[2025] 5 S.C.R. 1179 : 2025 INSC 786

Chandigarh Administration
v.
Registrar General, High Court of Punjab and Haryana, Chandigarh and Others

(Civil Appeal No(s). 7249-7250 of 2025)

28 May 2025

[Vikram Nath and Sandeep Mehta,* JJ.]

Issue for Consideration

Whether the High Court of Punjab and Haryana was justified in directing the appellant-Administration for construction of verandah in front of Court Room No.1 and laying of green paver blocks in the kutcha parking, the open area used for parking.

Headnotes†

UNESCO World Heritage Site – Construction of verandah, not violation of UNESCO guidelines – High Court of Punjab and Haryana issued mandamus to the appellant to construct verandah in front of Court Room No.1 – Non-compliance, contempt issued – Plea of the appellant that the Chandigarh Capitol Complex which includes the High Court building is a UNESCO World Heritage Site and it may loose such status, if the verandah is constructed without procuring the requisite permissions/approval from the World Heritage Committee, UNESCO:

Held: High Court justified in directing construction of the verandah in front of Court Room No.1 in alignment with the design of the pre-existing verandahs in front of Court Room Nos.2 to 9 and the same does not violate the UNESCO guidelines – Neither such verandah is a major restoration nor a new construction within the main structure of the High Court building – If required, the administration may seek *ex-post facto* approval for this minimal protective measure which is considered necessary – Further, the orders for placing green paver blocks and plantation of trees in the open area being used for parking are also upheld – Impugned orders not interfered – Constitution of India – Arts.226, 136. [Paras 39, 34, 45]

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* Author

Case Law Cited

Rajeev Suri v. Delhi Development Authority **[2021] 15 SCR 283 : 2021 SCC OnLine SC 7 – referred to.**

List of Acts

Constitution of India.

List of Keywords

UNESCO World Heritage Site; Chandigarh Capitol Complex; High Court building; High Court of Punjab and Haryana; Writ of mandamus; Construction of verandah in front of Court Room; Laying of green paver blocks; Open parking area; World Heritage Committee, UNESCO; Green paver blocks; World Heritage Status of the UNESCO guidelines; Operational Guidelines; World Heritage Convention; Outstanding Universal Value (OUV) of the property; Foundation Le Corbusier, Paris; Parking space for lawyers, litigants; Chandigarh Master Plan, 2031; Sustainable development; Green cover; Ecological balance; Modification in facade/structure of the building.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 7249-7250 of 2025

From the Judgment and Order dated 29.11.2024 and 13.12.2024 of the High Court of Punjab & Haryana at Chandigarh in CWP-(PIL) No. 9 of 2023

With

Civil Appeal No(s). 7251-7252 of 2025

Appearances for Parties

Amicus Curiae:
P.S. Patwalia, Sr. Adv., Ms. Natasha Dalmia

Advs. for the Appellant:
Tushar Mehta, Solicitor General, Ms. Kanu Agrawal, Bhuvan Kapoor, Krishna Kant Dubey, Varun Chugh, Shreekant Neelappa Terdal.

Chandigarh Administration v. Registrar General, High Court of Punjab and Haryana, Chandigarh and Others

Advs. for the Respondents:
Nidhesh Gupta, Aashish Chopra, Sr. Advs., Ashok Mathur, Ms. Japneet Kaur, Bikram Dwivedi, Manu Bhardwaj, Varun Aryan Sharma, Somiran Sharma.

Judgment / Order of the Supreme Court

Judgment

Mehta, J.

