

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT PRINCIPAL BENCH, NEW DELHI

AFFIDAVIT  
(In O.A. No. 793 of 2022)

Council of Engineers & ors. .... Applicants

vs.

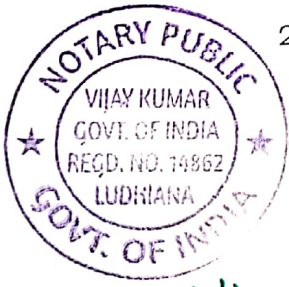
State of Punjab & ors. .... Respondents

Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent is Applicant No. 2 (in person) and is filing objections before this Hon'ble National Green Tribunal against the Report of Joint Committee as well as actual and factual position of concretization of impugned greenbelts.
2. That the contents of Para no. 1 to 2 of the Objections dated 12-09-2024 along with Annexures are true to best of my knowledge.



Place: Ludhiana  
Dated: 12.09.2024

Certified that the affidavit SPA/GPA has been readover & explained to the deponent/executor who seemed directly to understand the matter at the writing

*[Signature]*  
DEPONENT

**Verification:**

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana  
Dated: 12.09.2024

*[Signature]*  
DEPONENT

ATTESTED AS IDENTIFIED

NOTARY PUBLIC, LUDHIANA (PR)

12 SEP 2024

7644  
Identified that the deponent has signed before me I know him/her personally

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH AT NEW DELHI**

(In Original Application No. 793 of 2022)

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Date: 12-09-2024

Place: Ludhiana

(Er. Kapil Dev)

(Applicant No. 2)

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**

(In Original Application No. 793 of 2022)

Council of Engineers & ors. ..... Applicants

Vs.

State of Punjab & ors  
..... Respondents

**Subject: Objections to incomplete Report submitted by Joint Committee as well as important facts regarding greenbelts along Old GT Road which is now claimed to be ROW by the DC as well as MCL & Policy notified by Govt. of Punjab prohibiting parking in greenbelts**

Hon'ble sir,

Respectfully Sheweth,

It is humbly submitted that the Joint Committee has failed to mention the massive concretization done in impugned greenbelts resulting into major hindrance in penetration of rainwater into the ground, thus resulting into further depletion of groundwater table. Further, some important facts regarding Greenbelts and parks developed along old

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GT Road are also produced as under which clearly depicts that the Municipal Commissioner of Ludhiana and Ludhiana Improvement Trust have intentionally & deliberately not produced the actual facts before this Hon'ble Tribunal. Accordingly, the applicants humbly submit as under:

1. **REGARDING PARKING IN GREENBELTS – illegal as per Parking Policy issued by Government of Punjab:**

That the Clause 17 of Notification No. CTP(LG)/2018/1177 dated 13-04-2018 issued by Department of Local Government (Town Planning Wing) regarding Public Parking Policy for Municipal Corporation Town of Punjab is produced as under:

**Clause 17: Area Parking plans need to maintain judicious mix of green spaces for healthy neighbourhoods to reduce health risk among residents and children. All green areas and neighbourhood parks need to be protected from parking.**

**(The copy of Notification dated 13-04-2018 pertaining to Public Parking Policy is produced herewith as Annexure PX-1)**

It is pertinent to humbly submit here that the Respondent No. 1 to 4 never disclosed such important document before this Hon'ble Tribunal just to allow illegal parking on greenbelts by Respondent School, Club and others.

**Regarding Old GT. Road:**

- i. That the Municipal Corporation Ludhiana is repeatedly submitting before this Hon'ble Tribunal that the land on which library is constructed is part of Old GT Road which was transferred by PWD in mid of nineties. However, in COCP 165 of 2022, in order to save its skin from contempt of Court's orders, the **MCL has submitted an affidavit dated 07-03-2022 before the Hon'ble Punjab & Haryana High Court that the land on which impugned library is constructed is not part of the Road whereas the same department i.e. MCL is repeatedly filing affidavit or providing misleading information to Joint Committees by projecting the land (on which library is constructed) as part of the Road.** It is pertinent to humbly submit here that the reply submitted by MCL in Hon'ble Punjab & Haryana High Court was filed before filing of this Original Application by the Applicants. The copy of Affidavit submitted by MCL in Hon'ble Punjab & Haryana High Court is produced herewith as **Annexure PX-2.**
  
- ii. That the Deputy Commissioner of Ludhiana too has submitted similar reply dated 06-05-2022 in COCP 165 of 2022 before the Hon'ble Punjab & Haryana High Court and despite being aware of the facts, submitted misleading report before this Hon'ble Tribunal and delayed the matter unnecessarily and wasted the precious time

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of this Hon'ble Tribunal. The copy of affidavit dated 06-05-2022 submitted by Deputy Commissioner of Ludhiana is produced herewith as **Annexure PX-3**.

iii. That the Joint Committed in the report dated 22-08-2024 has mentioned that the impugned areas are greenbelts but has not mentioned in the report that large area of greenbelts have been concretized by Municipal Corporation Ludhiana along old GT Road which is also one of the major issue pertaining to Environment damage done due to such massive concretization. 32 Photographs clicked on 12-09-2024 along with GPS location depicting massive concretization done in impugned greenbelt area along Old GT Road are produced herewith as **Annexure PX-4**.

iv. That **the areas of greenbelts which have been concretized, the density of trees is very less even negligible i.e. only few trees are available** as compared to areas the base is still earthen which indicates that large number of trees must have been axed illegally for creating parking space. It is pertinent to mention here that such concretization is still continuing and even the service lane near Gulzar Motors has also been encroached for parking of vehicles by the commercial outlets. Due to such massive concretization, the roots of trees have weakened resulting into felling of trees due to

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rain. One Photograph depicting roots of around 40 years old tree covered with concrete situated in greenbelt at Old GT Road which fell down recently is produced herewith as **Annexure PX-5**.

- v. That large area of greenbelt has been encroached upon by vehicle repair workshops that repair the vehicles within this greenbelt area daily. All such illegal commercial activities are going on just because the Municipal Corporation Ludhiana has never taken care of the greenbelts along GT Road as grills are missing at most of the location and around 50% stretch of such greenbelt is concretized either by MCL or by commercial outlets resulting into major damage to the Environment.

### 2. **Regarding Respondent School & Club:**

That the Respondent School has fixed solid interlocking tiles in major portion of greenbelt and Lodhi Club Ludhiana too has taken 67' wide greenbelt area from Road out of which around half of the width is used for parking, thus reduced the size of greenbelts and resulting into impact on Environment. Two Photographs depicting concretization done in greenbelt area by Respondent School are produced herewith as **Annexure PX-6**.

- vi. That the Joint Committee has assessed that the density of trees in impugned location outside Respondent School as well as Club is

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less than other part of the greenbelt which depicts that the trees might have been cut by the Respondents. Further the report clearly depicts that some portion of greenbelt near junction of Ferozpur Road has also been concretized for parking of vehicles too.

Overall, from above produced facts, **it is clear that the Respondent No. 1 to 4 have intentionally and deliberately not produced the actual facts before this Hon'ble Tribunal and allowed continuous damage to the Environment by permitting Parking as well as concretization in impugned Greenbelt areas.** Further, despite knowing the facts that the concretization of more than 5% in greenbelts is not permitted, still the MCL has failed to remove the massive concrete laid in greenbelts and also allowed the Respondent School as well as Club to fix solid concrete interlocking tiles over it. Further, illegal commercial activities are also going on in greenbelts along Old GT Road due to non-maintenance by MCL. Keeping in view of directions of Hon'ble Supreme Court, this Hon'ble Tribunal, Environment laws, the Applicants humbly pray this Hon'ble Tribunal to consider our prayer in Original Application and humbly pray to decide the case on merits as deem fit based on facts and circumstances produced by the Applicants.

Date: 12-09-2024

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)

GOVERNMENT OF PUNJAB  
DEPARTMENT OF LOCAL GOVERNMENT  
(Town Planning Wing)

Notification

The 13 April, 2018

No. CTP(LG)/2018/ 1177 Public Parking Policy For Municipal Corporation Towns of Pb.

**A. Introduction**

Rapid urbanization and economic growth has increased travel demand leading to rapid motorization and increased vehicle ownership in cities of Punjab. In some cities the rate of annual increase in vehicle numbers is higher than the annual growth of population in the state. This has created enormous demand for scarce and valuable land for roads and parking with multitude of adverse consequences including air pollution, fuel wastage, congestion and chaos, and unsafe road conditions.

Parking demand is insatiable and exponential across all class of cities that are growing rapidly. About 37.5 per cent of the state's population is urban which is higher than the national average of 31 per cent and has witnessed a high ratio of urban to rural growth. Sustainable transportation along with parking measures is needed at the early stages of growth to improve liveability of all classes of cities. Amritsar and Ludhiana are in the million plus category; and there are 14 Class I Towns, with a population between 1 to 10 lakhs, such as Muktsar, Patiala and Bathinda, which have recorded growth rates between 30 – 40 per cent during the past decade. With a total of 16 Class I towns the state is likely to see a rapid increase in urbanization as well as motorization.

Due to urban growth, motorisation rate is high in the state. According to the Statistical Abstract of Punjab, 2015-16, over the last 3-4 years, there has been a steady growth in motorisation in Punjab at around 10 percent per annum. Since 1980 the number of total vehicles in Punjab increased by over 25 times. More than 60 per cent of the total registered vehicles in Punjab are concentrated in the six major districts i.e. Ludhiana, Jalandhar, Amritsar, Patiala, Hoshiarpur and Gurdaspur with Ludhiana having the maximum with 20 per cent share. Particularly for personal vehicles, the rate of motorization has been way higher than the overall rate of motorisation, and even close to 19 percent for cars in some of the recent years. This shows increasing propensity towards private vehicular ownership in the State.

Thus, demand for valuable land to park vehicles is growing. Parking demand from new annual registration of cars is equivalent to finding additional land the size of 56 football fields in Chandigarh, 32 in Amritsar, 77 in Ludhiana, 31 in Patiala and 15 in Bhatinda. This is not sustainable in land constrained cities. Free and unorganised parking induce more traffic and lead to chaotic parking pressure on roads, severe encroachment of public spaces, air pollution, wastage of fuels, erosion of pedestrian and green spaces, iniquitous use of road space, degradation of quality of life in residential neighbourhoods, and unsafe road conditions. This adversely affects the liveability and wellbeing of cities. At the same time, vehicles occupy precious space that could otherwise be put to more efficient and equitable use. Parking remains as suboptimal utilization of land which is a scarce resource in cities that should be put to more urgent uses and basic services for all and affordable housing.

Dated 11.04.2018

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To address this problem the department of Local Government, Punjab in association with relevant public agencies as well as other partners proposes to adopt and implement appropriate policies along with comprehensive parking measures to promote sustainable transportation strategies and discourage growing dependence on personal motor vehicles. Such a mechanism, should aim to ensure optimal use of scarce public land; prioritise pedestrians, cyclists and users of mass public transit, emergency vehicles, differently abled persons, and para transit including non-motorised vehicles over personalised motor vehicles; and enforce parking management strategies based on “user pays” principle designed to moderate and reduce parking demand while providing for parking needs. This document presents public parking policy for Municipal Corporation towns of Punjab.

### **B. Scope of the policy**

- This policy may apply to and in relation to all public parking spaces within all Municipal Corporation cities in Punjab that are owned or managed by all public and private authorities.
- It may also be applicable in respect of parking places for the use of general public such as Cinema halls, hospitals, malls, educational institutions, airport, railway stations etc.

### **C. Objective and guiding principles**

The overall goal is to have a parking policy as a travel demand management tool that should be able to reduce the parking demand as well as the traffic volume and encourage use of sustainable transportation. This will help to bring down pollution, congestion, improve road safety and ensure equitable use of land. This policy takes cognizance of the National Urban Transport Policy, 2006, that has recognized parking demand entails enormous cost and uncontrolled parking supply encourages car dependency. It has recommended use of parking as a restraint measure. Use graded scale of parking fee that could recover the economic cost of the land used in parking. Address the needs and give preference in the allocation of parking space for public transport vehicles and non-motorized modes.

The guiding principles of parking policy will promote and ensure:

- Equity and safety on roads and public spaces
- Promote sustainable modes of transport
- Parking should be based on user pay principles and not enjoy subsidy. Its revenue potential should be tapped for local area development.
- Adopt parking caps as standards; ensure more efficient uses of space and keep in view the opportunity cost of land
- Ensure proper, efficient and upgraded management and enforcement of parking rules. Give priority to short term parkers over long term parkers in on-street parking.
- Protect green areas and neighbourhood parks from parking encroachment
- Meet the parking needs of public transport, non-motorised transport, and commercial vehicles
- Promote parking approaches for multi-modal integration
- Reduce automobile dependence and promote car free development in city centre

- Promote locally appropriate innovative management strategies in line with the demand management principles. Encourage car free areas and park and walk strategies in crowded areas.
- Design and provision of parking spaces will address the needs of all road users and accessibility barrier
- Reduce air pollution, transport energy use, green house gas emissions, noise pollution, road injuries and deaths
- Improve attractiveness and wellbeing of the cities and reduce traffic delays to productive time loss to boost urban economy

#### **D. Key elements of the parking policy**

##### **1. Area Parking Plans**

- This policy recommends the creation of “Area Parking Plans” as the basic unit and method of parking management in cities of Punjab.
- The urban local agencies responsible for making arrangements of parking in their respective jurisdictions may prepare local area specific / integrated parking plans (henceforth Area Parking Plans) by 31.08.2018.
- These parking plans should also define timelines for implementation in phased manner.

Municipal Corporation will subdivide the city into multiple parking zones or parking management area. This will be the main unit for administering parking regulations and management. Each parking zone consists of the entire street network — including streets with paid parking, free parking, and no parking — as well as any public off-street parking. The management of on-street as well as any publicly-owned off-street parking in each zone will be managed by a single operator.

Each stretch of a street between two intersections, called a block, would be the smallest unit of parking management. Such a block may be designated as paid parking, free parking, or no parking. A block may be redesignated from time to time (e.g., a free parking block may be redesignated as a paid parking block). A few parking slots within each paid parking block may be designated for special purposes like free bicycle parking, taxi or autorickshaw stand, or disabled parking.

Any new area developments (Mall, High-rise and large building etc.) requiring the Environment Impact Assessment and any fresh notification of commercial/ mixed land use streets may only be carried out after the Area Parking Plan is suitably modified, based on a Traffic impact assessment, to incorporate its requirements.

While preparing the Area Parking Plans, survey and inventories legal parking areas in a given area, demarcate them on ground, and design them to meet the needs of all road users. Municipal Corporation will define parking slots in each block only if it is consistent with the design goals for the street and only after providing ample space for other important and priority purposes such as footpaths, cyclists, trees, public transport infrastructure, street vending and public utilities, emergency vehicles, disable access, para transit pick up and drop off, (where ever possible). Parking slots should be defined through physical means such as curbs, bulb-outs, paving and road markings. Road signage will be erected that clearly communicates parking rules to the public (vehicle type, peak and off-peak parking rates, time

limits, mandatory clearance times / days, etc.). It will pay attention to personal motor vehicle parking within the building being used by the vehicle occupant, allot parking slots and encourage priced short-duration on-street parking and overnight parking for transport vehicles. Bicycle parking may be provided on every block at no cost.

Parallel parking configuration should be preferred over angular and perpendicular parking configurations for all three-wheeled and four-wheeled vehicles including motor cars, light commercial vehicles (LCV), buses and trucks. Perpendicular parking configuration should be preferred for motorised two wheelers as well as bicycles. If traffic speeds above 40 km/h are expected, then a bulb out should protect such two-wheeler and bicycle parking to reduce the danger of collisions.

The Area Parking Plans should include arrangements both for commercial and non-residential areas and residential areas.

The parking arrangements should not impinge on the free movement of traffic. No-parking zones and spaces should be clearly defined in the plan and on the ground through appropriate signage for knowledge of the general public and for ease of enforcement. Siting of on-street and off-street parking and other design aspects should be as per the concerned provisions of this policy.

The civic agencies should also endeavour to earmark and provide adequate number of spaces for the temporary parking of vehicles seized and impounded for violation of these rules by the enforcement agencies.

