

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-990-2023 IN CRA-D-439-DB-2018

Balbir Singh @ Panju

Versus

State of Punjab

Present: Mr. Ashok Giri, Advocate for the applicant/appellant

Mr. Saurabh Kapoor, Addl. AG Punjab

Ms. Tanisha Peshawaria, DAG Haryana

Mr. Sourabh Goel, Sr.Panel Counsel, UOI, NCB & UT Chd.

Mr. Amit Jhanji, Senior Standing Counsel, UT Chandigarh with

Mr. Sanjiv Ghai, Advocate and

Mr. Parminder S. Kaul, Advocate

for UT Chandigarh and MC Chandigarh

(1) This Court on 14.05.2024 passed the following order:-

(1) *While hearing the matter, it has been brought to our notice that there is widespread and intermittent growth of wild cannabis plants in and around the surrounding area of Union Territory Chandigarh. A large number of cannabis plants can be seen growing even in the open areas near the Judges residential houses in Sectors 4, 7, 10, 11 and more particularly in Sector 24, Chandigarh including the Secretariat round-about and outskirts of High Court and in Rajendra Park etc. Many visitors/passersby or may be even the residents of the city, especially the youth and kids, due to bad company, are falling prey to such narcotic substance and as such are indulging in misusing the wild growth to their undue advantage and illegal use.*

(2) *It is a matter of grave concern wherein narcotic drugs are playing havoc in the life of not only the common man but in particular the young generation as a termite, who is future of this country, therefore, the issue needs to be addressed. The State machinery, who have an onerous duty and are duty-bound to explain as to what action they have taken to burn and/or curb such growth of Cannabis plants which are being taken away by miscreants for drug addiction and commercial purposes.*

(3) *Taking into consideration the gravity involved in the matter which concerns not only UT Chandigarh but also Mohali and Panchkula*

also, let notice be issued to Advocate Generals for the States of Punjab and Haryana and Senior Standing counsel for U.T., Chandigarh to apprise the Court with regard to the steps being taken by the States/UT Chandigarh in matter of wild growth of Cannabis and file their respective status reports by the next date of hearing.

(4) *Post again on 20.05.2024.*

(5) *To be taken up at 2.00 pm.*

(2) Today, the status report dated 20.05.2024 has been filed by Executive Engineer, Horticulture Divn. No.1, MC Chandigarh as well as status report dated 20.05.2024 has been filed by Executive Engineer, Horticulture Divn. No.2, UT Chandigarh which are taken on record.

(3) In the status report filed by Pritpal Singh, Executive Engineer, Hort. Divn. No.1, MC Chandigarh, wherein certain photographs have been attached as Annexures A2 & A3 collectively. On perusal of the affidavit dated 20.05.2024, this Court can infer that an attempt has been made by the said Officer ensuring that all possible steps have been taken by the Department concerned for cleaning all the wild growth growing in the areas of Sector 4/7/10/11/24 and Rajindra Park, Sector 24 Chandigarh etc. including other areas which vest within the jurisdiction of Municipal Corporation Chandigarh and necessary man power and other machinery has been deployed to curb the growing of cannabis plant. A further stand has been taken by the Municipal Corporation that regular cleaning of such wild growth is done at regular intervals or as and when required.

(4) This Court is amazed at such response wherein a casual affidavit has been filed. Such an issue needs to be addressed with all seriousness and a special team of staff including the labour must be deployed to ensure that no such wild growth of cannabis plant ever grows again but it does not seem to be the intention of Municipal Corporation, Chandigarh. From the language and

averments made in the affidavit, it is also evident that once any such growth is noticed, it is removed and the photographs attached to the instant affidavit, still shows in the pictures at pages 11, 12 & 16, the manner in which this wild growth has been dealt with, despite orders of this Court is also not known to the procedure as enshrined in the Drug Law Enforcement Field Officers' Handbook issued by Narcotics Control Bureau, Ministry of Home Affairs, Govt. of India which ensures that such plants should be burnt or damaged to make it dead sure that these are not misused for unlawful and illegal activities either by the drug addicts or peddlers. In most of the photographs, it is further evident that after cutting down of such wild growth of cannabis, a part of it is still lying scattered at that very spot itself though major part or it has been transported but to which place or what has been done to those cut-out cannabis has not been explained by the Senior Standing Counsel, UT Chandigarh.

(5) Another affidavit filed by Navraj Singh, Executive Engineer, Hort. Divn. No.2, UT Chandigarh is also almost to the similar footing wherein machinery used is visible but in the pictures at Annexure A2 collectively, such wild growth is visible and the manner of removing these plants is identical that is by cutting down but not being uprooted from that place. The action taken by the authorities so far on behalf of the UT Chandigarh Administration is totally unsatisfactory though, this Court, at the very initial stage of the present proceedings, and, thus would refrain itself from passing any harsh order inviting UT Administration to take more stern steps i.e. by uprooting such wild growth from the roots itself and also to place on record the action plan to restrain its growth during the rainy season which would flourish and mushroom such wild growths.

(6) On the other hand, the States of Punjab and Haryana though have not filed any affidavits, however, it is orally submitted on their behalf that meetings of the Chief Secretaries of the respective States have taken place with the concerned Heads of the Department and directions have been issued to take necessary action. Such clandestine stand taken by both the learned State counsels for Punjab and Haryana is condemnable and not accepted by this Court.

(7) However, in the interest of justice, one more opportunity is granted to the respondents to do the needful within one week from today.

(8) This Court would request learned Advocate Generals of Punjab and Haryana, respectively to assist this Court on the next date of hearing on the issue in hand.

(9) Post again on 28.05.2024.

(Sanjeev Prakash Sharma)
Judge

20.05.2024
V.Vishal

(Sandeep Moudgil)
Judge