1. Heard.

2. Leave granted.

3. Chandigarh Administration[1] is in appeal against the orders dated 29th November, 2024; 13th December, 2024; 7th February, 2025; and 21st February, 2025 passed by the High Court of Punjab and Haryana at Chandigarh[2] in a public interest litigation[3] whereby the High Court directed as below:-

> "**Order dated 29th November, 2024**
>
> **Construction of Verandah in front of Court Room No.1**
>
> **Submissions**
>
> Learned Senior Standing Counsel for UT Administration informs that proposed map of the Verandah covering outside of Court Room No.1 has been sent to Archaeological Survey of India for approval: It is also informed that in the 24th meeting of Chandigarh Heritage Conservation Committee (CHCC) held on 19.09.2024 in-principle proposal was granted for construction of the said Verandah in front of Court Room No.1 subject to contacting Foundation Le Corbusier Paris for sharing the required drawings/data related to this project.

1 Hereinafter, referred to as the 'CA' or "appellant".

2 Hereinafter, referred to as the "High Court".

3 Civil Writ Petition (Public Interest Litigation) No. 9 of 2023 (O&M).

This Court on 13.11.2024 had refrained from issuing any direction in the backdrop of assurance that Chandigarh Heritage Conservation Committee are being consulted and the UT Administration after due consultation shall revert back within 10 days. This Court had passed a preemptory order that in case, the aforesaid assurance does not turn out to be true by the next date of hearing, then this Court will be compelled to issue a writ of mandamus to the UT Administration for construction of verandah in front of Court Room No.1, which is dire need of the hour.

Directions

A writ of mandamus is issued to UT Administration to start construction of verandah in front of Court Room No.1 in line with and of the same type as already exists in front of Court Rooms No. 2 to 9, within a period of two weeks and complete the process of construction within four weeks thereafter.

Order dated 13th December, 2024

Construction of verandah in front of Court Room No. 1

On the last date of hearing, in this regard, a Writ of Mandamus was issued directing the U.T. Administration to start construction of verandah in front of Court Room No. 1 in line with and of the same type as already existing in front of Court Rooms No. 2 to 9 within a period of two weeks and complete the process of construction within four weeks thereafter.

Despite lapse of two weeks from the last date of hearing, no effort has been taken by the U.T. Administration to show that the process of construction has commenced.

As such, this Court directs the Registry to implead Shri C.B. Ojha, Chief Engineer, U.T. Administration as party and on doing so contempt notice be issued against Shri C.B. Ojha to explain as to why contempt proceedings be not commenced and he be not punished for causing contempt of Writ of Mandamus issued on 29.11.2024.

Order dated 7th February, 2025

(As regards Kutcha Parking)

It is informed by learned counsel for the High Court that on the suggestion made by this Court under this head vide order dated 24.01.2025, the Building Committee was unsuccessful in convincing the U.T. Administration to allow green pavers to be laid in the area of kutcha parking with adequate number of trees to be planted so that the green cover can be restored and the vacant space can be used for parking purposes.

This Court is of the considered view that the suggestion made by this Court on earlier occasion for restoration of green cover and simultaneously laying green pavers for parking was not only reasonable but a step towards sustained development.

There is extreme shortage of parking space in the open areas provided for parking behind the heritage building of Punjab and Haryana High Court. On any given hour, during working session of the High Court, about 3000-4000 four wheelers daily visit the High Court out of which at least 2000; if not more, are permanently parked. The existing underground multilevel parking which has three tiers can accommodate only 600 four wheelers while the remaining vehicles are parked in the open parking areas which also fall short and therefore, there is need to use the kutcha parking area which is opposite the three tiers multilevel underground parking.

The green pavers are meant to allow water to percolate down to replenish ground level water and therefore, are much beneficial and eco- friendly as compared to pavements or roads. In this manner, the objection of U.T. Administration that the said area of kutcha parking is earmarked within the capital complex as a green belt/ forest, will also be taken care of and the dire need for parking space can be satisfied. More so, the plantation of at least 200 or more trees in the said kutcha parking is possible to increase the green cover and facilitating the four wheelers to be parked.