## **2. Principles for management of on-street parking**

Even when off-street parking is available to users of personal motor vehicles, it is often under-utilised due to the low or no cost of on-street parking and poor enforcement. Municipal Corporation will ensure that on-street parking should be managed and enforced effectively. The parking space provided within the buildings / building complexes as per the applicable building bye-laws may be fully utilized before permitting any on-street parking for the occupants/ visitors. Well demarcated on-street parking will be optimally utilised to reduce demand for too many off-street structured parking. Adopt design guidelines for parking that will ensure critical areas including intersections, footpaths and pedestrian crossing, entry into buildings and emergency services, hospitals, educational institutions are free from parking and parking spaces are at safe distance.

Para-transit vehicles (autos, taxis, E-rickshaws, cycle rickshaws) may be given priority in on-street parking spaces for halting and pick up and drop off. Short duration parking will enjoy priority over long duration parking.

Create active street frontage. Parking in the front setback creates an undesirable separation between footpaths and activity within buildings. Further, stilt parking on the street facing edge of buildings create inactive and potentially unsafe spaces. The Department./Municipal Corporation may change building regulations to ensure active edges and prohibit parking in the front setback.

## **3. Principles for management of off-street and multi-level car parking**

The long duration parking that is more than 3 hours will be discouraged in the on-street parking spaces and can be taken to off-site parking spaces and connected with feeder

services. The vehicles of long term parkers including shopkeepers, office goers and other users need to park in off street parking facilities only.

Multi-storey parking structures may only be considered and planned if the local area parking plans require them and surface area parking cannot meet the demand or to free up surface areas to restore green areas and parks. Such structures, if needed, should not be based on the floor area ratio but take into account the capacity of access road and adjoining streets so that entry and exit from the parking lot does not aggravate congestion.

Instead of planning multilevel parking structures only as stand-alone parking structures, office and retail buildings will be constructed and encouraged to provide public parking facilities to optimise the use of available space. This can help to meet the demand for both parking as well as growing demand for official and commercial space in the cities. Otherwise use stack parking wherever needed based on the area plan.

Promote integrated management off-street and on-street parking to harmonise parking charges in both and leverage structured parking to curtail congested on-street parking and also free up public spaces for parks, greenery and other uses.

To reduce parking pressure and chaos, on-street parking should be priced higher than the off-street parking.

To optimise use of available parking spaces promote shared and public parking instead of individually parking spaces in public spaces. Develop strategies to share off-street parking facilities between different uses like commercial and residential or hospitalities that have different peak hours of parking demand. For example, an off-site office facility that is not used during evening and night may be used by cinemas, restaurants or neighbouring residences in the evening as a paid shared parking facility.

#### **4. Residential parking permits**

- Residential parking permits for on-street parking may be issued to residents living in a parking zone at a slightly discounted rate compared to the applicable rate. Such permits should be valid only in the parking zone where the residence is located (called the home parking zone).
- In case a vehicle is parked in a non-home parking zone (a zone other than the one where the permit is valid), parking rules of the non-zone district should apply without any discounts.

In each home parking zone, the number of residential permits issued should not exceed the number of parking spaces. Residential parking permits should be valid for a period of one year. There should be no designated parking slot for a permit holder. Holding a permit does not guarantee a parking spot. The price of these permits will be based on the demand. The price may be revised upwards by up to 50% if there is any waiting list for permits at the end of each year. Permit holders may choose to return their residential parking permit and not pay the applicable permit fee.

There are several benefits of residential permit for the residents. Residents are assured parking spaces in their neighbourhood. This allows equitable sharing of local parking spaces among residents. This will control multiple car ownership. People by deciding not buy multiple cars can save on permit fee. This incentivises lower car ownership. This will also prevent parking encroachment from neighbouring colonies

Developers of residential apartments or commercial buildings must hand over parking areas to organisation like 'housing society'.

On all lanes and streets a lane may be earmarked for unhindered movement of emergency vehicles like ambulance, fire tenders police vehicles, etc. No parking may be allowed on this lane. Make special provisions for visitors

### **5. Principles for parking pricing**

The principle of dynamic pricing will be adopted based on variable pricing and made responsive to demand. Based on the base price to be decided by the Municipal Corporation progressive increase in rates with parking duration will be followed.

On-street parking fee to increase exponentially with duration to discourage long duration of on-street parking; on-street parking charges will be higher than the off-site parking charges to prevent crowding on the road. Parking fees will be based on location, time of day/week, duration of parking and size of vehicle. Higher parking fee should be charged at higher-demand locations and during higher-demand times compared to low-demand locations and times. The parking fee should be proportional to the size of vehicle, i.e., larger vehicles will be charged higher than smaller vehicles. This approach would ensure efficient use of both on-street parking and off-street parking facilities, as well as free up road space for other uses such as creation of footpaths, cycle tracks, bus rapid transit, and public spaces.

As a principle the appropriate price is that which will ensure occupancy of at least 85 percent of the available parking spaces at a given time and there is no glut of parked cars.

Municipal Corporation should not subsidise either on-street or off-street parking (including multi-level parking) for personal motor vehicles, implicitly or explicitly. Municipal Corporation should not invest in new off-street parking facilities. With management, and enforcement of on-street parking, and optimal parking pricing private development of off-street parking facilities — bearing the full cost of land, construction, maintenance, and operations — becomes a viable business that can recoup its investment directly from parking users without any form of cross subsidy.

Parking fees will be revised every quarter.

### **6. Parking violation and penalty**

- o Parking violations can be categorised into two primary types — non-payment of parking fees and parking in a no-parking zone. The enforcement system should address both types of violations.
- o To ensure effective implementation of parking rules, parking service provider should manage parking enforcement in coordination with the traffic police.

Enforcement officers will monitor parking violations through regular random spot checks or other means agreed upon in the contract. The Service Provider should be paid a fee for registering an offense and clamping or towing the vehicle on behalf of the Traffic Police.

A user must pay the applicable parking fine through the parking system website, using a smart phone app, or at the processing facility in order to have a vehicle unclamped or released from the facility. Enforcement officers of the service provider should not be authorized to directly collect fines. The PMW, in consultation with the Traffic Police, will

develop and adopt a system for revenue sharing of fines between the Service Provider, Traffic Police, and MC.

The levels of parking fines for illegal parking should depend on the seriousness of the offence. For example, parking violations that seriously endanger other road users should attract a higher fine than less serious violations. Fines should be set in terms of a multiple of the nearest on-street parking price. Furthermore, the fine payable should be the relevant multiple of the nearest on-street price multiplied by the time elapsed between detection of the violation and payment of the fine.

**Note:-** Presently, the traffic police of punjab is mainly mandated to take action against unauthorized parking. In order to achieve the desired results, all stake holders will have to act in concert to deal with this problem. In addition to the traffic police the enforcement power of challaning may be delegated to the officer's of the Municipal Corporation under the provisions of relevant act. The officers of the level of Inspector or so for challaning shall be decided by the Municipal Corporation.

Majority of traffic Challans are still being done manually and sub-optional use of CCTV/Cameras is the norm at present. In case of challaning / towing of one illegally parked vehicle, the other vehicle owners immediately flee from the spot. Instead of manually challaning, a recording / photography of illegally parked vehicles should be done through Camera / Video Camera and challans should be sent at the address of the violators. By this method, more illegally parked vehicles can be identified and challaned instead of one or two vehicles at a time. It will prove to be a deterrent as well. An App should be developed on which the public can send information of illegally parked vehicles/ junked vehicles to concerned authorities for better enforcement

### **7. Parking fee exemptions**

The following types of vehicles may be exempted from parking fees when parked in designated slots during certain periods:-

- Bicycles parking should be free of charge at all times.
- Parking fee may not apply on passenger auto rickshaws and taxis when parked in designated slots meant for their parking.
- Parking fee may not apply on commercial motor vehicles used for delivery of goods if they occupy a paid car parking slot, provided that it is for no longer than 15 minutes during off- peak parking hours. However, parking fee should apply on such vehicles during peak parking hours.

### **8. Demarcate and limit parking supply where necessary**

Parking supply, including off street and on street parking, should be limited to avoid overwhelming the road network in the zone. Municipal Corporation will set caps on the total quantum of parking available in each parking zone. If a parking zone has reached its parking supply cap, then any construction of additional off-street parking spaces (public as well as private, including multi-level car parking) would need to be balanced with a reduction in on-street parking.

## 9. Principles for upgrading parking lot design and management

The Municipal Corporation will reform the parking contract agreements and management systems to ensure upgradation of management of parking lots and adoption of latest technology for organising parking spaces; install on-street parking meters, computerised parking slips with timers, and public information system to inform about the availability of parking spaces to inform users about parking availability. This can be used to assess parking demand; reduce parking violation.

To meet the growing need of expanding fleet of electric vehicle Electric Vehicle Charging Facilities will be set up in parking facilities for night time charging.

All parking lots – on-street and off-street, will have to be designed to make special provision for parking by differently abled that are consistent with the guidelines and specification of Bureau of India Standard's, National Building Code of India of 2016, IRC:SP:12:2015 and Harmonized Guidelines and space standards for barrier free built environment for persons with disability and elderly persons, 2016 of the Ministry of Urban development.

Parking management will have to ensure that junk, abandoned and unclaimed vehicles that occupy public spaces are removed and scrapped.

## 10. Parking operations and revenue management

- While the purpose of parking pricing is to manage demand and reduce traffic pressure, this also has a huge revenue potential that can be unlocked by adopting pricing strategies for parking spaces.
- This revenue can be used to invest in local area development as well as development of sustainable mobility modes such as public transport and non-motorised transport.

Municipal Corporation will earmark the revenue from parking management for local investments in sustainable modes of transport. Specifically, it will develop mechanisms whereby a good portion of the parking revenue from an area of the city is spent on improving walking and cycling facilities and urban space within that area. Moreover, the Road Safety Policy of Government of Punjab has provided for use of parking revenue for infrastructure for non-motorised transport.

Municipal Corporation will adopt an appropriate mechanism to ensure that all parking revenue, including fines/penalties, should be deposited directly in an escrow account overseen by an officer/independent financial manager. The Service Provider will not retain any user payment revenue directly. Surplus revenue, after paying the fee to the Service Provider, Traffic Police, and any other expenses, should be channelised to promote local area improvements such as better walking and cycling facilities, public spaces, and access to high-quality public transport, either directly through the MC or through the dedicated Urban Transportation Fund (UTF)

## 11. Prioritise sustainable modes of transport

Municipal Corporation will give priority to facilities for sustainable modes of transport over parking, on the street as well as off the street (such as intermodal facilities). Park-and-ride facilities for four-wheelers are an extremely expensive and inefficient way to get passengers for mass transit. Rather than creating park-and-ride facilities, Municipal Corporation will develop feeder connections and improve intermodal integration between

various public transport modes. MC should also give priority to sustainable modes of transport in its spending.

### **12. Overnight parking of transport vehicles**

To meet the parking demand of the transport and commercial vehicles as well as the public transport buses the Municipal Corporation will identify and notify roads and spaces for granting permission for overnight parking upon payment. Such earmarked spaces will be earmarked in a manner that it does not cause congestion and crowd in residential areas. Proof of parking may be mandated for such vehicles.

For bus parking multi-level parking structures may be allowed in depots and terminals.

### **13. Parking management in old city areas**

This will require special area management approach. Identify off-street and remote parking areas around the old city area so that on-street parking can be minimized on the narrow lanes. Pedestrianise the inner city streets as much as possible and allow intermediate public transport system with improved traffic circulation schemes for different modes. Remove encroachments from footpaths to facilitate smooth pedestrian movement and enable 'park-and-walk' and 'park-and-ride' strategies. This will help to decongest the area. The movement of heavy vehicles needs to be banned in the old City. To serve the commercial activities in the area light commercial goods vehicles can be allowed restricted entry during the night and early morning at designated hours for loading and unloading. Appropriate sites for this may be identified.

### **14. Parking for multi-modal integration in railway stations, airports and mass transit systems**

Municipal Corporations within their jurisdiction will implement plans for Airports, railway stations, metro stations, Inter State Bus Terminus and other mass transit points to improve access and multimodal integration for easy access. They may follow appropriate design guidelines for easy transfer to other connecting systems, including buses and para transit, with adequate pedestrian access.

### **15. Parking management for hospitals, educational institutions and heritage buildings**

These building typologies will require customised approach keeping in view their special needs. In hospitals and medical establishment create pick up and drop off places at convenient places to access hospitals for patients and visitors to hospitals. Reserve part of the on-street parking for them.

For school parking ensure as far as possible provision of staff parking within the school premises. Earmark special parking bays on street for pick up and drop off of students for only fixed hours in morning and afternoon. The requirements of schools at opening and closing times should be given special attention in view of the bulk movement in a short time span which can cause congestion and be a hazard for the children. Comfortable and safe pick up and drop arrangements should be prioritised over long term parking.

Heritage buildings will be required to develop separate parking plans.

## **16. Parking for Community and Recreational facilities**

This policy will aim to manage parking spill over through parking controls in adjacent to community, recreational, social and cultural facilities, including Park land. Regional parks and sporting facilities should have a minimum parking restriction on both weekdays and weekends. Some community or recreational facilities, including parks, have small street frontages. In these circumstances, parking control should be consistent with the capacity of the surrounding streets to minimize encroachment and prevent non-compliance.

## **17. Notified green areas, neighbourhood parks and green spaces to be kept free from parking**

Area parking plans need to maintain judicious mix of green spaces for healthy neighbourhoods to reduce health risk among residents and children. All green areas and neighbourhood parks need to be protected from parking.

## **18. Regulating off-street private parking provisions through standards**

Towns/Cities require a minimum quantum of parking to be built along with any building development. Further, a developer can build more or less unlimited amount of parking even though there are restrictions on the quantum of built space for people in terms of floor space index (FSI) restrictions. But this excessive supply of cheap parking ends up encouraging private vehicle use, even if good public transport is available. Requirements for parking increase the price of real estate as developers are not able to use land efficiently. If a large portion of a commercial building's area must be devoted to parking, it cannot be used for productive commercial uses. Also, as parking costs are typically bundled with the price of the unit, residents who do not travel by personal vehicle are forced to pay for parking spaces.

Thus, while management of public-parking is the first step towards encouraging a shift to sustainable transport, it needs to be supported by various land-use planning and regulatory measures. Some such measures are outlined below:-

- **Adopt parking maximums across the city.** Parking is a function of road space, not built space i.e. existing road work in any part of the city cannot accommodate more than a defined number of vehicles, irrespective of built density. Hence, minimum parking requirements may be removed across the city. Municipal Corporation may modify development control regulations to limit the number of parking slots (equivalent car space) per 100 sq meter to be provided in a plot area. Further, any parking that is created as part of a development, except for that of bicycle parking, should be charged a parking development fee that is equivalent to or more than the development fee charged for floor space meant for use by people.
- **Adopt people-oriented building design guidelines.** Avoid parking setbacks. Instead, encourage built form that contributes to street life. Ensure access to off-street parking facilities may not obstruct the pedestrian environment.

- **Increase built density along rapid transit corridors.** Given the growing network of rapid transit in the city, the city must ensure that the majority of future population get to live, work and play within walking distance of rapid transit corridors. In other words, areas with good connectivity to public transport must have higher built densities as compared to other areas so that the travel needs of the population are met through sustainable modes. Modify development regulations to increase built density along rapid transit corridors. Focus on improving access to transit, through NMT improvements, augmenting feeder services and increasing transit capacity. Avoid park-and-ride facilities.

#### **19. Governance framework for management and enforcement of parking**

For strong oversight, planning and monitoring of parking management and enforcement as well as fixing and periodic revision of parking charges an empowered Authority and a Management Cell may be set up with representation from Municipal Corporation, all land owning agencies, traffic police, among others. This body will be responsible for supervision and monitoring of implementation of local area plans and parking pricing. This Authority will also include professionals and experts to provide the technical guidance in the matter.

#### **20. Institutional structure for parking management and revenue**

Successful implementation of parking management system will involve cooperation between multiple stakeholders (such as Municipal Corporation, traffic police, planning agencies, operators and others) at different stages of implementation. To manage all aspects of parking in the city and to coordinate with various stakeholders, MC will create a Parking Management Wing (PMW). The PMW should have competent officers/professionals who are capable of managing and overseeing these complex and highly technical tasks.

The following should be the key functions of PMW:-

- Coordinate with various relevant agencies to develop a parking management strategy.
- Assess parking demand in parking management zones and designate parking and no-parking areas in consultation with the Traffic Police and other agencies.
- Determine parking fee structures and fines. Review parking rates periodically to ensure price structures reflect changing demand patterns.
- Develop key performance indicators to monitor operator performance (eg. occupancy rates in paid parking areas, the number of parking violations etc.).
- Procure services of external agencies to conduct parking studies from time to time and to develop a parking management plan.
- Outsource parking operations to service provider(s) who will develop an operating plan, implement an IT based parking management systems, manage fee collection, enforce parking rules, and provide customer care.

