

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMB No.96 of 2025  With  WPPIL No.31 of 2012  WPPIL No.83 of 2023  WPPIL No.178 of 2023  WPPIL No.209 of 2023  WPMB No.93 of 2025  WPMB No.98 of 2025  WPMB No.101 of 2025</p> <p><b><u>Hon'ble G. Narendar, C.J.</u></b>  <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Shiv Pandey, learned counsel for the petitioner in WPMB No.96 of 2025.</p> <p>2. Mr. Karthik Jayashankar, learned counsel appearing for the petitioner in WPPIL No.31 of 2012.</p> <p>3. Ms. Shruti Joshi, petitioner in-person in WPPIL No.09 of 2023.</p> <p>4. Mr. Vipul Sharma, learned counsel for the petitioner in WPMB No.93 of 2025.</p> <p>5. Mr. Nikhil Bhatt, learned counsel for the petitioner in WPMB No.101 of 2025.</p> <p>6. Mr. C.S. Rawat, learned Chief Standing Counsel with Mr. Gajendra Tripathi, learned Standing Counsel for the State.</p> <p>7. Mr. D.S. Patni, learned Senior Counsel assisted by Mr. B.S. Bisht, learned counsel for respondent-Nagar Palika.</p> <p>8. We have heard learned counsel for the petitioner Mr. Karthik Jayashankar, learned Chief Standing Counsel Mr. C.S. Rawat, and Senior Counsel Mr. D.S. Patni, for the respondent-Nagar Palika.</p> <p>9. The issue of establishing tollbooths at Barapatthar and Phasi-ka-Gadhera were the subject matter of WPPIL No. 31 of 2012 and the Coordinate Bench of this Court by order dated 20.03.2018 has passed the following order:-</p>

*“Learned Court Commissioner Sri C.D. Bahuguna, Senior Advocate, has apprised this Court that in gross violation of the Court’s order dated 02.12.2015, the Nagar Palika Parishad, Nainital has resolved to put in place two new “toll booths” at Barapatthar and Phasi-ka-gadhera. Prima facie, this is contemptuous. All the same, this aspect will be examined on the next date of listing as Mr. D.S. Patni, learned counsel for the Municipal Board, Nainital, has assured this Court that no toll booth has been installed or shall be installed, unless permitted by the Court. Since, no such toll booth has been installed it is made clear that until further orders of the Court, the Municipal Board, Nainital, shall refrain from establishing any fresh toll booth in the city.”*

10. Learned Senior Counsel for the respondent-Nagar Palika would submit that in view of upcoming holiday season, there is an urgent necessity to regulate traffic or otherwise the entire municipal limits would be chock-a-block with vehicles and would result in vehicles stagnating in the same place for several hours.

11. The submissions are not countered. It is also a fact which this Court can take notice of that increased number of vehicles visiting the hill station is no secret. The tourist flock in thousands and, on weekends, it crosses near hundred thousand. The presence of huge number of vehicles has consistently caused traffic jams so severe which sometimes take several hours to be regulated. In the event, any resident or even the visitor suffers any health crises, it would virtually be impossible to shift him/her within a reasonable time to the nearest Medical Care Centre and the delay could also prove fatal. The narrow roads of the Nagar Palika do not permit un-regulated number of vehicles. Scarcity of parking is also a factor which stares at the Palika. In fact, the issue, regarding regulating the parking, is also the subject matter of the hearing before this Court.

12. In the above circumstances, if the Palika is not permitted to regulate the flow of traffic coming up the hills, it could prove disastrous not only to the sick and ailing, but also to persons who may suffer sudden health crisis. The narrow roads and the landscape, which does not permit expansion of the roads, is a reality with which the Palika has to deal with. The hillsides being susceptible to landslides, it is also a moot question as to what is the appropriate density of vehicles that ought to be permitted on the roads. The movement of vehicles not only causes air pollution, but also noise pollution and the continuous running engines could also trigger mishaps. The worst affected are also the pedestrians, who are forced to inhale the monoxide emitted by the idling vehicles stuck in the traffic jam.

13. In that view of the matter, we are of the, prima facie, opinion that the application preferred by the Palika requires to be considered positively. It is also submitted that the Palika has now amended its bye-laws and, under the amended bye-laws, establishment of the tolls is made permissible.

14. In that view of the matter, the application is allowed. The Nagar Palika, Nainital is permitted to establish and manage by itself the tolls at Barapatthar and Phasi-ka-Gadhera, including the existing toll at Tallital.

15. List on 17.04.2025.

**(Alok Mahra, J.)**

15.04.2025

**(G. Narendar, C.J.)**

15.04.2025

BS