

CWPIL No. 14 of 2017

28.03.2019 Present: Ms. Shreya Chauhan, Advocate as Amicus curiae.

Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Adarsh Sharma, Nand Lal Thakur, Ashwani Sharma, Additional Advocate Generals Divya Sood, Deputy Advocate General & Mr. Manoj Bagga, Assistant Advocate General, for the respondent-State.

Mr. Ajeet Jaswal, Advocate, vice Mr. Neeraj Gupta, Advocate, for respondent No. 5.

Mr. Hemant Sharma, Advocate vice Mr. Aman Sood, Advocate, for respondent No. 6.

Mr. Surinder Saklani, Advocate, for respondents No. 7 & 10.

Mr. Rajesh Sharma, ASGI, for respondent No. 8.

Mr. Vijay Chaudhary, Advocate, for respondent No. 9.

In deference to the order dated 9th January, 2019, Superintending Engineer, 1st Circle, H.P. P.W.D., Mandi has filed status report-cum-affidavit dated 18th March, 2019. It is explained, *inter-alia*, that there are 21 number of revenue villages involved in the construction/widening of Slapper-Tattapani road. Earlier, approval for construction of single lane road was taken under the Forest Conservation Act, 1980 at some reaches and now a revised approval is required to be taken from the Ministry of Environment and Forest. For the purpose of that approval, revenue papers of 21 villages have been prepared and necessary NOC etc. have been collected from the Competent Authorities. Thereafter, joint inspection of the forest land has also been conducted and the proposal

under the Forest Conservation Act will be processed at the earliest.

2. Let the Competent Authority in the State of Himachal Pradesh immediately approach the Central Government for the necessary approval.

3. Since the learned Additional Advocate General has taken a stand that now there is stay order passed by the Hon'ble Supreme Court re: felling of trees etc, it goes without saying that the State Government shall ensure that those directions are meticulously complied with, unless the State Government approaches the Hon'ble Supreme Court and necessary permission to continue with construction of the road is obtained.

4. The status report reveals that the construction work of road was awarded to respondent No. 10 (Sh. Munish Kumar Sharma). The Contractor has completed formation cutting in 0.900 kilometers and remaining work is in progress. Respondent No. 10 is said to have filed status report yesterday, which is not on record. Registry to tag the same with the record. He is present in person and undertakes that the construction work, in all respects, shall be completed within six months.

5. The status report further reveals that respondent No. 9 (Sh. Sanjay Kumar Sharma) was given the construction work of 70 meters Span Steel Truss Bridge at village Neri. He has erected 8 panels out of 10 and out of those 8 panels,

7 are complete, in all respects, whereas 8th panel is partially finished. It is further explained that respondent No. 9 had promised to complete the work of bridge including railing by 15th September, 2018, but despite subsequent several directions issued to him, he has not even erected 9th panel. His Counsel states that despite two registered letters sent by him, respondent No. 9 has not turned up to file any status report. He is not present in person despite a direction issued by this Court to this effect. We are, thus, constrained to impose cost of ₹ 50,000/- on respondent No. 9, which he shall be required to deposit with the High Court Bar Association Welfare Fund within four weeks, failing which coercive action shall be taken and penalty amount shall also be enhanced. He is further directed to file an undertaking giving the time line within which the work of construction of bridge shall be completed.

6. Since the construction work is now likely to be expedited with the change in weather, a fresh status report be filed on the next date of hearing by all concerned.

List on 20.05.2019.

(Surya Kant)
Chief Justice.

March 28, 2019
(hemlata)

(Sandeep Sharma)
Judge.