- Ensure that the operator is fulfilling all contractual obligations.

The PMW should adopt the following model to contract out parking operations to private sector agencies :-

- The contract for parking operations should be awarded to a Service Provider through a transparent bidding process i.e. e-tendering.
- The Service Provider will set up the parking management (and enforcement) system and operate it, subject to service level benchmarks.
- The Service Provider will be entitled to a bonus in case of good performance. Conversely, appropriate penalties may be levied on the service provider in case of poor performance.

The service provider should develop an information technology (IT) based system that will do the following:-

- Provides quick and hassle-free payment options to the customers through mobile-phone based payment systems via an e-wallet linked to a registered vehicle and phone number.
- Captures real-time monitoring data from parking control officers and smart parking meters to provide feedback on parking system performance and support the adaptation and improvement of parking policies to meet the changing travel demands of users.
- Provides transparent means to enforce parking rules.
- Ensure real-times access to all project data, such as a real-time information feed from parking operations and enforcement, to the PMW and the Traffic Police.

To this end, MC will work with the Town Planning Department/ Planning Authority to ensure requisite changes are made to Development Control Regulations, Master Plan / Development Plan and others. The Comprehensive Mobility Plans should be referred, where ever prepared.

Chandigarh

Dated- 09/04/2018

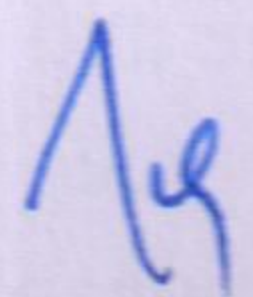
A.Venu Prasad, IAS

Principal Secretary to Government of Punjab,  
Department of Local Government, Punjab

Endst.No. CTP(LG) – 2018 / 1178

Dated Chandigarh the 13-04-2018

A copy is forwarded to the Controller, Printing & Stationary Department, Punjab, SAS Nagar(Mohali) with a request to get this notification published in the Punjab Government Gazette Extra ordinary and supply ten spare copies for record.

  
Special Secretary Local Government

Dated 11.04.2018

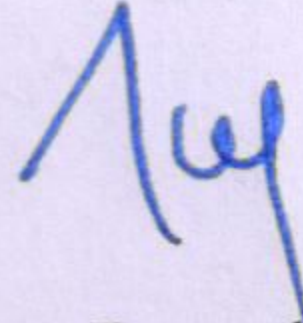
Page 12

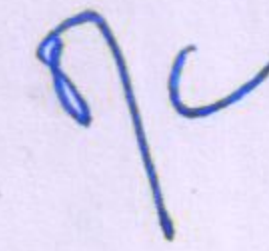
Endst.No. CTP(LG) – 2018 / 1179-1185

Dated Chandigarh the 13-04-2018

A copy of the above is forwarded to the following for information and further necessary action:-

1. The Commissioners of All Municipal Corporations in Punjab.
2. The Deputy Commissioners of All Municipal Corporation towns in Punjab.
3. The State Transport Commissioner, Punjab.
4. The ADGP(Traffic), Punjab Police, Chandigarh.
5. The Chief Town Planner, Town and Country Planning , Punjab.
6. All Officers in the Local Government Department.
7. All Superintendents in the Local Government Secretariat / Directorate.

  
Special Secretary Local Government



f 24  
15/3/22



**ASHOK KUMAR BAZAZ**  
(ADVOCATE)  
PB. & HRY. HIGH COURT, CHD

Off.: H.NO. 6112,  
MHC MANI MAJRA Chandigarh.

Chamber no. 25, PB. & HRY. HIGH COURT, CHD

Mobile-09501200001

Email: bazazashok51@gmail.com

To

The Dupty Registrar  
PB & HRY High Court Chd

CCP 165-2022 Gouvar Tameya M & PK Sabharwal

Short Reply by way of Affidavit  
of Pardeep K Sabharwal Commissioner  
M. C Ludhiana Respondent no. 1

Main Case is fixed

for 31/3/22

*[Handwritten signature]*

*[Handwritten signature]*  
A K BAZAZ  
Advocate  
for the R. NO. 1

645

161

COCP-165-2022

**GOURAV TANEJA VS PARDEEP KUMAR SABHARWAL, IAS,  
MC, LUDHIANA AND OTHERS**

Present: Mr. Kanwaljit Singh, Sr. Advocate with  
Mr. Ajaivir Singh, Advocate  
for the petitioner.

Mr. Charanpreet Singh, Asstt. A.G., Punjab.

**(Through video conferencing)**

\*\*\*\*

Mr. Charanpreet Singh, Asstt. A.G., Punjab appears  
on behalf of the respondents and seeks short adjournment to  
file reply.

Adjourned to 31.03.2022.

24.02.2022

Atik

**(RAJ MOHAN SINGH)  
JUDGE**

31/3/22

646



Davinder Kumar Saini &lt;dksaini1005@gmail.com&gt;

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**SHORT REPLY BY WAY OF AFFIDAVIT COCP 165-2022 GAURAV TANEJA VS  
PARDEEP KUMAR SABHARWAL**

1 message

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**Davinder Kumar Saini** <dksaini1005@gmail.com>  
To: kjsingh678@yahoo.com, ajaivir@gmail.com

Mon, Mar 14, 2022 at 6:40 PM

SHORT REPLY BY WAY OF AFFIDAVIT COCP 165-2022 GAURAV TANEJA VS PARDEEP KUMAR SABHARWAL

--  
Regards,(ASHOK KUMAR BAZAZ)  
Advocate  
FOR THE RESPONDENT NO 1

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 **SHORT REPLY BY WAY OF AFFIDAVIT COCP 165-22 GAURAV TANEJA VS P K SABHARWAL.pdf**  
2848K

**In the Hon'ble High Court for the States of Punjab &  
Haryana  
at Chandigarh**

**COCP No. 165 of 2022**

Gaurav Taneja

...Petitioner

Versus

Pardeep Kumar Sabharwal and another

..Respondents

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2	<b>Annexure R-1</b> -Site plan	04.03.22	09	00-65
3	<b>Annexure R-2</b> -Pamphlet	15.04.18	10	00-65
4	Power of attorney	22.02.22	11	2-65

Total; amount of Court fee = Rs Four only) Rs. 04-00

Place: Chandigarh

**Dated: 07/03/22**

**Respondent no 1**

Through

  
**Ashok Kumar Bazaz**  
**Advocate**

**Counsel for Respondent no 1.**

**P/3045 of 08**

In the Hon'ble High Court for the States of Punjab &  
Haryana

at Chandigarh

COCP No. 165 of 2022

Gaurav Taneja

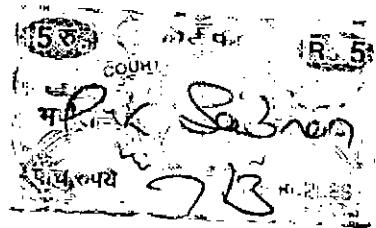
...Petitioner

Versus

Pardeep Kumar Sabharwal and another

..Respondents

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Place: Chandigarh  
Dated: 07/03/22

Respondent no 1

Through

  
Ashok Kumar Bazaz  
Advocate

**In the Hon'ble High Court for the States of Punjab & Haryana  
at Chandigarh**

**COCP No. 165 of 2022**

Gaurav Taneja

.Petitioner

Versus

Pardeep Kumar Sabharwal and another

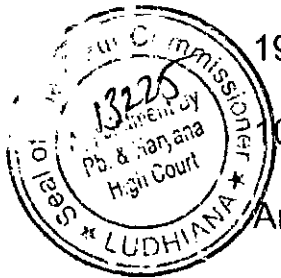
.Respondents

**Short Reply by way of Affidavit of Pardeep  
Kumar Sabharwal, Commissioner, Municipal  
Corporation Ludhiana, Respondent No. 1**

I, the above-named Pardeep Kumar Sabharwal do hereby solemnly affirm and declare as under: -

1. That the petitioner in this contempt petition has prayed for action u/s 12 read with section 2(b) of the Contempt of Court Act, 1971 against the respondents for violating the judgement dated 04-10-2008 of this Hon'ble High Court passed in CWP No. 4886 of 2003, Annexure P-10 because the respondents are raising illegal construction in the park area and on the road side.

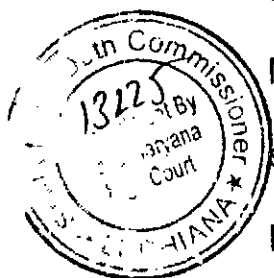
2. That it is humbly submitted that as per record, prior to the construction of Ludhiana Bypass by the National Highway Authority of India from Sherpur Bye pass Chowk to Jalandhar Bye pass Road, the road connecting the Jalandhar Bye pass and Sherpur Chowk was passing through within the city area was known as G.T.Road. The



11 MAR 2022

RAVINDER KUMAR  
2022.03.15 13:48  
I attest to the accuracy and  
integrity of this document

width of the said road except the portion of road passing through within the core area of the city varied in between 200 feet to 225 feet. However, on the construction of Ludhiana Bypass from Jalandhar Bypass to Sherpur Chowk via Basti Jodhewal Chowk and Samrala Chowk by the National Highway Authority of India, the traffic volume on the old G.T.Road considerably reduced. Resultantly, squatters & hawkers started unauthorized use of the unmetalled portion of the road width by placing their wooden Takhats and kiosks for sale of articles. Apart shanties were also erected on katcha portion of the road. In these circumstances, to check the unauthorised use of the public road, the Municipal Corporation vide its resolution no 3207/3 dated 22.10.1999 sanctioned a sum of Rs 49.38 Lacs for development of green spaces and parks on both the sides of the road except on the road portion passing through within the core area of the city as the width of the road was lesser and was touching the building line. It is relevant to mention here that as per section 224/225 of the Punjab Municipal Corporation Act, 1976, all the public streets within the Municipal area vests with the Municipal Corporation and the Municipal Corporation can widen, extend or otherwise improve any such roads. Still further, under section 226 of the PMC Act 1976, the Municipal Corporation can even dispose of the land becoming available on permanently closure of total or part of any street. In this regard, the legal proposition already stands settled by a Division bench of this the Hon'ble High Court on 23.01.2014 while deciding the Civil writ petition filed by Citizen Welfare Society (Regd) versus State of Punjab, As such, the contention of the petitioner that



Municipal Corporation is constructing a Library by encroaching upon the road portion in violation of the orders of this Hon'ble High Court dated 04.10.2008 and 05.12.2016 passed in CWP no 4886 of 2003 & 4554 of 2016, is on the face of it false and incorrect, therefore, the present contempt petition is liable to be dismissed on this short ground alone.

3. That as per record, for proper management of green spaces and parks, developed on both sides of the impugned metalled road from Vishwakarma Chowk to Sherpur Chowk, the Municipal Corporation vide its Res. No. 2741 dated 29-10-2009 sanctioned a sum of Rs. 12.56 Lakhs and the amount was interalia spent on fencing of the green spaces and parks and other related development works. It is clarified here that the impugned road from Vishwakarma Chowk to Sherpur Chowk is a two-way carriage road and width of each of the way is app. 36 feet wide. Further, on both sides of the road, footpath has been constructed for safety of pedestrians. Still further, there also exists app. 37 feet wide service lane on both the sides for the convenience of the nearby areas and property owners whose properties are situated on this road. The land in between the foot path and service lane for the last app. 25 years is used as green space and parks as shown in the site plan **Annexure R-1**. It is submitted here that since no construction has been raised on any part of the road, therefore, the present contempt petition has been filed maliciously only to harass the law-abiding institution and its officers. It is reiterated here that the two-way carriage and the service lanes of area are intact and no tinkering therewith has been made.



4. That as per record, Maharana Partap Rajput Sabha (Registered), Ludhiana submitted a request dated 18.04.2017 to allow the applicant to beautify and maintain the small park situated opposite Manju Cinema, Ludhiana. It is relevant to submit here that to involve public participation in the improvement of environment of the city, the Government has formulated a policy in the year 1995, and it was interalia stipulated therein that maintenance of green spaces and parks situated within the Municipal area may be handed over to the Mohalla Associations and other non-Governmental Organizations. In the light of the above stated Govt. policy, the Finance & Contract Committee of the Municipal Corporation vide its resolution no 5139 dated 24.08.2017 resolved to handover the beautification and maintenance of the park to the applicant. Consequently, an agreement dated 22.09.2017, Annexure P-3 was executed in between the applicant Society and the Municipal Corporation. Thereafter, in a public function, which was attended by the Hon'ble Speaker, Punjab Vidhan Sabha, the member of Parliament and Vidhan Sabha representing Ludhiana and Mayor & Councillors of Ludhiana, in a corner of the park, which is app. 290 square meter in area, a statute of Maharana Pratap was installed in the impugned park on 15.04.2018. **Annexure R-2**. Since then, the park is known as "Maharana Partap Park".

5. That Maharana Partap Rajput Sabha (Registered), Ludhiana on 17<sup>th</sup> March 2020 represented that the Society is largely engaged in the social work and apart from organising blood donation camp, providing free education, medicines and books to poor, the Sabha

also celebrate anniversary of Maharana Pratap every year with great pomp, therefore, to tell the great sacrifices made by Maharana Pratap and other regional warriors, a small piece of land may be allotted for construction of a Library. This request dated 17<sup>th</sup> March 2020 was considered by Municipal Authorities and after deliberations, it was deemed appropriate that instead of allotting any land to the applicant- Maharana Pratap Rajpoot Sabha (Regd), Ludhiana for construction of Library, the Municipal Corporation may in discharge of its obligatory and discretionary functions not only construct a building for library but as large number of morning & evening walkers and others visit this park, a toilet set may also be constructed for public convenience. In furtherance of this decision, the Finance and Contract Committee of the answering corporation vide its Res. No. 5148 dated 08-11-2021 sanctioned a sum of Rs 14.76 Lac for construction of a library and toilet set. Thereafter, bids were invited from the contractors and finally the Finance & Contract Committee, which is the prescribed authority as provided under section 42(4) of the Punjab Municipal Corporation Act, 1976, vide its resolution no 5892 dated 14.12.2021 approved to award the contract of work of construction of Library to M./s R. K. Construction Company, the lowest bidder. The work order to the contractor was issued on 16.12.2021 and the contractor has since completed the construction work at site. It is also apparent from the site plan, **Annexure R-1** that the building for library and toilet set has been constructed in a corner of the land of park and no portion of the road has been encroached upon as alleged by the petitioner.



6. That Functions of the Municipal Corporation are defined in Chapter III (Section 43 to 45) of the Punjab Municipal Corporation Act. As per section 43 of the Act, the Municipal Government of the City vests in the Corporation. Further, a bare reading of section 44 ( l and q) and 45 (b) of the P.M.C.Act 1976, which reads as follows:-

(i) " *the construction, maintenance, alteration and improvements of public streets, bridges, culverts, causeway and the like* " ;

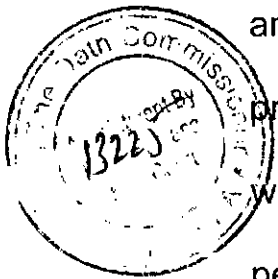
(ii) " *the laying out or the maintenance of public parks, gardens or recreation grounds*" ; and

(iii) " *the establishment and maintenance of, and aid to libraries, museums, art galleries, botanical or zoological collections* "

It is thus apparent that the Municipal Corporation has constructed the building for library in discharge of its prescribed functions.

7. That the Manju Cinema is not operative for the last many years and this fact has not been disclosed by the petitioner. Further, the present contempt petition is not maintainable as there is not even a whisper in the contempt petition that petitioner is a public-spirited person and that the answering respondent has connived with any encroacher of the public land. Hence the petitioner has no right to file the present contempt petition.

8. That a conjoint reading of section 4 and 431 of the Punjab Municipal Corporation Act 1976 shall lead to irretrievable conclusion that the land falling within the Municipal Corporation limits shall be administered as per the provisions of the Punjab Municipal Corporation Act 1976. The Municipal Corporation in exercise of the



powers conferred on it under the Punjab Municipal Corporation Act 1976 has long back reduced the width of the old G.T.Road and the land becoming so available to the knowledge of the petitioner was developed as green spaces and parks, therefore, the land ceases to be part of the road. Hence, the contention of the petitioner that the disputed land has been shown as " Gair Mumkin Road" in the revenue record, therefore, the Municipal Corporation is encroaching upon the public road, is perse erroneous and unlawful and liable to be outrightly rejected.