Despite the U.T. Administration having made available the additional parking space of about 200 four wheelers near the junction of Janmarg and Uttar Marg, the said facilitation does not resolve the problem of acute shortage of space for parking within the High Court premises. As such, this Court is constrained to pass the following directions as regards kutcha parking:-

Writ of mandamus is issued to the U.T. Administration to lay green pavers in the kutcha parking and plant sufficient number of trees at reasonable intervals with tree guards providing space for parking and allow this kutcha parking to be used for parking of four wheelers visiting the High Court

Order dated 21st February, 2025 (Dismissing application seeking recall of order dated 7th February, 2025)

3. From a bare perusal of the aforesaid extract of the order dated 07.02.2025 pertaining to kutcha parking, it is obvious that this Court had dwelt upon all the pros and cons and the acute problem of dire scarcity of space for parking in the High Court premises before passing the said order. This Court had also, taken note of the anxiety expressed by the U.T. Administration that the said area of kutcha parking is notified as a green belt while directing that the kutcha parking space, which is presently denuded of trees, will not only be laid with green pavers, but also plantation of 100 to 200 trees will take place, so that the green belt is preserved and so also the need for parking is catered to.

3.1 In the considered opinion of this Court, the order passed by this Court on 07.02.2025 facilitates sustained development and, therefore, is rather in the interest of the U.T. Administration and would greatly help in resolving the crisis of acute shortage of parking space in the High Court.

4. Consequently, no ground for recalling of the order dated 07.02.2025 is made out and, therefore, CM-49-CWPIL-2025 in CWP-PIL-9-2023 stands dismissed."

4. Addressing the first issue regarding construction of verandah in front of Court Room No. 1 of the High Court, Shri Tushar Mehta, learned Solicitor General of India, appearing for the CA vehemently and fervently urged that the administration does not have any quarrel in principle with the proposed construction of the verandah in compliance of the order dated 29th November, 2024 passed by the High Court. However, the administration is concerned with imminent possibility of the loss of World Heritage status of the Chandigarh Capitol Complex, which includes the Assembly, the High Court and the Secretariat, designed by the celebrated architect, Mons. Le Corbusier, who planned the entire city of Chandigarh. It is a matter of grave concern to the CA that the High Court building forms part of the UNESCO[4] World Heritage Site, and it may loose its World Heritage status owing to unauthorized deviation/modification in its façade/structure.

5. He submitted that the Chandigarh Capitol Complex which includes the High Court building, was designated as a UNESCO World Heritage Site in the year 2016 as a part of the Trans-Border Serial Nomination for the Architectural Works of Mons. Le Corbusier, which consists of 17 sites spread across 7 countries. As per the applicable guidelines, any proposed changes in the World Heritage Site are to be communicated to the World Heritage Committee, UNESCO in advance and their concurrence is to be sought, failing which, there is a risk of the site losing its World Heritage status.

6. Shri Mehta urged that CA has already communicated with the Foundation Le Corbusier, Paris and the World Heritage Committee, UNESCO, to forward the original maps of the High Court building so that the issue of constructing the verandah can be proactively examined and a considered decision can be taken without posing any threat to the World Heritage status of the High Court building.

7. Shri Mehta submitted that the CA is also alive to the situation that the open area in front of Court Room No. 1 of the High Court building is exposed to the elements. CA does not dispute the fact that litigants and lawyers who use this area have no protection from sun, winds and rain. He urged that it would not cause any harm if the matter could be deferred by a few weeks so as to give some breathing space to the CA for procuring the requisite permissions.

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4 United Nations Educational, Scientific and Cultural Organization.

8. It was contended that the authorities have been able to procure hand drawn maps prepared by Mons. Le Corbusier wherein there is no provision for a verandah in front of Court Room No. 1 of the High Court building which is an integral part of the World Heritage Site.

9. He thus, urged that the Division Bench of High Court was not justified in exercising its extraordinary writ jurisdiction so as to issue a writ of mandamus directing changes in the façade of the building without waiting for the requisite permissions from the World Heritage Committee, UNESCO.

