



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CWP-PIL-187-2024 ( O&M )

Reserved on : 13.05.2026

Pronounced on : 29.05.2026

Uploaded on : 29.05.2026

Jagwant Singh Bath and others

.....Petitioners

Versus

Union of India and others

.....Respondents

*Whether any operative part of the judgment is  
pronounced or the full judgment is pronounced : full judgment*

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Ms. Tanu Bedi, Advocate (arguing counsel) with  
Mr. Balvinder Sangwan and Mr. Krishna Maurya, Advocates,  
for the petitioners.

Mr. Amit Jhanji, Senior Advocate/Senior Standing Counsel,  
U.T. Chandigarh (arguing counsel) with  
Ms. Shubreet Kaur Saron, Addl. Standing Counsel, and  
Dr. Eliza Gupta, Advocate,  
for respondent – U.T. Chandigarh.

Mr. Dheeraj Jain, Senior Advocate/Senior Panel Counsel  
(arguing counsel) with  
Mr. Himanshu Bindal, Advocate,  
for respondent – UOI.

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**SHEEL NAGU, CHIEF JUSTICE**

1. This petition invoking the writ as well as supervisory jurisdiction of this Court under Article 226 read with Article 227 of the Constitution of India essentially assails the decision of respondents No.3 and 4, to undertake



the exercise of construction of signal free corridor in the shape of Flyover, Rotary and Underpass at Tribune Chowk on NH 05 on Dakshin Marg within Union Territory, Chandigarh, or any other place in Chandigarh.

1.1 The ground taken in support of the said challenge is that the construction of Flyover is in direct violation of Chandigarh Master Plan – 2031 (for brevity, ‘CMP - 2031’) (Annexure P-29).

1.2 Pertinently, this case was heard and reserved for passing a final order on 13.05.2026. During the closure of arguments, learned counsel for the petitioners prayed for interim relief to the extent of staying the cutting of trees for the purpose of construction of Flyover. Accordingly, this Court on 15.05.2026 restrained the respondents from felling or lopping any mango tree or any other tree in the vicinity of the Tribune Chowk, which interim continues to subsist till date.

2. Since respondents No.3 to 5 have taken a preliminary objection as to the maintainability of this petition by invoking doctrine of *res judicata*, this Court deems it appropriate to deal with the said objection at the very outset.

2.1 To adjudicate the aforesaid preliminary objection, this Court delineates the factual matrix in chronological manner as follows :-

<u>Date</u>	<u>Event</u>
26.03.2019	CWP-PIL-60-2019, titled “The Run Club through its Authorized Signatory Vs. Chandigarh Administration UT Chandigarh and others”, was filed, raising the issue of management of solid waste in terms of Solid Waste Management Rules, 2016, qua waste dumping yard at Dadu Majra; and also seeking ban on plastic bags and burning of dry/fallen leaves and burning of garbage.



- 20.11.2019 In CWP-PIL-60-2019, CM-81-CWPIL-2019 was filed, bringing to the notice of the Court that 472 trees were being axed and 43 were being re-located for construction of proposed Flyover at Tribune Chowk. This impelled the Co-ordinate Bench to stay cutting of trees for construction of Flyover at Tribune Chowk until further orders.
- 28.11.2019 CWP-PIL-248-2019 was filed by the present petitioners, challenging Notice Inviting Tenders for construction of Flyover, Rotary and Underpass at Tribune Chowk.
- 02.12.2019 Learned counsel for the petitioners sought permission to withdraw CWP-PIL-248-2019 with liberty to approach the respondent authorities, including a Committee constituted by this Court vide order dated 20.11.2019 passed in CM-81-CWPIL-2019 in CWP-PIL-60-2019. The respondents were to look into the grievance of the petitioners in terms of the order dated 20.11.2019 passed by this Court. Accordingly, CWP-PIL-248-2019 was dismissed as withdrawn with liberty to the petitioners to take up fresh proceedings in case cause of action survives or arises.
- 23.12.2019 The petitioners submitted representation pursuant to  
(Annexure P-17) interlocutory order dated 20.11.2019 passed in CM-81-CWPIL-2019 in CWP-PIL-60-2019, for affording them hearing, to oppose the construction of proposed Flyover.
- 06.02.2020 A detailed representation was made by the petitioners to  
(Annexure P-18) Advisor to the Administrator, UT Chandigarh, emphasizing that construction of Flyover is against the principles behind CMP – 2031.
- 10.09.2020 COCP-1620-2020, titled as “Chandra Prakash and another  
(Annexure P-19) Vs. Manoj Parida and others”, filed by persons aggrieved by non-execution of the interlocutory order dated 20.11.2019 passed in CM-81-CWPIL-2019 was dismissed as withdrawn, since the meeting, contemplated in order dated 20.11.2019, was scheduled for 10.09.2020 itself, for



affording opportunity of hearing to the petitioners in COCP-1620-2020.