In view of the above stated facts, it is respectfully submitted that the present Civil Original Contempt Petition may kindly be dismissed and the rules discharged, please.

Place: Ludhiana  
Dated: 07.03.22

Verified that the Affidavit has been read over & explained to the deponent..... Who seemed perfectly to understand the same at the time of making thereof

DEPONENT



Verification:



Verified that the contents of para-No. 1 to 8 of my affidavit are true and correct to my knowledge and best belief as derived from the official record. No part of it is false and nothing has been kept concealed therein.

Place: Ludhiana

Attested By  
Gurpreet Kaur Advocate

DEPONENT



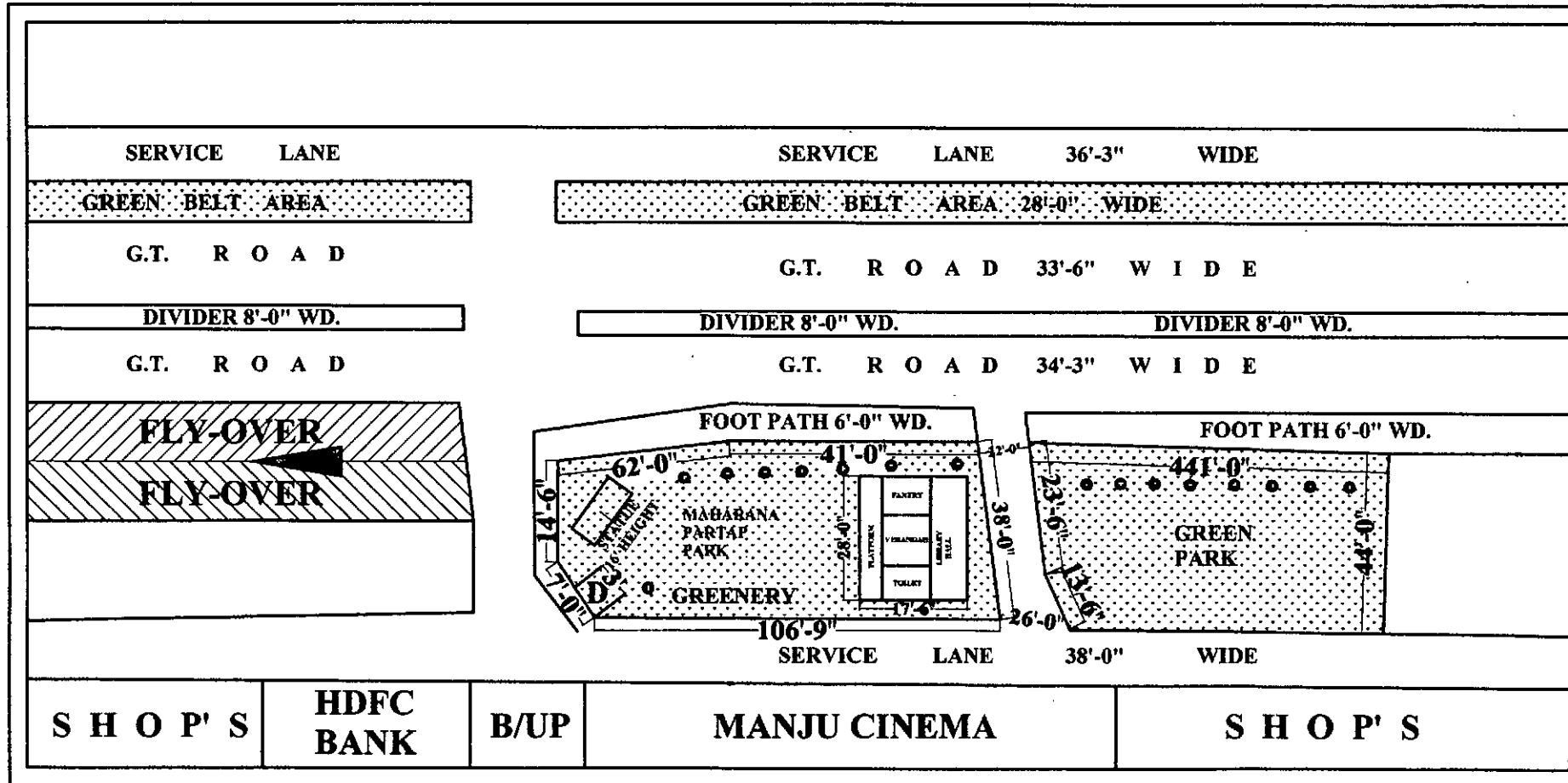
Oath Commissioner, Ludhiana.

I identify that I know the deponent personally & the same has signed made thumb impression in my presence

11 MAR 2022

Signature: Ravinder Kumar  
ID No: 7194  
Dated: D.T.P

SITE PLAN SHOWING THE EXACT LOCATION OF GREEN SPACE AND DEVELOPED PARK ON OLD G.T. ROAD VISHKARMA CHOWK TO MANJU CINEMA



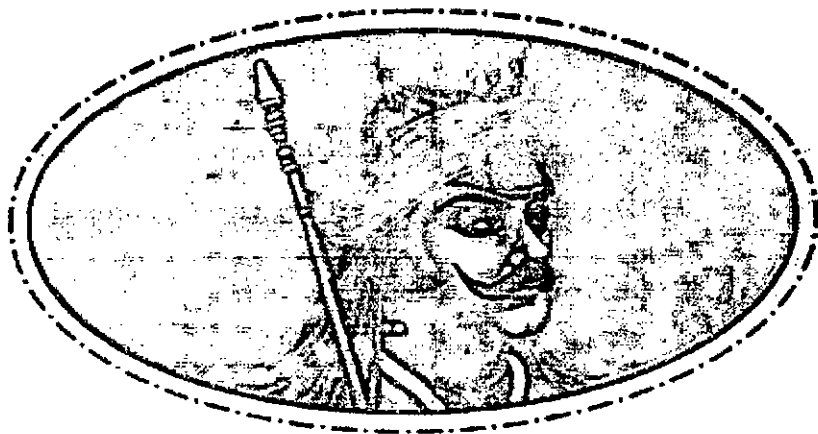
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I attest to the accuracy and  
integrity of this document

*[Signature]*  
ASSISTANT TOWN PLANNER  
MUNICIPAL CORPORATION LUDHIANA

Jai Rajputana

**Maharana Pratap Rajput Sabha (Raj)**  
**LUDHIANA**

cordially invites you to attend the  
**Murti Sthapana Mahotsav**  
**(CONSECRATION CEREMONY)**  
 OF  
**Veer Shiromni MAHARANA PARTAP JI**



at **Maharana Pratap Park**  
 Near **Dholewal Chowk, Ludhiana**

on **Sunday, 15th April, 2018**  
**FROM 10:00 AM TO 12:00 NOON**

Guests:-

**Sh. K. P. Rana**  
 Honorable Speaker  
 Jalandhar Sabha, Punjab  
**S. Ravneet Singh Bittu**  
 (Member of Parliament)  
**S. Balkar Singh Sandhu**  
 (Mayor, Ludhiana)  
**Sh. Bharat Bhushan Ashu**  
 (MLA, Ludhiana)

Special Guests:-

**Sh. Surinder Dawar**  
 (MLA)  
**Sh. Iqwal Singh (Sonu)**  
 (Councillor)  
**S. Harcharan Singh Gohlwadia**  
 (Ex. Mayor, Ludhiana)  
**Sh. Dimpal Rana**  
 (Ex. President, Youth Congress)  
**Thakur Vishwanath Singh**  
 (Ex. President, Pravasi Bhaiji Board)

Contact: 98727-09094, 98142-42025, 98736-22924, 76967-53459, 98761-09373, 98141-10458

*Tone Copy*

**VAKALATNAMA****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**In re : COCB No 165 of 2022Gaurav Tanya

Petitioner or Defendant

Appellant or Petitioner

VERSUS

Abdeep Kumar Jaiswal

Respondent

Defendant

KNOW ALL to whom these presents shall come that I/we the undersigned appoint

**ASHOK KUMAR BAZAZ**

ADVOCATE

**PUNJAB & HARYANA HIGH COURT**

Room No. 25, New Bar Complex, Chandigarh

Resi.-cum-Off. : Kothi No. 36/75-A, Garden Colony, Jalandhar

Mob. : 95012-00001, Tele : 0181-2272001

to be the Advocate for the Respondent in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:-

1. To act, appear & plead in the above-mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in appeal or in Letters Patent Appeal or review or revision or execution or in any other stage of its progress until final decision.
2. To present pleadings, appeals, Letters Patent Appeals, Cross-objections or petitions for executions, review, revision or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes, that shall arise touching or in any matter relating to the said case.
4. To deposit, draw and receive money and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
5. To employ any other legal Practitioner authorising him to exercise the powers and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I/we hereby agree to ratify whatever the Advocates or his substitute shall do in the premises and in this connection.

AND I/we hereby agree not to hold the Advocates or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing.

AND I/we hereby agree that in event of the whole or any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid, he shall be entitled to withdraw from the prosecution of the above said case until the same is paid and if any costs are allowed for an adjournment, the Advocates would be entitled to the same.

AND I/we hereby agree that the Advocates will not be bound to appear for us if the case is transferred to any other Court or the Court sits at any place other than its normal place of sitting and if any application or Return is to be filed in the case, the Advocates will be entitled to a fresh fee as paid in the case.

IN WITNESS WHEREOF I/we hereunto set my /our hands to these presents the contents of which have been explained to and understood by me/us.

This the 29 day of February, 2022

Accepted



**ASHOK KUMAR BAZAZ**

RAVINDER KUMAR

2022-03-15 13:48

I attest to the accuracy and integrity of this document.

ADVOCATE

Enr. No. P/3045/2008



(Signature or Thumb Impression of Clients)

IN THE HON'BLE HIGH COURT FOR THE STATES OF  
PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.165 of 2022

Gourav Taneja

.....Petitioner

Versus

Pardeep Kumar Sabharwal, IAS, Commissioner,  
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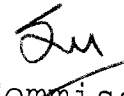
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2.	Annexure R1	2.5.2022	9-10
3.	Vernaculars		11

Place: Ludhiana

Submitted by:-

Dated: 06.05.2022

  
Deputy Commissioner,  
Ludhiana

IN THE HON'BLE HIGH COURT FOR THE STATES OF  
PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.165 of 2022

Gourav Taneja son of Shri Gurcharan Singh,  
Manager, Manju Theatre, Ludhiana

.....Petitioner

Versus

1. Pardeep Kumar Sabharwal, IAS,  
Commissioner, Municipal Corporation,  
Ludhiana
2. Varinder Kumar Sharma, Deputy Commissioner  
cum Collector, D.C. Office, Ferozepur  
Road, Mini Secretariat, Ludhiana.

.....Respondents

Short Reply by way of affidavit of  
Surabhi Malik, Deputy Commissioner,  
Ludhiana on behalf of Respondent No. 2

RESPECTFULLY SHOWETH:

I, the above named deponent, do hereby  
solemnly affirm and declare as under:

1. That the present contempt petition has been filed by the petitioner against Shri Varinder Kumar Sharma, the then Deputy Commissioner, Ludhiana. It is respectfully submitted that Shri Varinder Kumar Sharma has been transferred from the post of Deputy Commissioner, Ludhiana and the answering respondent has joined the services as Deputy Commissioner, Ludhiana w.e.f. 13/04/2022.

2. That in the present case, on dated 31/03/2022, this Hon'ble High Court was pleased to pass the following order:-

*"Learned Sr.DAG requests for time to file reply on behalf of respondent no.2 indicating the stand of the State viz-a-viz decision, if any, taken with regard to setting up of library on a public park in the middle of the road in terms of Clause 11(i) of the judgment of Hon'ble Division Bench in C.W.P. No.4886 of 2003."*

3. That in compliance of the orders of this Hon'ble High Court, the answering Respondent No. 2, vide its office letter No. 235/L.F.A. dated 28/04/2022, directed the Sub Divisional Magistrate (SDM), Ludhiana (East) to visit the spot mentioned in the writ petition along with the officials of Municipal Corporation (MC), Ludhiana and submit report to this office on the basis of revenue record.

4. That the Sub Divisional Magistrate (SDM), Ludhiana (East) has submitted his report to the answering Respondent No. 2 vide his letter bearing No. 639 dated 02.05.2022. As per the report, SDM, Ludhiana (East) directed Tehsildar, Ludhiana (East) to visit the spot and to submit a report thereof. Tehsildar, Ludhiana (East) has reported that the spot mentioned in the writ petition was visited on 01.05.2022 and the revenue record was perused. At the spot, there is a small library situated in the park. On one side of the library, there is G.T. Road while on the other side of the

library, there is service road. There is iron grill surrounding this park on all sides. The library is built on an area of 650 sq. feet approx. This library is open for general public. Since this library is located inside the park, as such, there is no traffic problem due to this library. As per the revenue record of Village Taraf Saidan i.e. Jamabandi for the year 2007-2008, Khewat No.2550/2818 Khasra No.1528 (26 Bighas 1 Biswas 4 Biswasis) is Gair Mumkin road, reflecting the ownership of Provincial Govt. In the Cultivation Column, the name of P.W.D. is entered. Enquiry regarding this park was made from the residents of area surrounding the park, who disclosed that this park is in existence for the last over 20 years. This library is situated within the Green Belt i.e. Park, and there is G.T. Road on one side of the Park and Service Road on the other side. There is no obstacle to the traffic because of this library/park. Copy of the report of Sub Divisional Magistrate (SDM),

Ludhiana (East) dated 02.05.2022 is **Annexure R-1**.

5. That, upon perusal of the spot inspection report of SDM, Ludhiana (East) dated 02.05.2022 and from the reply filed by Municipal Corporation, Ludhiana in this Contempt Petition, it emerges that the said library is within a park (Green Belt), and the park is in existence for the past over 20 years. There is GT Road on one side of the park and Service Road on the other side, and that, there is no traffic obstruction, whatsoever, because of this park/library. Also, the library is open for use by general public. As per the officials of Municipal Corporation, Ludhiana, this Library has been got constructed by Municipal Corporation (MC), Ludhiana under their own Act for the benefit of general public over an area of around 650 sq. feet.

6. That in its Order dated 31.03.2022 in this Contempt Petition, this Hon'ble High Court

had directed the Sr. DAG "to file reply on behalf of Respondent No. 2 i.e. the answering respondent indicating the stand of the State vis-à-vis decision, if any, taken with regard to setting up of library on a public park in the middle of the road in terms of Clause 11(i) of the judgment of Hon'ble Division Bench in CWP No. 4886 of 2003". In this regard, it is submitted that as per the directions of the Hon'ble Division Bench in Clause 11(i) of its order dated October 4, 2008 in CWP No. 4886 of 2003, this office is not aware of any policy for regularization of Govt. structures by the Department of Local Government, Punjab available on record in the office of the deponent. However, Municipal Corporation (MC), Ludhiana's reply on merits alludes to their powers under the Act for provision of public amenities. The Clause 11(i) mentions clearly that structures/encroachments on public lands by the Government institutions/bodies are not to be placed at the same pedestal as a private individual encroachers. It is humbly submitted

that this Hon'ble Court may consider the reply on merits submitted by the Municipal Corporation (MC), Ludhiana with respect to the structure being authorized under law or not.

7. That in the meanwhile, this office has moved a reference to the Department of Local Government, Punjab to clarify as to whether any policy has been framed by the Department in pursuance of Clause 11(i) of the judgment/order dated October 4, 2008 of the Hon'ble Division Bench in CWP No. 4886 of 2003.

8. That this is to further undertake that the Office of the Deponent would be strictly bound by the orders of the Hon'ble Court in this respect and that the orders of the Hon'ble Court shall be complied with in letter and spirit by the undersigned.

9. That in this manner, there is no inaction or dereliction in duties or contempt


of orders of this Hon'ble High Court by the answering Respondent No.2.

10. That the deponent holds this Hon'ble Court in high esteem and cannot even think of disobeying any order/direction passed by the Hon'ble Courts. For any lapse, however, the deponent tenders unconditional apology.

In light of the submissions made above, it is, therefore, most respectfully prayed that the present Contempt Petition may kindly be dismissed and the rule be discharged in the interest of justice.