10. For finding a logical solution to the problem of exposure, the Department of Urban Planning, Indian Institute of Technology (IIT), Roorkee (Uttarakhand) has been requested to conduct Heritage Impact Assessment (HIA) of the proposed verandah and to provide a suitable design which, in turn, would be forwarded to the World Heritage Committee, UNESCO for approval and only thereafter, can the idea of constructing a verandah over the said area can be materialized while protecting the World Heritage status of the Chandigarh Capitol Complex which includes the High Court building.

11. Shri Mehta also drew the Court's attention to the mail forwarded by the Architect of CA to the Architect at Foundation Le Corbusier, Paris, requesting for the drawing plans of the original building so that the alterations, if any, could be undertaken by adhering to the protocols and guidelines as applicable to the World Heritage Sites and to ensure that the authenticity of Outstanding Universal Value[5] of Chandigarh Capitol Complex of which the High Court building is an integral part, can be maintained.

12. Regarding the issue of the green paver blocks for creation of parking space in the open area near the High Court building as directed by the Division Bench, it was the contention of Shri Mehta that this open area is part of the green belt under the Chandigarh Master Plan, 2031 and can be used for planting trees only and no deviation is permissible under the Master Plan. Shri Mehta urged that the importance of vertical greenery in the city of Chandigarh cannot be understated and if the green paver blocks as proposed in the impugned order dated 7th February, 2025 are affixed on this

5 Hereinafter, referred to as "OUV".

open space, the very character of the green belt area will be altered irreversibly thereby eliminating any possibility of restoring vertical green cover on the said land.

13. Shri Mehta urged that the CA is taking proactive measures to sort out the issue of providing parking spaces for the lawyers and other visitors to the Court Complex and it has proposed to plant sufficient number of trees with green guards on the subject land area at regular intervals thereby providing green cover for the vehicles to be parked in that space.

14. Shri Mehta further submitted that the writ petitioner had earlier sought a mandamus for the construction of multi-level parking on the aforesaid open area. However, during the 45th Session of the World Heritage Committee, UNESCO at Riyadh Conference, a recommendation was made on 6th October, 2024 that the said project shall be suspended in view of the negative impacts resulting from the HIA reports, which recommended finding alternative solutions for ensuring that the OUV of the property is not impacted.

15. Shri P.S. Patwalia, learned senior counsel appearing as Amicus Curiae, also supported the submissions advanced by learned Solicitor General, Shri Tushar Mehta. He submitted that the very same proposal was put up in the year 1956 when the then Chief Justice turned down the suggestion of the Superintending Engineer of the Capitol Project, Chandigarh to construct an additional verandah in front of Court Room No. 1. He urged that the administration retracted the said proposal on the instructions of the Chief Justice and thus, no deviation is permissible. The decision once taken at the appropriate level cannot be reviewed in exercise of the writ jurisdiction.

16. Shri Nidhesh Gupta, learned senior counsel appearing on behalf of the High Court administration, has supported the impugned orders. He urged that as per paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention[6], relied upon by the CA in its additional affidavit dated 5th May, 2025, restriction is placed on major restorations or new constructions which may affect the OUV of the property. The convention requires that notice should be given, as soon as possible, before drawing up the basic

6 For short "Operational Guidelines".

documents for specific projects and before making any decisions 'that would be difficult to reverse', so that the Committee may assist in seeking appropriate solutions and ensure that the OUV of the property is fully preserved.

17. Shri Gupta submitted that the Court Room Nos. 2 to 9, which are in the same alignment as the Court Room No. 1, already have a pre-existing verandah which is 12 feet high and provides wholesome protection from sun, winds and rain, etc. to the stakeholders, i.e., the litigants, lawyers, etc. who frequent the High Court premises. The proposal to construct a verandah in front of Court Room No. 1 was approved by the Division Bench after extensive deliberations and taking opinions from experts. The proposed verandah would be exactly in sync and alignment with the pre-existing verandah in front of Court Room Nos. 2 to 9 and will not have any adverse impact on the OUV of the World Heritage Site. He urged that paragraph 172 of the Operational Guidelines only provides that any major restorations or new constructions which may affect the OUV of the property and are irreversible should be undertaken after due approval from the World Heritage Committee, UNESCO.

