

**Court on its own motion vs. NHAI & Ors.**

**CWPIL No. 249 of 2017**

**16.10.2024 Present:** Mr. Ajay Sipahiya, Advocate, as Amicus Curiae.

Mr. K.D.Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for respondent No.1-NHAI.

Mr. Balram Sharma, DSGI, for respondent No.2.

Mr. I.N.Mehta, Senior Additional Advocate General, Mr. Tejasvi Sharma, Mr. Navlesh Verma, Ms. Sharmila Patial, Additional Advocates General with Mr. Raj Negi, Deputy Advocate General, for the respondent/State.

Ms. Kiran Dhiman, Advocate, for respondent No.6.

**CWPIL No.249 of 2017**

On 01.10.2024, the learned Amicus Curiae had informed this Court about the change in alignment of Shimla-Matour road on the stretch between Shimla to Nauni and taking cognizance thereof, this Court passed the following order:-

“Further we are also informed by learned Amicus Curiae that the alignment of Shimla-Matour road on the stretch between Shimla to Nauni, has been re-designed and changed to confer illegal benefit to certain person(s). This indeed is a serious matter. Let NHAI, file an affidavit to this effect on the next date of hearing.”

It is in compliance to this order that the learned counsel for respondent-NHAI, today has placed on record communication dated 09.06.2022 alongwith presentation on ‘Shimla-Shalaghat’ stretch of ‘Shimla-Mataur’, four lane project

held on 25.05.2022, however, we are not all satisfied with these instructions as they appear to be self-contradictory.

Confronted with this, learned counsel for respondent-NHAI prays for and is granted two weeks' time to seek clarification in this regard.

Since, the issue with regard to Shimla-Mataur is different from the issue involved in this writ petition, therefore, we direct the Registry to prepare a file and register the same separately, wherein copy of order dated 01.10.2024 as also the order passed today alongwith the instructions, be placed on that file.

We have come across a news item, which goes to indicate that the forest clearance on the stretch between 'Nauni to Bhararighat on 'Shimla-Mataur' road has not been granted by the Ministry of Environment, Forest and Climate Change.

In this view of the matter, we deem it appropriate to implead the Ministry of Environment Forest and Climate Change through its Secretary, as party-respondent, who shall now figure as respondent No.11. Ordered accordingly.

Notice. Mr. Balram Sharma, learned Deputy Solicitor General of India, appears and waives service of notice on behalf of the newly added respondent No.11.

**CMP No.17159 of 2024**

Reply on behalf of respondent No.1-NHAI, is stated to have been filed, however, the same is not on record. Registry is directed to trace and place the same on record.

List for consideration on 23.10.2024 alongwith the main petition.

**(Tarlok Singh Chauhan)  
Judge**

**(Sushil Kukreja)  
Judge**

**October 16, 2024  
(reena)**