- September, 2020  
(Annexure P-20) The petitioners were constrained to represent to the Superintending Engineer, Construction Circle – II, UT Administration, seeking written response to their representation dated 06.02.2020.
- 10.09.2020  
(Annexure P-21) Minutes of Meeting presided over by the Chief Engineer-cum-Special Secretary Engineer, UT Administration, was held, wherein the petitioners were present and objected to the proposed Flyover at Tribune Chowk. However, the objections of the petitioners were rejected on the sole ground of dire need of de-congestion of traffic issue at Tribune Chowk.
- Annexure P-22 Three representations were made objecting to the unlawful rejection of the petitioners' genuine request against the proposed construction of Flyover.
- 28.12.2020  
(Annexure P-24) The Chief Architect, Department of Urban Planning, Chandigarh Administration, wrote to the Chief Engineer-cum-Special Secretary (Engg.), UT Chandigarh, that CMP – 2031 does not approve construction of bridges/flyovers in the entire city of Chandigarh due to heritage considerations, since they impact the visual city space, and cause inconvenience to the Not Motorized Vehicles (NMV) and pedestrians. In this background, the Department of Urban Planning refuted that any such proposal or its concurrence was sought and, therefore, none was conveyed. Thus, request was made for correcting the memo dated 25.04.2020 and 14.05.2019 of the office of Chief Architect, Department of Urban Planning, Chandigarh Administration.
- The Chief Architect, Department of Urban Planning, Chandigarh Administration objected to the concurrence of the Department of Urban Planning in meeting dated



10.09.2020, which mentioned “As such there is no violation of Master Plan and also appropriate action will be initiated by the Deptt. of Urban Planning for making necessary amendments in the Master Plan, if necessary”. In this view of the matter, the Department of Urban Planning apprised the Chief Engineer-cum-Special Secretary (Engg.) Chandigarh Administration to correct the said minutes of meeting, as no such formal approval/concurrence was conveyed for the proposed construction of Flyover.

In sum and substance, the Urban Planning Department of U.T. Administration was not even consulted by Engineering Department before deciding to construct Flyover.

- 30.04.2024 Stay granted on 20.11.2019 in CWP-PIL-60-2019 was vacated by the Co-ordinate Bench.
- 12.08.2024 Present petition (CWP-PIL-187-2024) was filed, praying for issuing direction to UT Administration not to construct signal free corridor in the shape of Flyover, Rotary and Underpass at Tribune Chowk on NH 05, for being in violation of CMP - 2031, besides seeking some ancillary prayers.
- 14.10.2024 When CWP-PIL-60-2019 was taken up along with CWP-13932-2016, titled “Dipti Singh Vs. UT of Chandigarh Administration and others”, this Court noticed that the interim order passed on 20.11.2019 was vacated by a Co-ordinate Bench on 30.04.2024. Thereafter, this Court directed the UT Administration to proceed with construction of flyover expeditiously.
- 02.12.2024 CWP-PIL-60-2019 was disposed of for want of prosecution, as submitted by learned counsel for the petitioner therein and while disposing of the petition, this Court observed that the interlocutory order passed on



14.10.2024 (permitting the Chandigarh Administration to proceed with construction of flyover) pales into insignificance, meaning thereby that the said direction became otiose, rendering it ineffective.

3. Thus, from the aforesaid factual matrix, which is detailed in chronological order, it is obvious that the first petition, i.e. CWP-PIL-60-2019 was filed essentially raising the issue of non-compliance of Solid Waste Management Rules, 2016, aggrieved by creation of waste dumping yard at Dadu Majra; and seeking ban on plastic bags and burning of dry/fallen leaves and burning of garbage in Chandigarh. While CWP-PIL-60-2019 was pending, CM-81-CWPIL-2019 was filed bringing to the notice of the Court that 472 trees were proposed to be axed and 43 to be re-located for construction of Flyover at Tribune Chowk. This led to the petitioners filing CWP-PIL-248-2019 on 28.11.2019, challenging Notice Inviting Tenders for construction of Flyover, Rotary and Underpass at Tribune Chowk. However, since on 20.11.2019, by way of interlocutory order passed in CM-81-CWPIL-2019, this Court directed the respondents to afford an opportunity of being heard to the petitioners before the Committee to look into the objections raised in respect of proposed construction of Flyover, Rotary and Underpass at Tribune Chowk, the petitioners in CWP-PIL-248-2019 withdrew the petition with liberty to take up fresh proceedings in case cause of action survives or arises. Thereafter, the stay of cutting of trees for construction of Flyover at Tribune Chowk granted on 20.11.2019 was vacated on 30.04.2024. In the meanwhile, on 12.08.2024, present PIL (CWP-PIL-187-2024) was filed praying for a restraint order on the UT Administration to construct signal free corridor in the shape of Flyover, Rotary and Underpass at Tribune Chowk on NH 05 on the ground of



