Mr. Raman Jamalta, Advocate, for respondents No. 3 & 23.

Mr. Shivank Singh Panta, Advocate, for respondents No. 17-HPTDC.

Mr. Vivek Sharma, Advocate, for respondent No. 18-MC.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No. 19, 24-UOI.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan and Ms. Sneh Bhimta, Advocates, for respondent No. 20-NHAI.

Mr. Chander Narayan Singh, Advocate, for respondent No. 21.

Dr. Sanjay Sood, IFS, APCCF-cum-Nodal Officer (FCA), Mr. Suresh Kapoor, CE (NH) HPPWD, Mr. Ravi Bhushan Sharma, Executive Engineer, Horticulture Division HPPWD, Dr. Sujata Sirkeck Verma, Law Officer & Dr. Suresh C. Attri, Chief Scientific Officer, Department of Environment Science and Technology and Mr. Vinay Kumar, Controller, Sulabh International Social Service Organization, are present in person.

Since the issue of development of wayside amenities between Parwanoo to Shimla, is pending consideration with the Ministry of Environment, Forest and Climate Change, Government of India, we deem it appropriate to implead Ministry of Environment, Forest and Climate Change, Government of India, through its Secretary, as party respondent, who shall now figure as respondent No. 24. Ordered accordingly.

2. Notice. Mr. Balram Sharma, learned Deputy Solicitor General of India, appears and waives service of notice on behalf of newly added respondent No. 24. He prays for and is granted two weeks' time to obtain instructions in terms of order dated 03.07.2024, more particularly, paragraph 7 thereof, which reads as under:-

"In the given circumstances, Mr. Balram Sharma, learned Deputy Solicitor General of India to take up the matter with the Ministry concerned and impress upon them to relax this condition and permit the NHAI/State Government or any other Government Agency to raise construction on the site by providing wayside amenities."

3. It has been brought to our notice that despite the orders of this Court, as also undertaking furnished by the Sulabh International Social Service Organization that urinals are free for both ladies and gents, yet users of the

ladies toilets are being fleeced and an amount of Rs. 5/- minimum is being charged from them. This indeed is a serious matter. Accordingly, respondents No. 18 (MC Shimla) and 21 (Sulabh International Social Service Organization) are directed to ensure strict compliance of orders passed by this Court or else this Court shall be constrained to initiate proceedings of contempt against these respondents. Wide publicity through print as well as electronic media, including the local cable network, be given to this effect.

4. Learned Amicus Curiae has submitted Note-5 for the perusal of this Court. The same is made part of the Court file. The concerned respondents, more particularly, respondents No. 17, 18 and 21 to respond to the same.

5. Since HPPWD Horticulture Wing, has done a commendable job of beautification of the dumping site on the Highway, we deem it appropriate to independently implead it as party respondent and it shall now figure as respondent No. 25. Ordered accordingly.

6. Notice. Ms. Sharmila Patial, learned Additional Advocate General, appears and waives notice on behalf of newly added respondent No. 25.

7. We are informed at the Bar that HPPWD Horticulture Wing has identified certain places where wayside amenities and projects of beautification could be undertaken between Parwanoo to Shimla Highway.

8. Let an affidavit be filed to this effect by the next date of hearing.

9. It is informed by Sh. Suresh Kapoor, CE (NH) HPPWD, that tenders for wayside amenities were invited and only one bidder has participated in the process and in terms of CVC (Central Vigilance Commission) Guidelines fresh bids would have to be invited for the same and will be floated within two days. His statement is taken on record.

10. On 28.05.2024, this Court passed a detailed order and one of the directions was to the Department of Science and Technology to pin the locations of all the Municipal toilets within the Municipal Corporation, Shimla and report compliance by the next date of hearing.

11. It is heartening to note that with the pro-active role of Dr. Sujata Sirkeck Verma, Law Officer and Dr. Suresh C. Attri, Chief Scientific Officer, Department of Environment Science and Technology, the Department has mapped all 131 toilets of public conveniences.

12. We are informed by Mr. Deven Khanna, learned Amicus Curiae that even though he was indisposed, however, NGO by the name "DOERS" has taken upon the task of visiting the remaining public conveniences in Shimla and thereby facilitating preparation of Note-5 as also photographic evidence. We place on record our appreciation for the commendable work done by the NGO, "DOERS".

13. We also place on record our appreciation for the commendable work put in by the various Officers of the State, who are present in the Court today.

14. Mr. Vivek Sharma, Advocate, prays for and is granted two weeks' time to file status report.

15. Taking into consideration the hard work, dedication and continuous efforts and further taking into consideration the expenses incurred by Mr. Deven Khanna, learned Amicus Curiae out of his own pocket, we direct each of the respondents to pay an amount of Rs. 5,000/- to the learned Amicus Curiae.

List on **03.07.2024**.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

19th June, 2024
(raman/himalvi)