18. Shri Gupta submitted that the verandah proposed to be constructed cannot be said to be a permanent structure which cannot be removed. Hence, the additional verandah cannot be termed to be a structure which can never be removed and the decision is not irreversible.

19. Shri Gupta further referred to the letter dated 17th May, 1956 placed on record by the CA along with the additional affidavit dated 5th May, 2025 wherein it is clearly provided that the construction of the additional verandah in front of Court Room No. 1 similar to the verandah in front of the smaller Court Rooms i.e., Court Room Nos. 2 to 9 had been proposed by Chandigarh Administration and refers to a suggestion made by the Architect Mons. Le Corbusier. The proposal was forwarded to the High Court and the then Chief Justice acting in his personal capacity turned down the proposal on the ground that it would cause disturbance in the Court work as people would collect in front of the main Court Room i.e., Court Room No. 1 and chat.

20. Shri Gupta submitted that this observation as resonating in the letter dated 17th May, 1956 was based on the personal perception of the Chief Justice and was a decision taken after consultation in the full

Court. It is not such a decision which cannot be reviewed even on the administrative side. He submitted that the dynamics of Court functioning have altered significantly over the last 70 years, and the High Court administration felt a dire need to provide a verandah for the stakeholders. He further submitted that the verandah would be of immense help in preserving the structure and ambience of Court Room No. 1 as it would protect the same from the elements. Shri Gupta pointed out that there have been numerous instances when rainwater seeped into Court Room No. 1 owing to the lack of protective covering thereby damaging the interiors and caused severe inconvenience in the functioning of the Court.

21. Regarding the aspect of green paver blocks, Shri Gupta urged that on any given working day, almost 3000 to 4000 vehicles of advocates, litigants and officials are being parked in the open area where the High Court has directed the laying of the green paver blocks. He urged that by their very design, the green paver blocks merge with the natural surroundings and they allow rainwater to percolate into the ground. The significant advantages which would be gained by laying of such blocks are (i) eliminating the possibility of blowing of dust and sand because of frequent movement of the vehicles on the open area; and (ii) eliminating the possibility of formation of sludge and muddy surfaces during rainy season.

22. Shri Gupta urged that the submission of learned Solicitor General that a parking area can be created by planting trees on the open land can still be visualized by ensuring that same number of trees are planted at regular intervals between the green paver blocks.

23. Shri Gupta thus urged that no interference is called for in the impugned orders which were passed after objective consideration of all the prevailing facts, after seeking scientific opinion and analyzing the ground realities.

24. We have given our thoughtful consideration to the submissions advanced at the bar and have gone through the impugned orders passed by the High Court.

25. In compliance with the order dated 9th May, 2025 passed by this Court, Shri Nidhesh Gupta, learned senior counsel appearing on behalf of the High Court administration, has filed written submissions. However, despite opportunity being granted by this Court, the CA (appellant herein) has not filed its written submissions.

26. We shall deal with the two issues arising from the impugned orders separately.

A. Issue of construction of verandah in front of Court Room No. 1

27. The most fervent submission of learned Solicitor General appearing for the CA (appellant herein), in assailing the orders passed by the High Court was that the same may lead to the structure of the High Court and the Chandigarh Capitol Complex losing the World Heritage status. In support of this contention, an additional affidavit has been filed annexing therewith extract of paragraph 172 of the Operational Guidelines which is quoted hereinbelow:-

> "**172-** The Word Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved."

28. A careful and holistic perusal of the aforesaid guidelines would indicate that the OUV of the property is likely to be affected if major restorations or new constructions are attempted on the structure having World Heritage status. The guidelines give a clear indication that the decision should not be such **'that it would be difficult to reverse'.**

[Emphasis supplied]

29. At this stage, we may refer to the letter dated 17th May, 1956 placed on record by the appellant, i.e., the CA along with an additional affidavit. The said letter was forwarded by the Senior Architect of the Government of Punjab, Capitol Project to the Superintending Engineer, Capitol Project, Chandigarh, and is extracted below: -

" D.O. No. 168-Arch 56/ 2664

Dated Chandigarh 17th May 56.