the same being in violation of CMP – 2031. Lastly, on 02.12.2024, CWP-PIL-60-2019 was disposed of for want of prosecution, as learned counsel for the petitioners pleaded no instructions and this Court observed that the interlocutory order dated 14.10.2024 permitting the Chandigarh Administration to proceed with construction of Flyover pales into insignificance. Meaning thereby, that the same became ineffective and inoperative.

3.1 As such, as on today, except the instant PIL, no other petition is pending on the subject matter of challenge to construction of Flyover at Tribune Chowk. In the given facts and circumstances, we do not see any obstacle in adjudicating the cause raised in this PIL on merits, especially when the issue of construction of Flyover at Tribune Chowk was never adjudicated in any earlier litigation. It is pertinent to point out that in CWP-PIL-60-2019, which was ultimately withdrawn on 02.12.2024, the interim order of restraining cutting of trees for construction of Flyover at Tribune Chowk which was vacated on 30.04.2024, was though passed, but the same remained interlocutory in nature, having any precedential value and thus not blocking the path of this Court to finally adjudicate the issue on merits.

4. The aforesaid factual matrix reveals that in CWP-PIL-60-2019, CM-81-CWPIL-2019 was filed raising the public cause of 472 trees being axed and 43 being re-located, without challenging the decision of construction of Flyover. A few days thereafter, CWP-PIL248-2019 was filed raising the public cause against the Notice Inviting Tenders for construction of Flyover at Tribune Chowk. Since an interlocutory order had been passed in CWP-PIL-60-2019 on 20.11.2019, whereby the respondents were directed to look into



the grievance of the petitioner, the petitioners withdrew CWP-PIL-248-2019 on 02.12.2019 with liberty to take up fresh proceedings in case cause of action survives. Thereafter, representations were made to the respondents, in which hearing was afforded to petitioners in the present petition but to no avail. Subsequently, the stay order granted on 20.11.2019 in CWP-PIL-60-2019 was vacated on 30.04.2024 by the Co-ordinate Bench. Thus, the obstacle of *res judicata* does not come in way of the petitioners.

4.1 Thus, objection as to maintainability of this petition, raised by the respondent, is rejected.

5. The only ground, which appears to be worth adjudicating in the present case, is that of construction of Flyover, being in violation of CMP - 2031. So far as challenge to the Underpass is concerned, the same stands repelled in view of CMP - 2031 permitting Underpasses at the round-about junctions all over Chandigarh. Thus, we proceed to decide the aforesaid challenge to the Flyover proposed to be constructed at Tribune Chowk on Dakshin Marg.

6. A brief history of CMP – 2031 is required to be delineated as under :-

#### Tracking the historical background of Chandigarh

6.1 A team of architects led by American Planner Albert Mayer and architect Mathew Nowicki prepared the original Master Plan for the city of Chandigarh in March, 1948, which was fan shaped. Curvilinear roads defined the circulation pattern punctured by green belts. However, due to sudden demise of architect Mathew Nowicki in air crash, second team of architects led by Le Corbusier (also called Charles Edouard Jeanneret), Pierre Jeanneret,



Jane B Drew and Maxell Fry took over. Le Corbusier designed the iconic city of Chandigarh, fulfilling not just a utopian agenda, but reflecting concepts of 'modernism', the movement that arose in Europe but took root in India. His concept about city of Chandigarh was reflected in human form, comprising head, lungs, heart and limbs, representing site, climate, culture and tradition. The original plan was divided into a grid of 30 Sectors with the Capitol Complex as well as the Civic Centre its focal points. The first phase was designed for a population of 1,50,000 in low rise plotted development. Phase two from Sector 31 to 47 was targeted for accommodating a population of 3,50,000 with 4-storeyed apartments for government employees and increased ratio of smaller plots/lesser open areas/nearly four times in density.