Place: Ludhiana  
Dated: 06.05.2022

Deponent


  
Deputy Commissioner,  
Ludhiana

Verification:

Verified that the contents of Paras Nos. 1 to 10 of the above reply by way of short affidavit are true and correct as per my own knowledge and information derived from the official record.

Place: Ludhiana  
Dated: 06.05.2022

Deponent

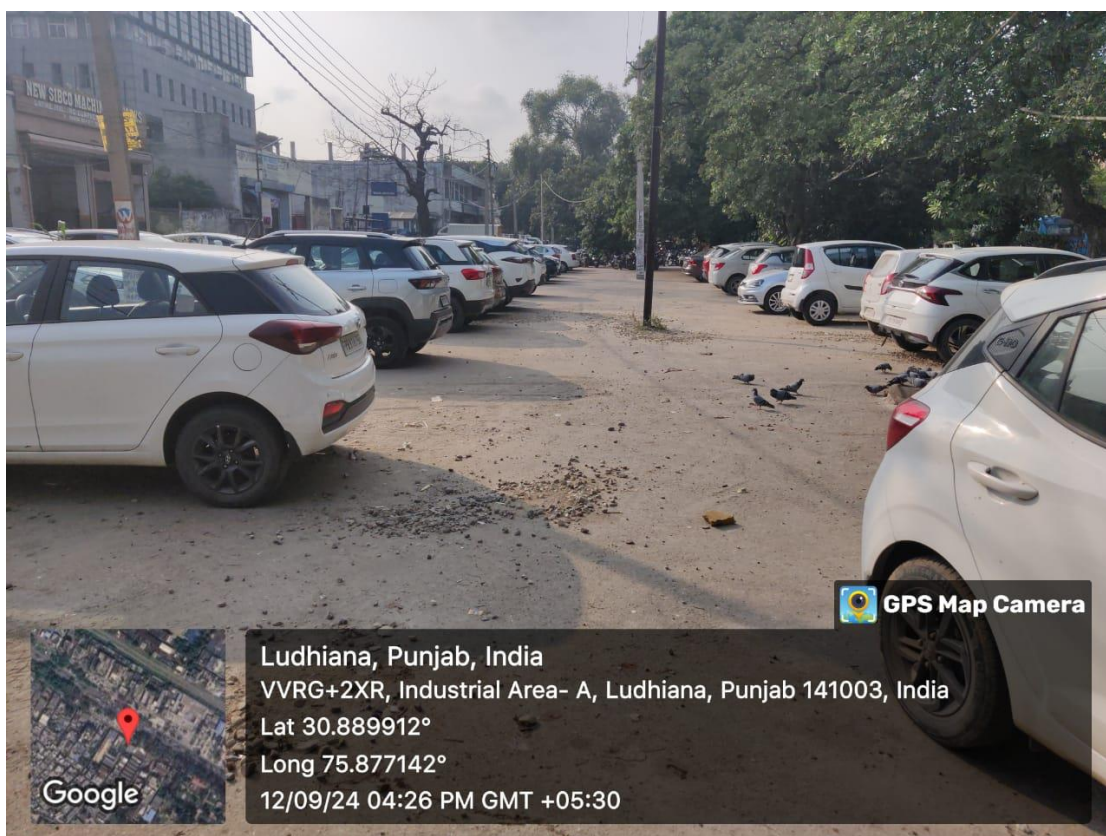
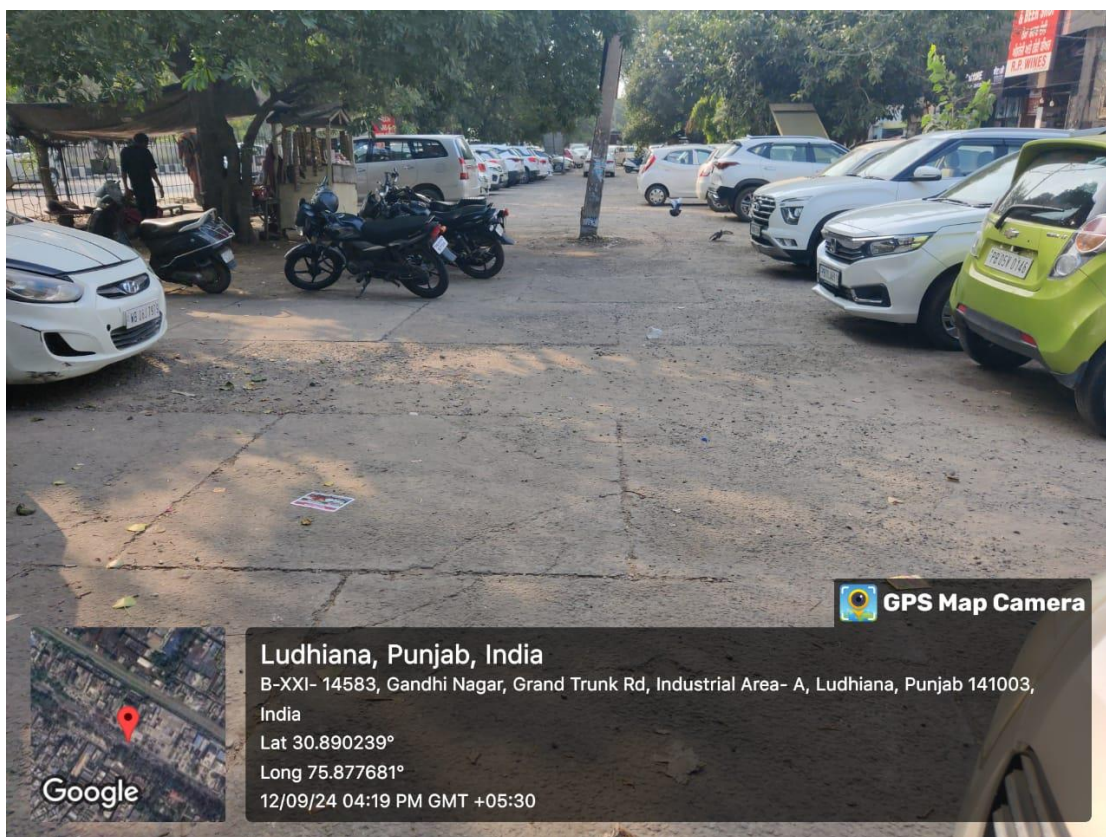
  
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Ludhiana

Attested

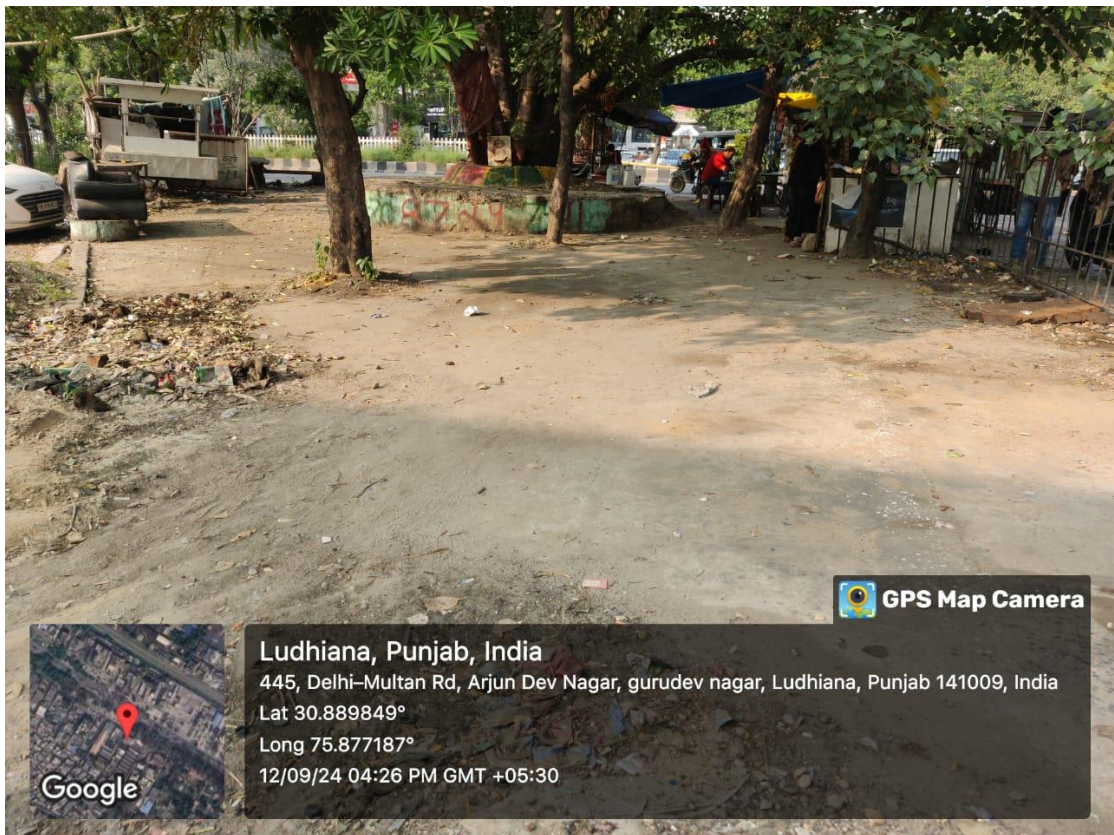
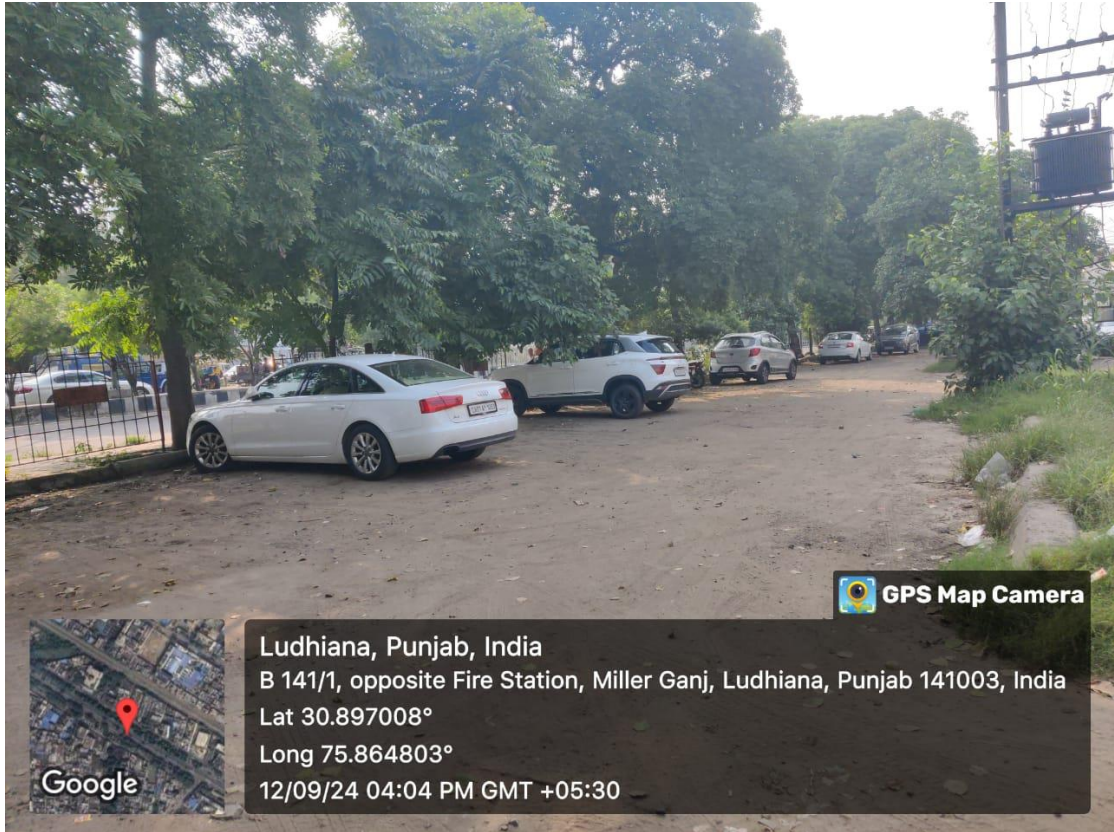


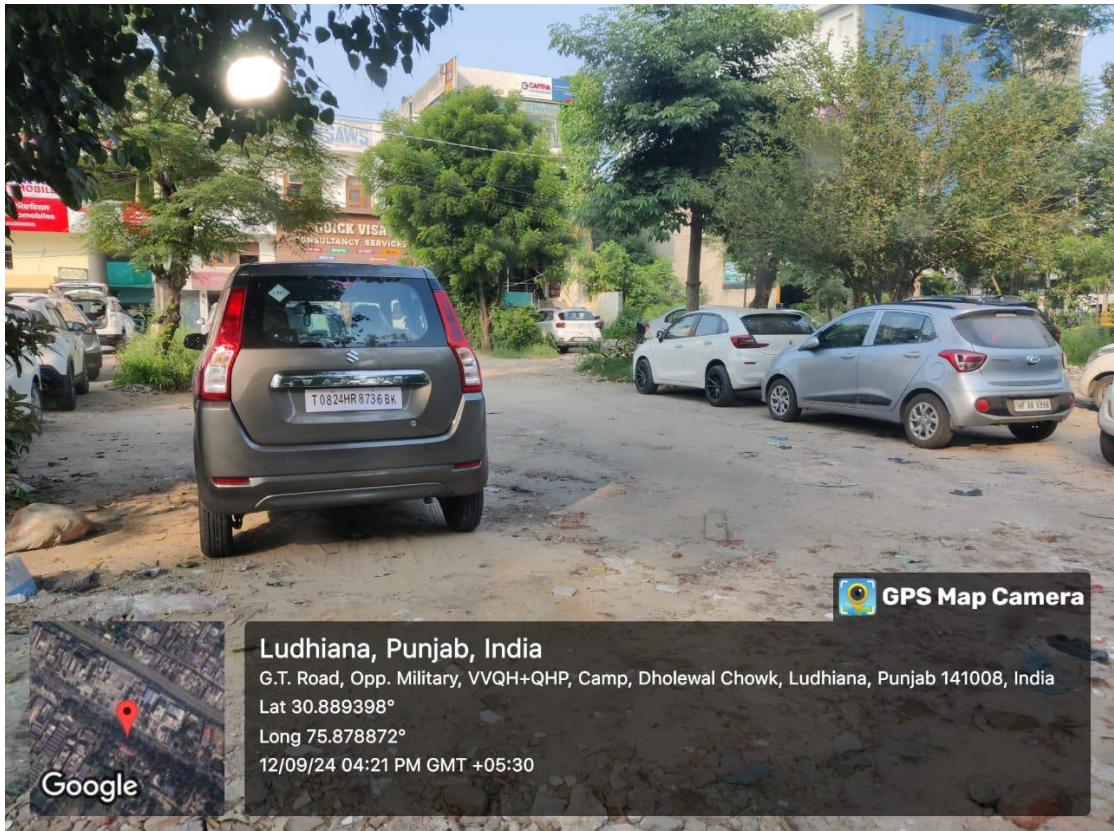
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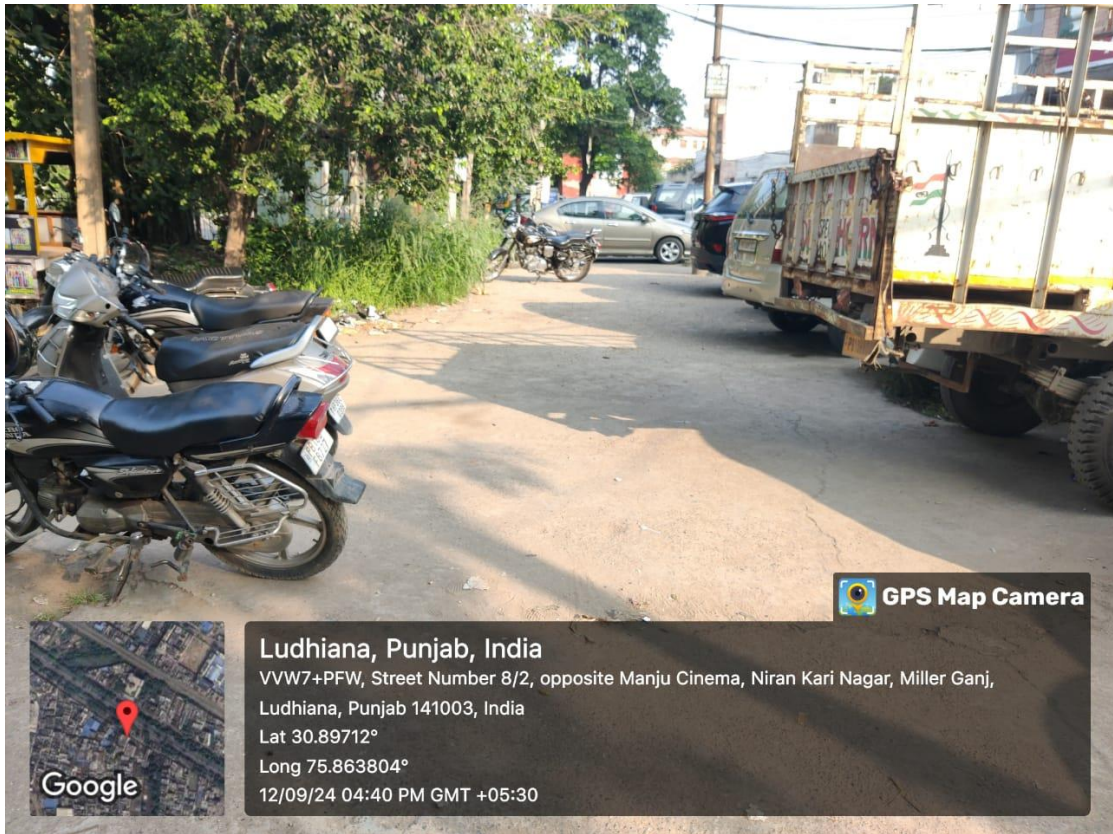
**ANNEXURE PX-4 DEPICTING MASSIVE CONCRETIZATION IN GREENBELT AREAS DEVELOPED ALONG OLD G.T. ROAD BY MCL – RESULTING INTO VERY LOW DENSITY OF TREES I.E. LOW TREE COVER**