Subject: High Court Building- Additional Verandah in front of the Main Court Room.

……..

My dear Mr. Khanna,

Kindly refer to our discussion on the above mentioned subject.

2. **You proposed that an additional verandah similar to the verandah in front of the small court room suggested by Mons: Le Corbusier, should be constructed in front of the main court room as well.**

3. On 14th instant, Mr. A.N. Bhandari, Chief Justice, desired me to send my assistant Mr. Malhotra to him to explain some of the drawings which we had sent him. I am told by Mr. Malhotra that during the explanation of the drawings, the Chief Justice desired not to have any verandah in front of the main court room as he thought that it would cause disturbance in his work because the people would collect in front of the main court room and chat. He is of the opinion that the people who will be waiting for the next hearing in his court could wait in the new verandah which is to be built in front of the small court.

Keeping in view the desire of the Chief Justice, I think we should not change at this stage the original proposal made by Mons: Le Corbusier.

Yours Sincerely,

Sd/-

(Pierre Jeanneret)

Mr. G.C. Khanna,

Superintending Engineer,

Capital Project, Chandigarh.

……..

No: 168-Arch-56/2665 Dated the 17th May, 1956.

A copy is forwarded to the Registrar, Punjab, High Court of Judicature, Chandigarh, for the information of the Hon'ble the Chief Justice.

Sd/-

(Pierre Jeanneret)

Senior Architect to Govt. Punjab,

Capital Project.

…….. "

[Emphasis supplied]

30. The letter makes clear reference to the fact that the construction of an additional verandah in front of main Court Room, i.e., Court Room No. 1 similar to the verandah in front of the small Court Rooms was in consideration of the Government authorities way back in 1956. It is a different story that the then Chief Justice of the High Court proceeded to turn down the said proposal based on his personal perception without any collective discussion.

31. Hence, we have no doubt in our minds that the construction of the verandah in front of the main Court Room i.e., Court Room No. 1 was being mooted by the Concerned Authority way back in 1956 and had the Chief Justice consented, the construction would have happened long back. The only contention of the appellant for opposing the construction of the verandah is that the request to approve the proposal for raising the verandah has already been forwarded to the Foundation Le Corbusier, Paris but reply has not been received till date. Learned Solicitor General, Shri Mehta was very fair and candid in his submissions that the CA is not agitating this issue as an adversarial litigation and the only concern of the authorities is that the building may loose its OUV and consequently the World Heritage status, if the verandah is constructed without procuring the requisite permissions from the World Heritage Committee, UNESCO.

32. On going through the record, we find that none of the documents placed on record by the appellant give any indication to the effect that till date any communication has actually been made either with the Foundation Le Corbusier, Paris or the World Heritage Committee,

UNESCO, seeking permission to raise construction of the verandah in front of the main Court Room i.e., Court Room No. 1.

33. The proposal given by Shri Patwalia, learned senior counsel that till the approval is received from the Foundation Le Corbusier, Paris and the World Heritage Committee, UNESCO, a temporary tin/metal shed can be put up in front of Court Room No. 1 does not merit consideration. Putting up any such contraption in front of Court Room No. 1 would completely destroy the aesthetic value of the High Court building.

34. We are satisfied with the submission of Shri Gupta appearing for the High Court administration that even as per paragraph 172 of the Operational Guidelines, construction of the verandah in front of Court Room No. 1 in alignment with the pre-existing verandahs in front of the Court Room Nos. 2 to 9, would not violate the aforesaid guidelines because neither such verandah can be said to be a major restoration nor a new construction within the main structure of the High Court building.

35. Going by the pictures of the building placed on record, we find that the pre-existing verandahs in front of Court Room Nos. 2 to 9 are in the form of projections supported by steel/metal pipes.

36. Needless to state, that the modern architectural techniques have progressed by leaps and bounds. New construction materials and techniques are available in the market which can be employed to construct a verandah in front of Court Room No. 1 exactly identical to the one which is existing in front of Court Room Nos. 2 to 9 without disturbing the aesthetic value of the main structure and without requiring any kind of modification/alteration in the main structure. The additional verandah can even be in the form of a collapsible/ removable structure, if so required. This can be easily achieved by using services of experts from IIT, Roorkee [It may be mentioned here that the administration itself, on the issue of green paver blocks, has taken the expert opinion from IIT, Roorkee]. Such an addition would unquestionably not violate the mandate of paragraph 172 of the Operational Guidelines (*supra*) thereby posing a risk to the OUV of the High Court building.

37. The reasons for the construction of the verandah have been highlighted in the order of the High Court and we have no reason to take a different view. The High Court administration is best placed to

take a suitable decision as to what are the precise requirements for preservation of the building and simultaneously provide protection to the stakeholders from the elements. It cannot be gainsaid that the High Court administration is under an obligation to provide appropriate facilities for the lawyers and the litigants who throng the Courts. The coloured photographs of the building taken during the working hours of the Court demonstrate that while Court Room Nos. 2 to 9, which have the pre-existing verandahs, provide shelter to the lawyers and litigants and at the same time the area in front of the Court Room No. 1 is unprotected and exposes the lawyers and the litigants to sun, winds and rain.

38. Shri Gupta pointed out that during heavy rainfall, rainwater seeps into the Court Room No. 1 because the lack of the protective projection makes it difficult to prevent the inflow of water into the Court room.

39. In view of the above discussion, we are of the view that the decision of the High Court in directing construction of the verandah in front of Court Room No. 1 in alignment with the design of the pre-existing verandahs in front of Court Room Nos. 2 to 9 is absolutely justified and would not violate the UNESCO guidelines. At the same time, if so required, the administration would not be precluded from seeking *ex-post facto* approval for this minimal protective measure which is considered necessary without admitting any exception. The impugned orders dated 29th November, 2024 and 13th December, 2024 do not warrant interference by this Court in exercise of jurisdiction under Article 136 of the Constitution of India.

B. Laying of green paver blocks in open parking area

40. Now, coming to the aspect of laying green paver blocks on the open land in front of the High Court building as directed *vide* order dated 7th February, 2025.

41. It is not in dispute that the said area is already being used by the lawyers and litigants to park their vehicles during Court hours. This Court was apprised that almost 3000 to 4000 four-wheeler vehicles are parked in the area on any given working day. This practice has been prevalent since last many years because the pre-existing parking facility has fallen woefully short with the efflux of time and increase of footfall into the High Court campus. True, it is that the land in question is a part of the green belt under the Chandigarh Master

Plan, 2031, however, this Court has time and again addressed this issue and has provided that for sustainable development, a balanced view is necessary.

42. In this regard, we may gainfully refer to the judgment of this Court in the case of ***Rajeev Suri v. Delhi Development Authority***[7], wherein *inter alia* a challenge was laid to the change in the land use of certain plots in connection with the Central Vista Project without taking prior permission/approval of the Heritage Conservation Committee. The Central Government defended the decision by urging that suitable deviations including change in land use can be allowed and the public trust doctrine does not prohibit the Government from utilizing the resources held in public trust for the advancement of public interest itself. The said submission made on behalf of the Government found favour with this Court and it was held that legitimate development activity can be carried on in harmony with the idea of environmental protection and preservation including sustainable development. Relevant excerpts from the said judgment are extracted hereinbelow: -

> "374. **Indubitably, environment and development are not sworn enemies of each other. It would be an anomalous approach to consider environment as a hurdle in development and vice-versa. The entities like EAC and NGT are created to strike a just balance between two competing interests and a time-tested principle of striking this balance is timely invocation of mitigating environmental measures amidst a development activity. True that mere application of certain mitigating measures may not alleviate environmental concerns in all matters and in some circumstances, the project is simply incomprehensible with the environment. But as long as a legitimate development activity can be carried on in harmony with the idea of environmental protection and preservation including sustainable development, the Courts as well as expert bodies should make their best endeavour to ensure that harmony is upheld and hurdles are minimized by resorting to active mitigating measures.**

7 2021 SCC OnLine SC 7.