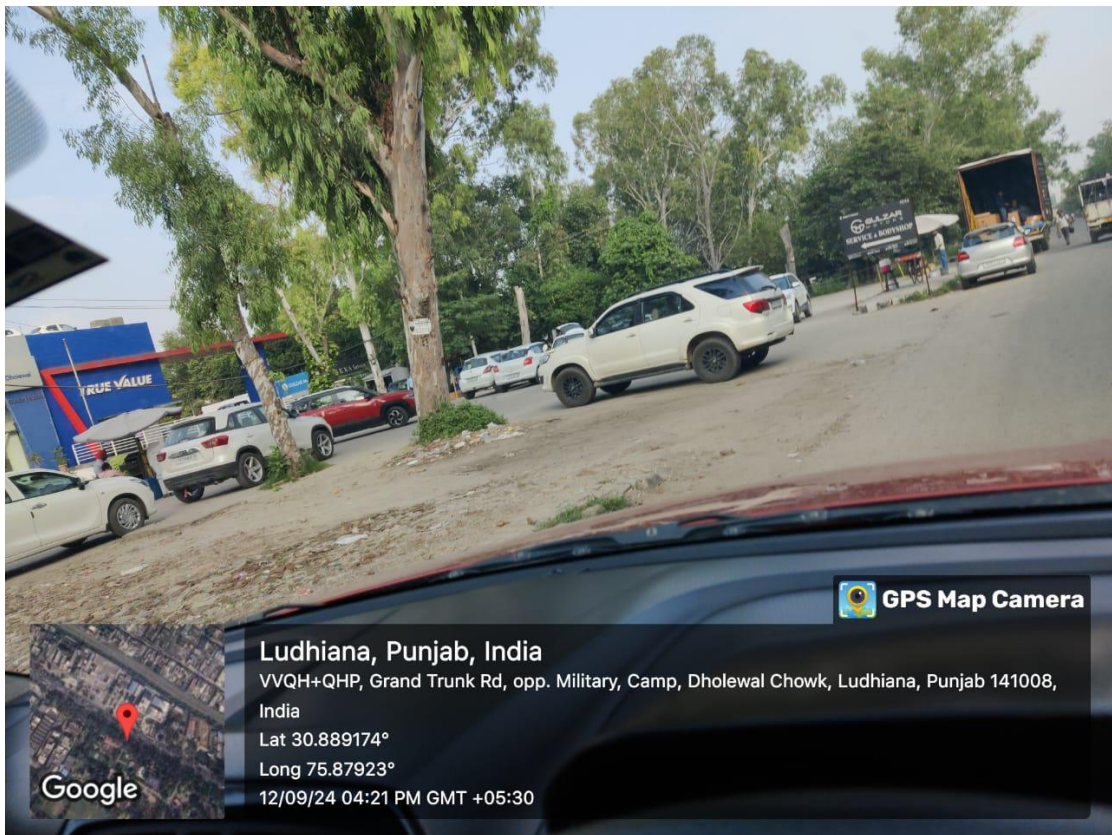
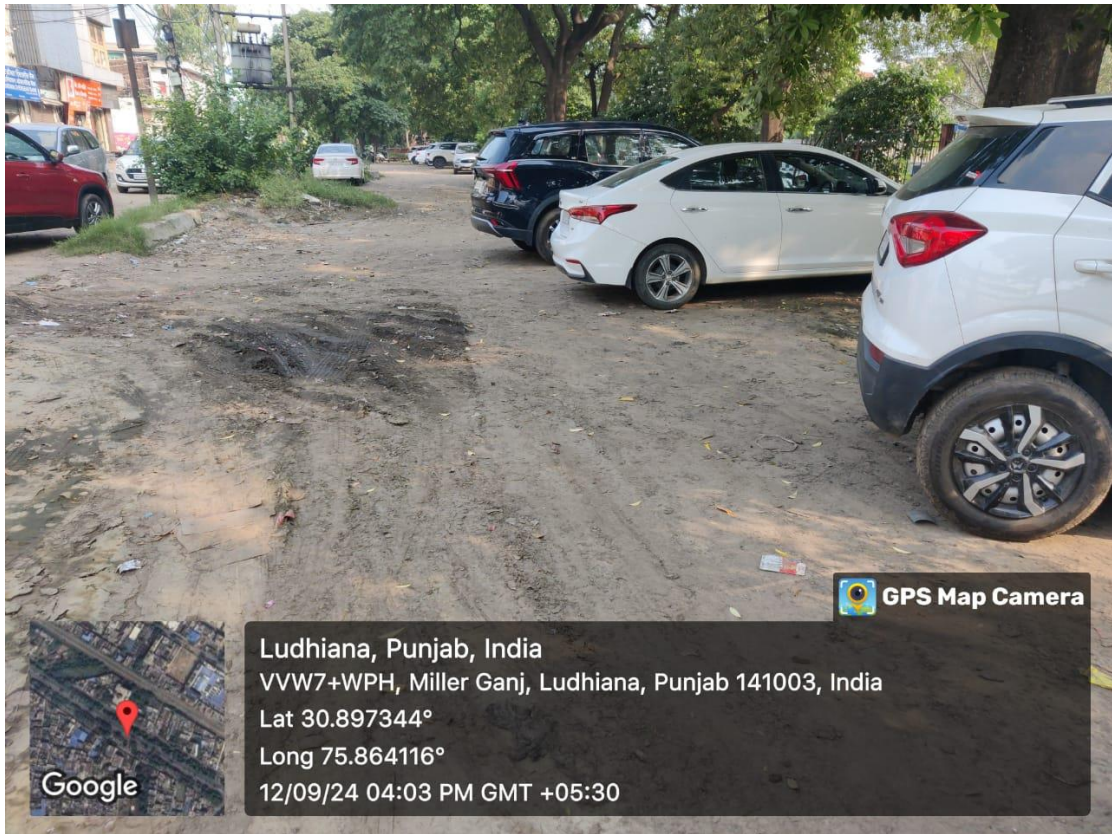




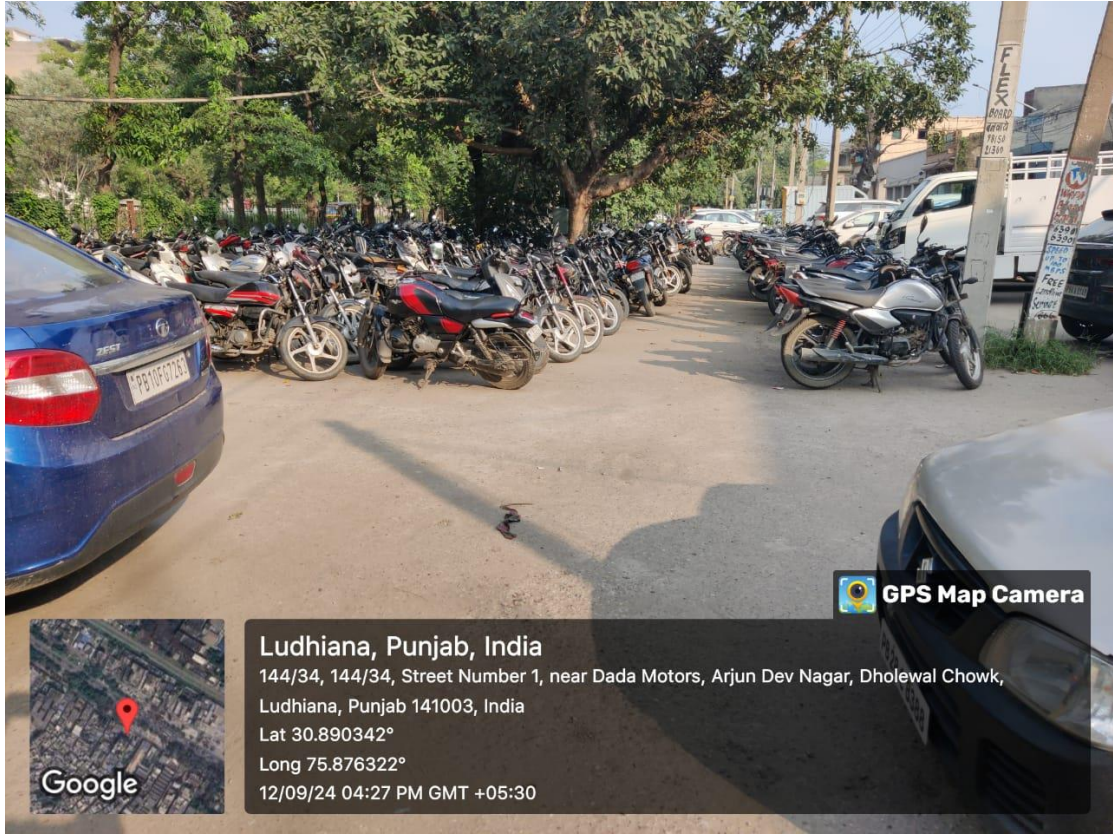
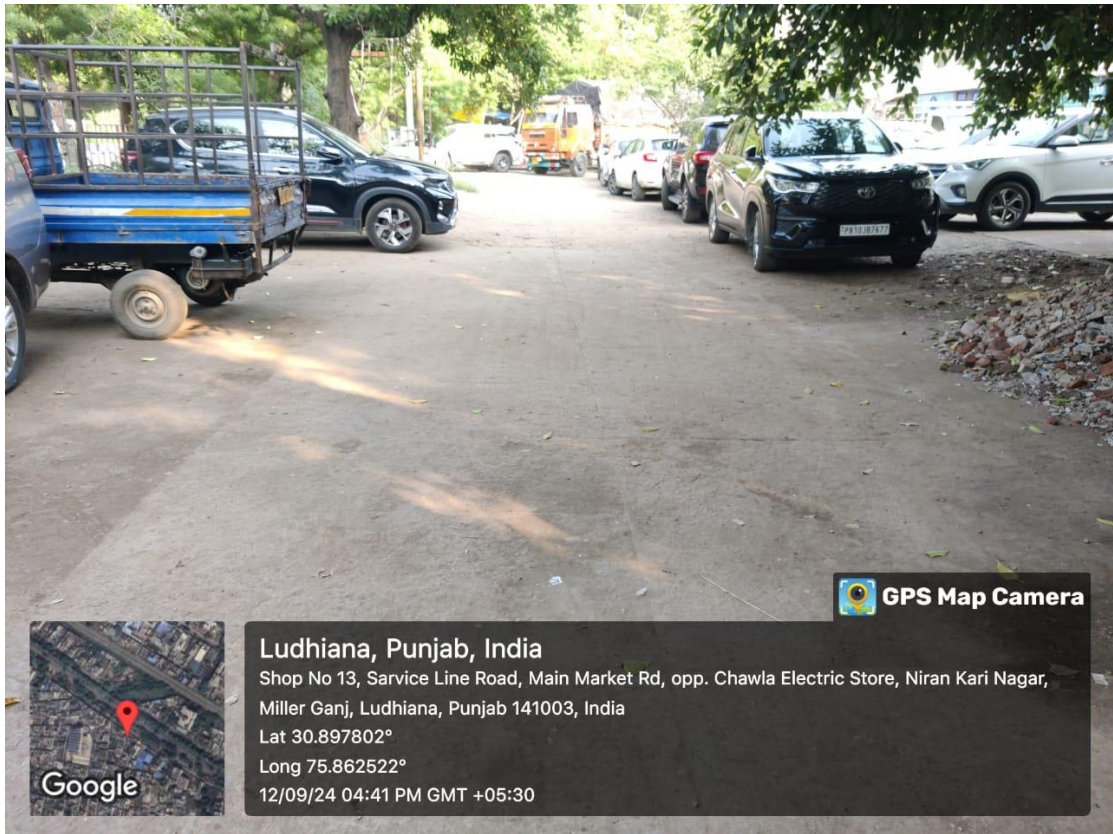