379. The proper balance of judicial review in environmental matters in a constantly developing society is a matter of great debate across all jurisdictions. In Ethyl Corporation v. EPA377, the observations of Judge Wright present a just balance. He observed thus:

> "There is no inconsistency between the deferential standard of review and the requirement that the reviewing court involve itself in even the most complex evidentiary matters; rather, the two indicia of arbitrary and capricious review stand in careful balance. The close scrutiny of the evidence is intended to educate the court. It must understand enough about the problem confronting the agency to comprehend the meaning of the evidence relied upon and the evidence discarded; the questions addressed by the agency and those bypassed; the choices open to the agency and those made. The more technical the case, the more intensive the court's effort to understand the evidence, for without an appropriate understanding of the case before it the court cannot properly perform its appellate function. …"
>
> He then notes the need for realising the limits of judicial function thus:
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> "But the function must be performed with conscientious awareness of its limited nature. The enforced education into the intricacies of the problem before the agency is not designed to enable the court to become a superagency that can supplant the agency's expert decision-maker. To the contrary, the court must give due deference to the agency's ability to rely on its own developed expertise. The immersion in the evidence is designed solely to enable the court to determine whether the agency decision was rational and based on consideration of the relevant factors. It is settled that we must affirm

> decisions with which we disagree so long as this test is met…"
>
> 380. **They must always look for a careful balance when two equally relevant interests compete with each other. The task may not be easy, but is the only reasonable recourse. For the proper application of these principles, the first and foremost thing to be kept in mind is the nature of the project**……"
>
> **[Emphasis supplied]**

43. It cannot be gainsaid that the requirement of a proper parking space for the lawyers and the litigants is imperative because the pre-existing facility in the High Court has fallen woefully short. It was meant to cater to 600 four-wheeler vehicles but reportedly, 3000 to 4000 four-wheeler vehicles access the High Court campus on any given working day, and the number is bound to rise with the passage of time. Undeniably, when the vehicular movement takes place on the open land, dust would be blown up thereby polluting the atmosphere and causing the risk of allergies, etc. In addition, thereto, the particles which blow up may precipitate on the High Court building thereby creating a layer of dust and pollutants on its exterior and disrupting its aesthetic façade.

44. The green paver blocks are scientifically known eco-friendly alternatives for regular paver blocks because in the middle of each paver block, there is an empty space for planting grass, etc. The suggestion given by learned Solicitor General to plant trees on this open area can still be visualized by planting suitable number of trees at regular intervals in between the green paver blocks. This would simultaneously create a green cover on the ground and so also vertical green cover, thereby enhancing the overall ecological balance of the area.

45. In view of the above, we hereby uphold the orders dated 7th February, 2025 and 21st February, 2025 passed by the High Court for placing green paver blocks in the open area being used for parking. However, while proceeding to place such green paver blocks, the High Court administration may consult with the landscaping experts and ensure plantation of a suitable number of trees at appropriate intervals so as to facilitate parking of maximum number of vehicles

and creating shade as well as shelter for the said vehicles and in addition thereto, increasing the green cover in the area. This exercise shall be monitored by the concerned Committee of the High Court.

46. In order to give a breathing space to the CA (appellant herein), it is provided that the contempt proceedings initiated *vide* order dated 13th December, 2024 shall be kept in abeyance for a period of twelve weeks so as to enable the CA (appellant herein) to comply with the order dated 29th November, 2024 passed by the High Court.

47. With these observations, the appeals are disposed of.

48. Pending application(s), if any, shall stand disposed of.

Result of the case: Appeals disposed of.

†*Headnotes prepared by:* Divya Pandey