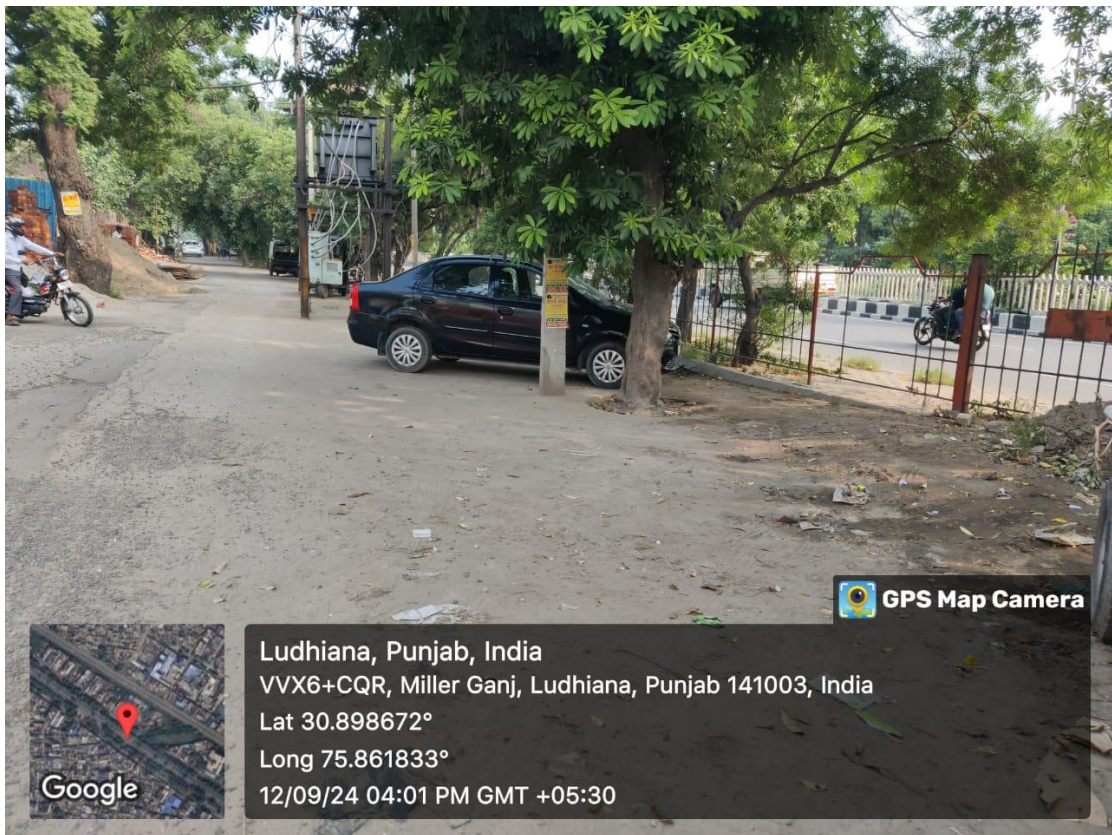
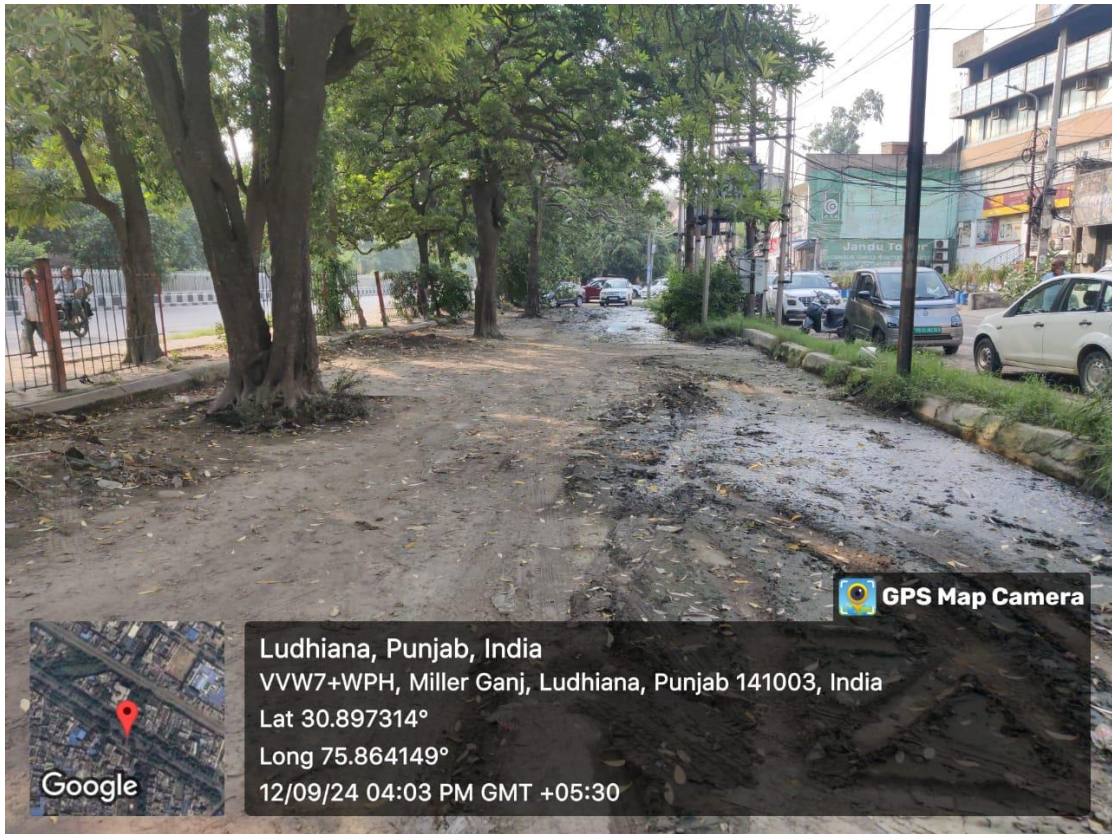


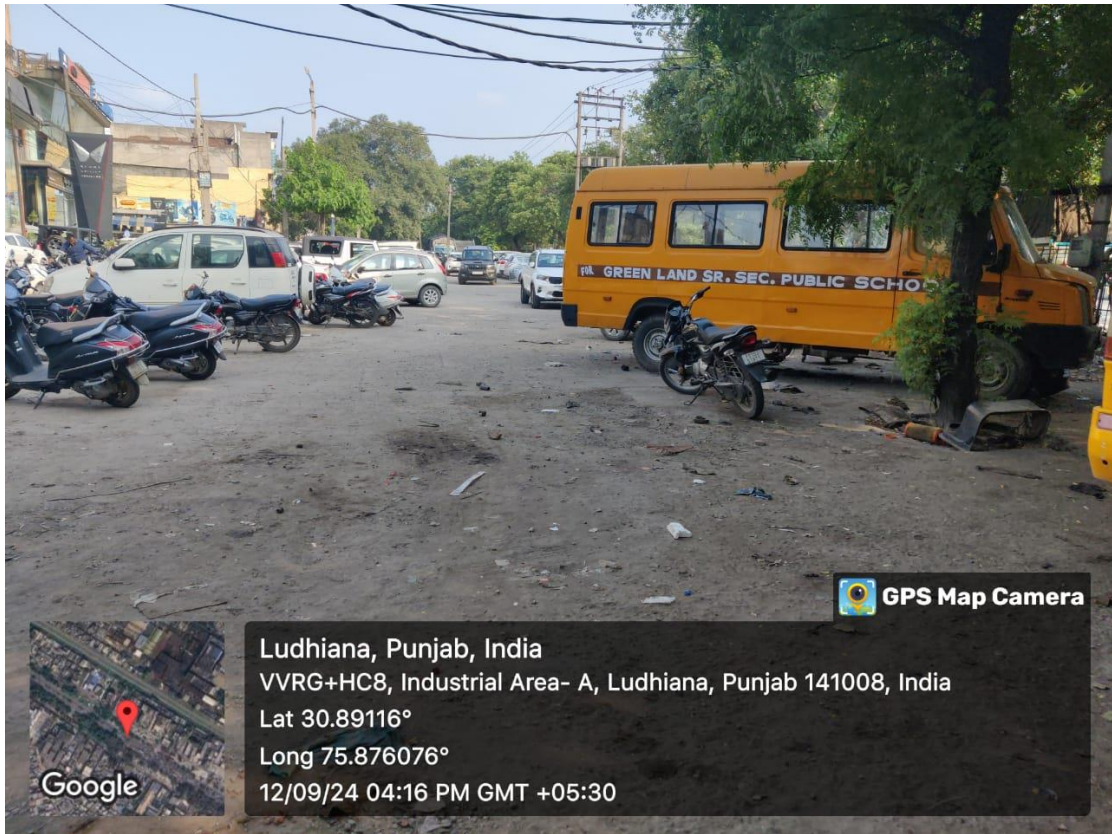


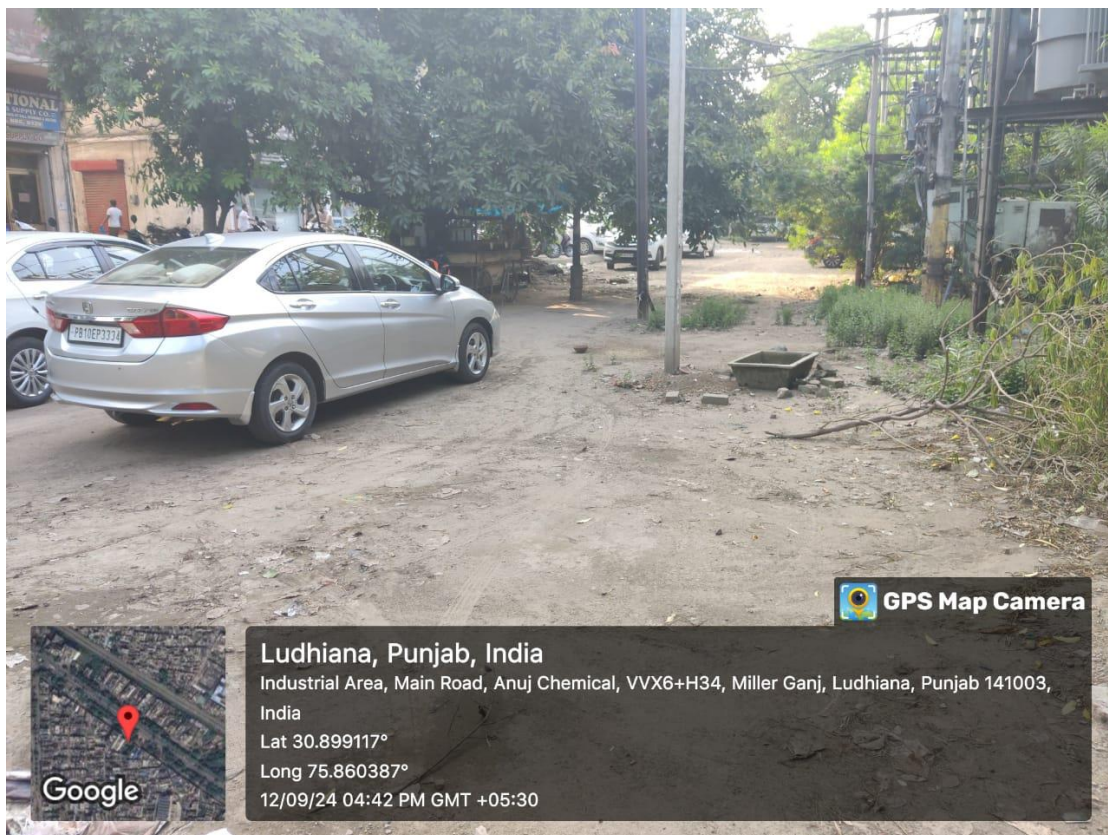
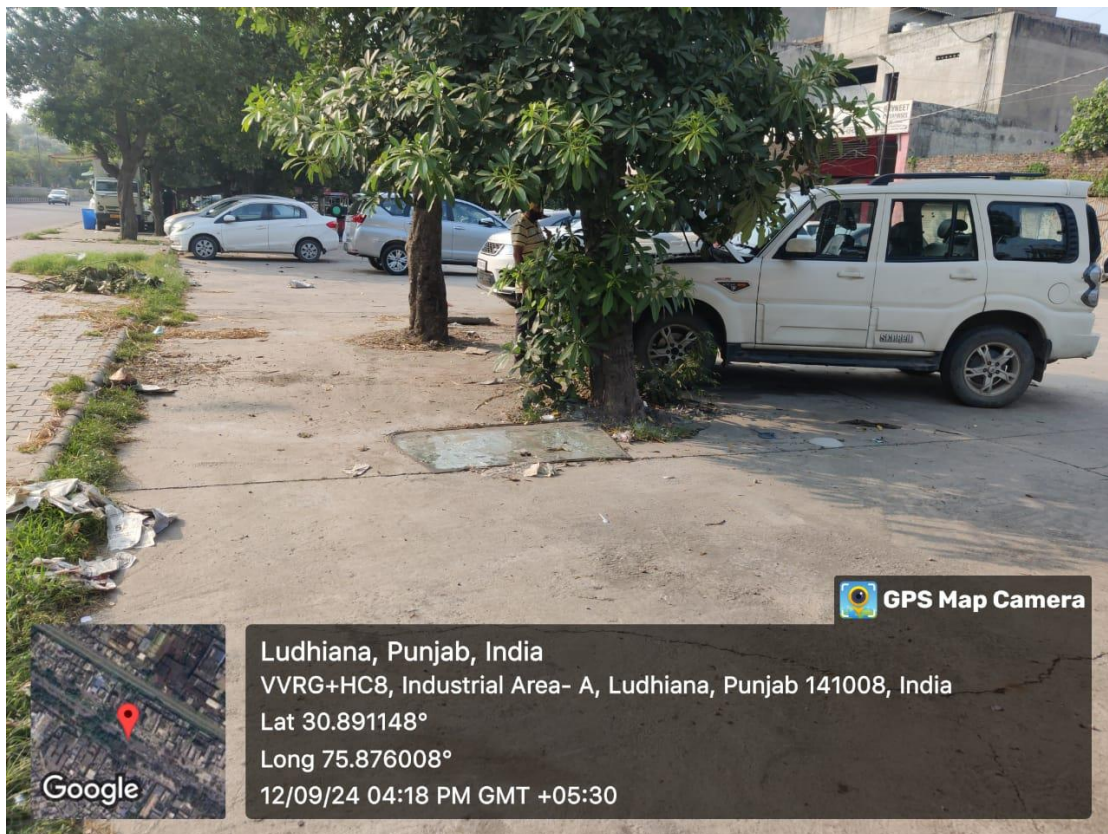


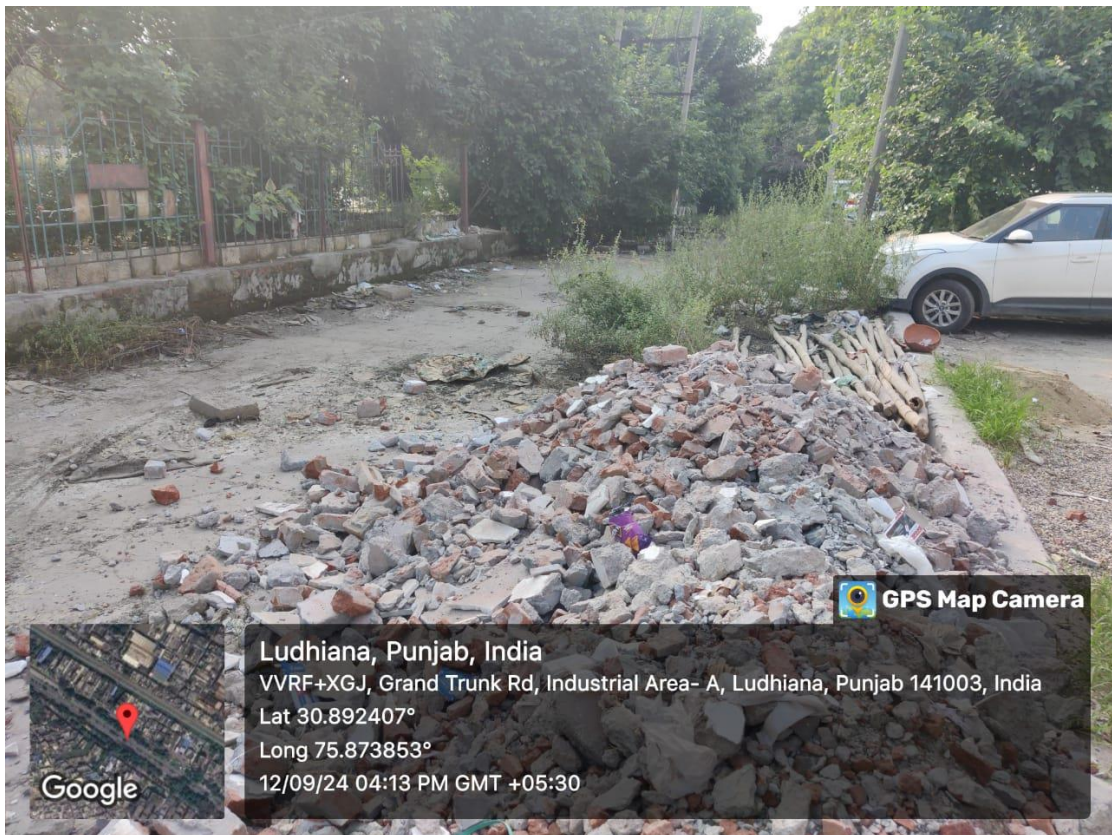
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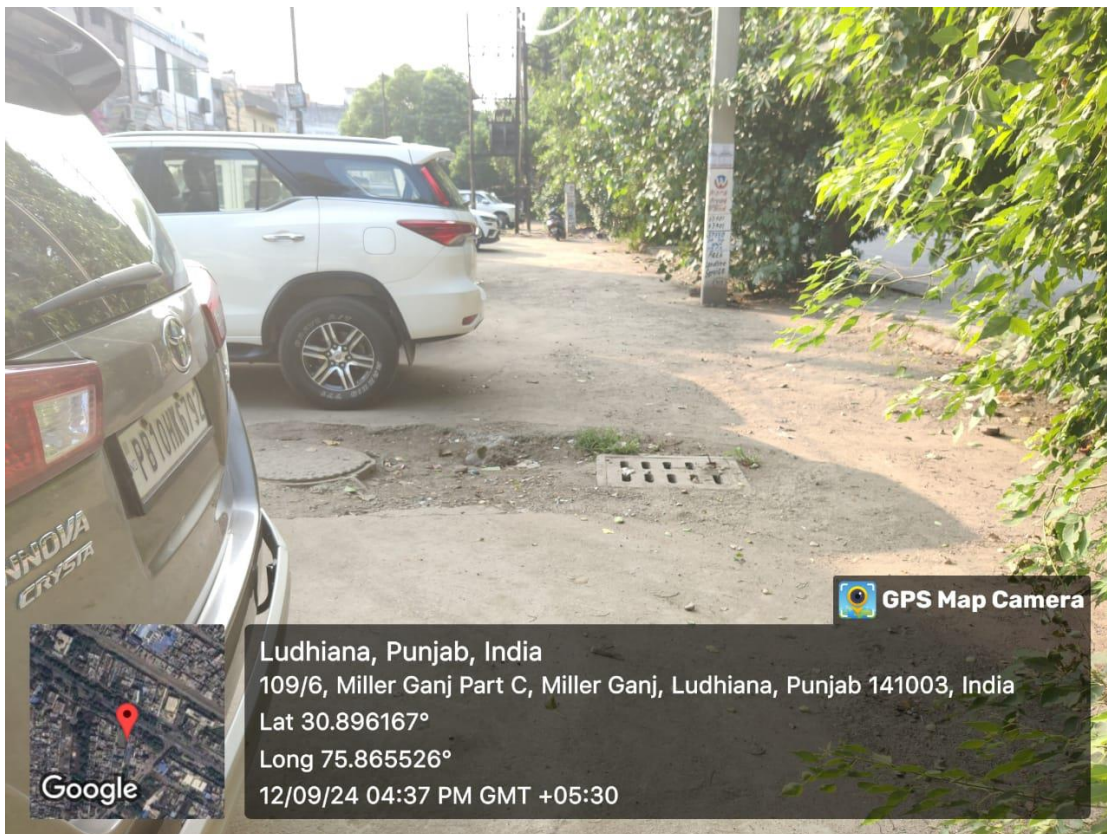


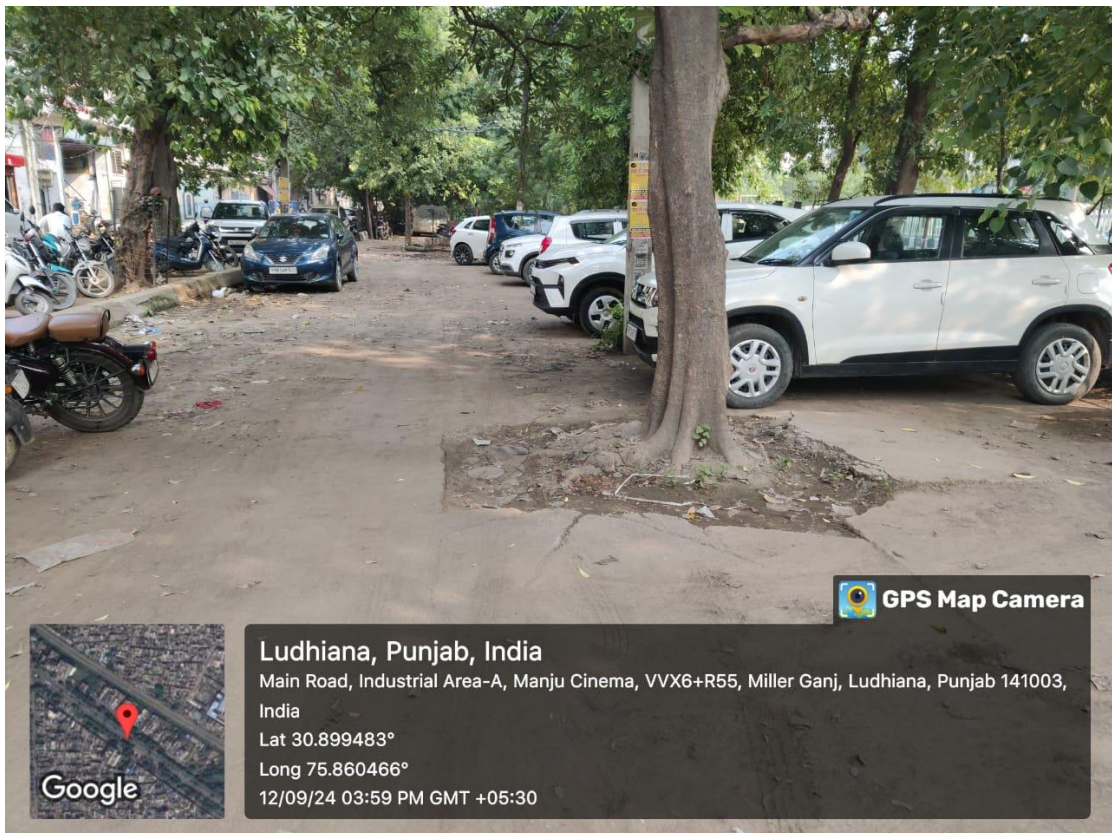


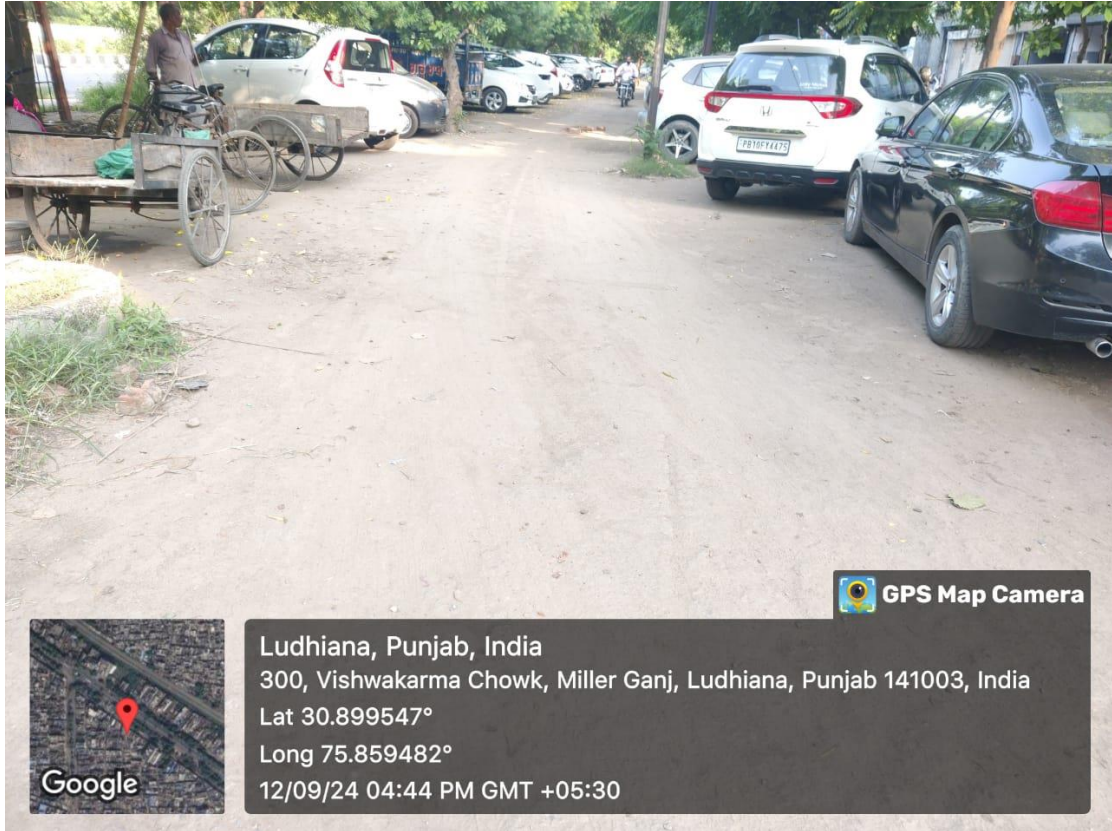
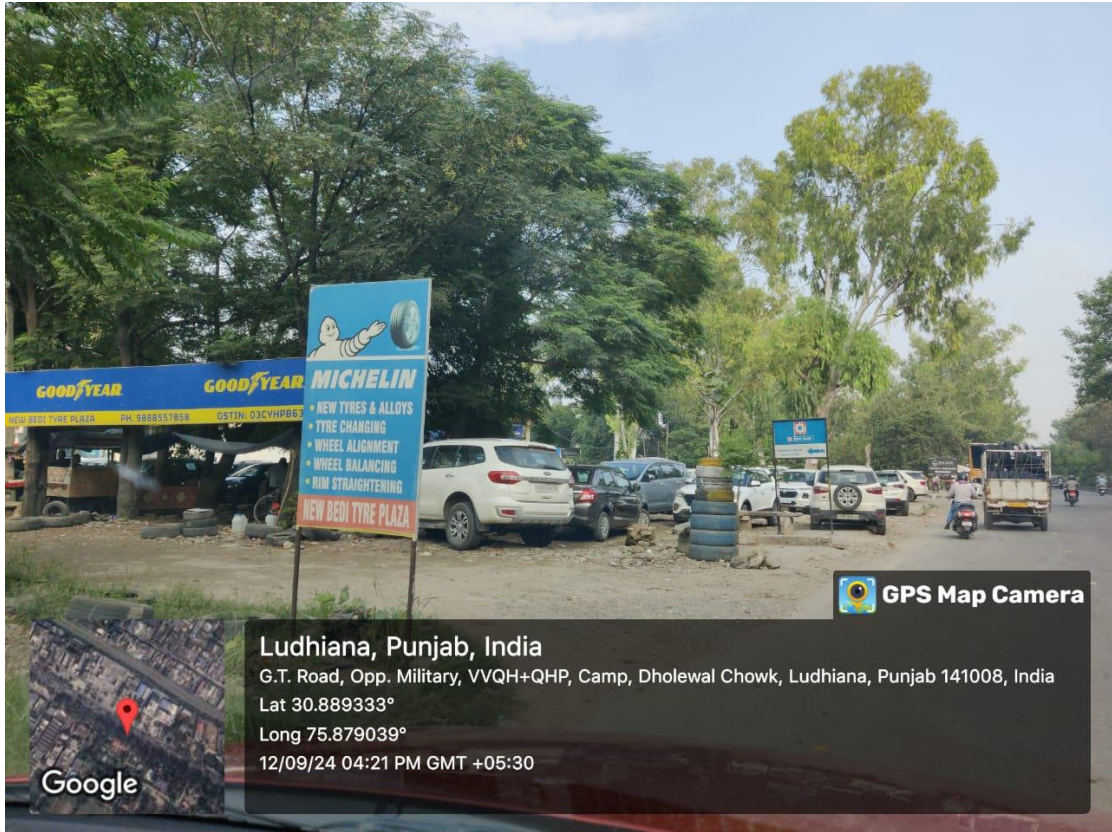


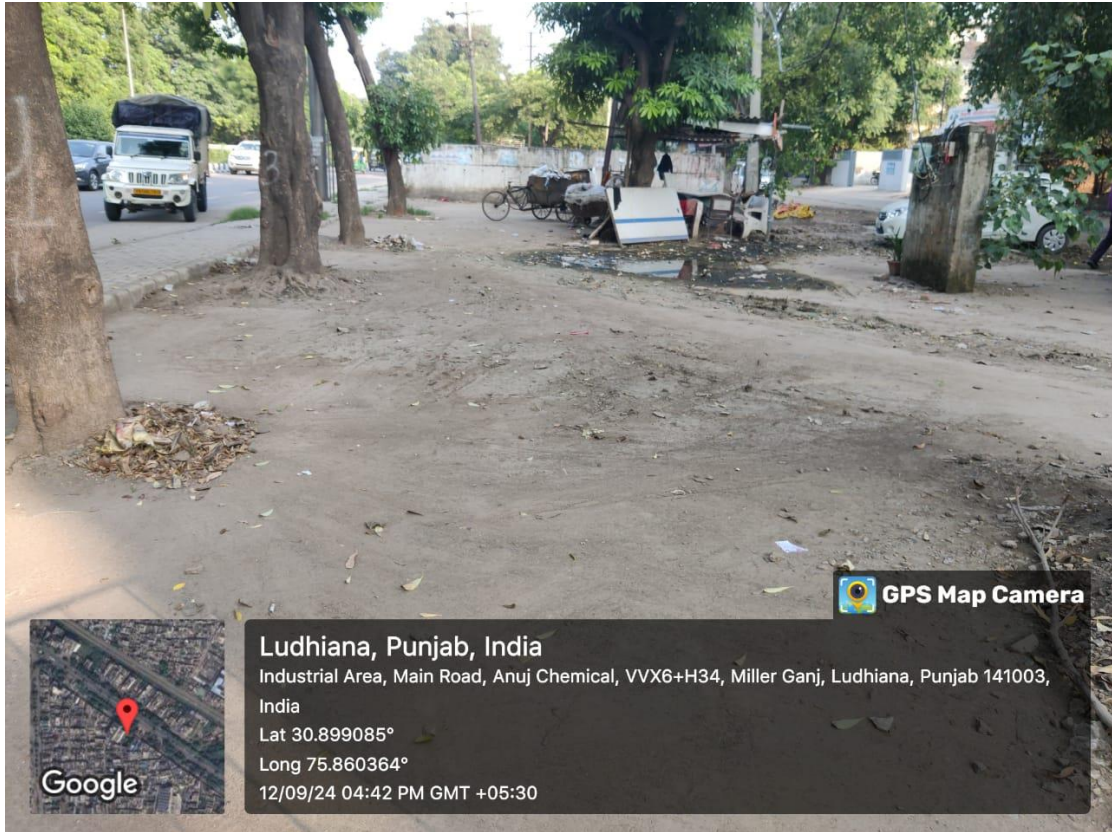


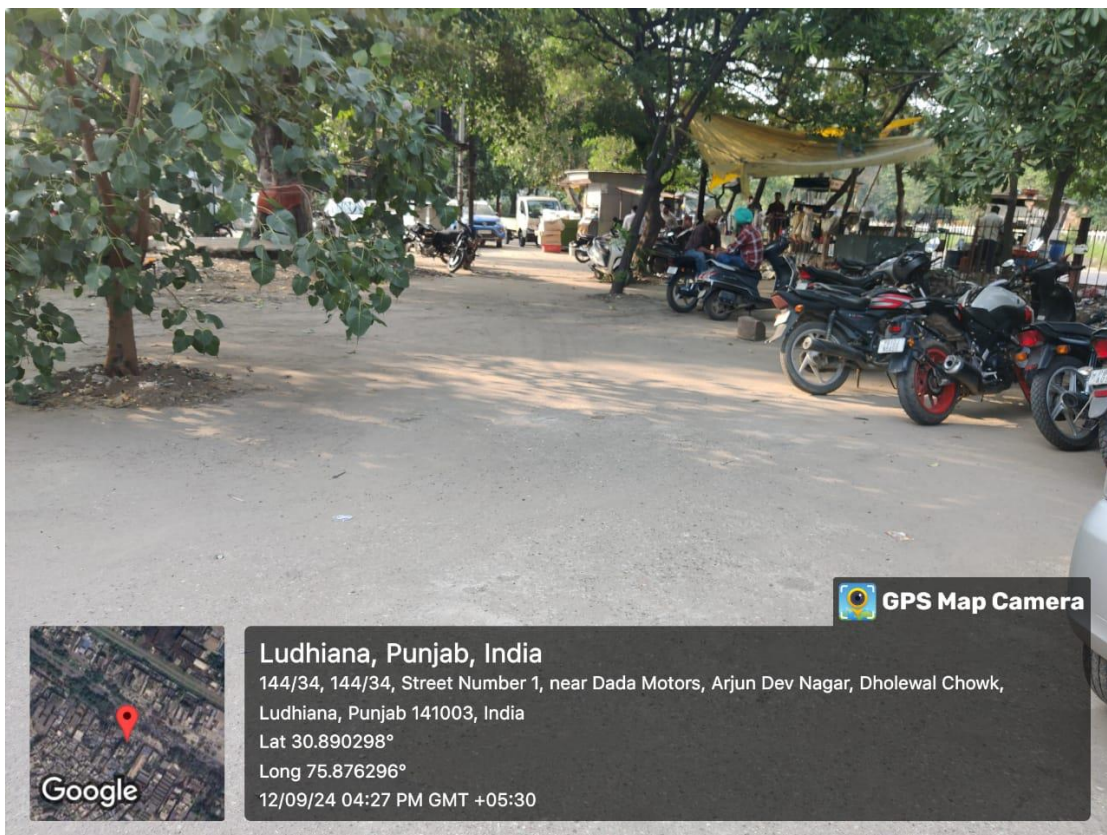












**ANNEXURE PX-5** DEPICTING FELLING OF TREE DUE TO WEAK ROOTS DUE TO CONCERTISATION DONE AROUND IT AT IMPUGNED GREENBELT AREA DEVELOPED ALONG OLD G.T. ROAD AS A RESULT OF ILL-MAINTAINED BY MCL



**ANNEXURE PX-6 : SOLID INTERLOCKING TILED FIXED BY RESPONDENT SCHOOL IN GREENBELT AREA**