6.2 In 1952, an 8 km radius agricultural belt in the periphery of Chandigarh through the Periphery Control Act, 1952, was created with the object of preventing unregulated development around the Master Plan. In 1962, with the establishment of Army Cantonment, Air Force Station and the township of Hindustan Machine Tools (HMT), the Periphery Control Area radius was extended from 8 km to 16 km. In 1966, reorganisation of the State of Punjab took place, which was divided into the present State of Punjab and State of Haryana, with Chandigarh as the Capital of both the States. Thus, Union Territory of Chandigarh was created in 70 square km as Capital City with 26 adjoining villages in 44 square km. Out of 1315 square km extended periphery, 1021 square km of the Periphery Control Area went to Punjab, 295 square km to Haryana and remaining area of 114 square km forming the UT of Chandigarh with the Capital City for all its present and future needs.



6.3 From the aforesaid, it is obvious that out of the total area of 1315 square km, Chandigarh city got just 3% of the land of original periphery.

6.4 Post 1966, townships of Mohali of Punjab covering 5500 acres and Panchkula in Haryana covering 5000 acres were established. These townships resulted in pressures exerted by unrestricted and unplanned development process, followed by unregulated growth.

6.5 In 1975, a high powered Co-ordination Committee was constituted by the Government of India, to resolve the pressing issue pertaining to development around Chandigarh and to suggest measures for not compromising the original intent of the Chandigarh Plan.

6.6 In 1977, Regional Plan for Chandigarh's immediate region, namely Chandigarh Urban Complex (CUC), was prepared, covering 330 square km. It comprised of Chandigarh U.T., parts of Mohali and its adjoining 27 villages as well as parts of Panchkula and its 23 villages.

6.7 The CUC Plan declared the north of the Capitol Complex as 'No Development Zone'. In 1984, the CUC Plan was reviewed, resulting into preparation of a new Interstate Regional Plan 2001 to cater to a population of 25 lakhs distributed in seven categories of settlements. The Plan revived the 16 km belt of the periphery, assigned 50% population to Chandigarh UT and the remaining to the periphery areas in Punjab and Haryana.

6.8 In 1999, Chandigarh Interstate Metropolitan Regional Plan was prepared, which enlarged the territory of the Plan to 50 km radius periphery control area incorporating Chandigarh UT and ten Tehsils from Punjab, Haryana and Himachal Pradesh. Pertinently, no approval was accorded to this Plan.



6.9 In 2008, GMADA Regional Plan 2056 was notified by Punjab Government, which *inter alia* declared the area north of Chandigarh and abutting the Capitol Complex created by Le Corbusier and consisting of village settlements Naya Gaon and Kansal as a Nagar Panchayat.

6.10 In a similar manner, Haryana Government planned five settlements. Of these, Panchkula and Panchkula Extension-1 across river Ghaggar stand fully developed. Panchkula Extension – 2, Shree Mata Mansa Devi Complex (MMDC) comprising of 1550 acres, close to Sukhna Lake and Kalka – Pinjore Urban Complex were developed.

7. From the aforesaid historical background, it is obvious and palpable that due to pressure of development over the areas around Chandigarh town, there was limited opportunity for Chandigarh to achieve its mission of a Plan commensurate with the ‘Edict of Chandigarh’ and principles laid down by Le Corbusier.

8. In 2009, an Expert Committee for preparation of CMP - 2031 for UT Chandigarh, comprising of 11 members, was constituted, which was later expanded in May, 2010. Some of the issues deliberated by the said Committee were as follows :-

- (i) Preservation of original concept of the plan;
- (ii) Maintaining the basic character of the town;
- (iii) Preserving ecology and environment;
- (iv) Heritage status of the city;
- (v) Protecting the Sukhna Wild Life Sanctuary;
- (vi) Protecting the catchment area of Sukhna Lake;
- (vii) Promoting sustainable urban development;



- (viii) Ongoing development projects;
- (ix) Available vacant land;
- (x) Growth and development of villages falling within and outside the sectoral grid;
- (xi) Informal residential and commercial sector;
- (xii) Developments in the neighbouring towns; and
- (xiii) Future needs of growth and development of the city.

8.1 The Committee further took into account report of the Expert Heritage Committee. Some of the basic postulates for planning, considered by the Committee and relevant to the issue involved herein, are mentioned below:-

- (a) To make the city more green, more eco friendly, more people friendly, more walking and biking friendly. Mechanism of creating city forests shall be used for improving the micro environment and flora and fauna in the city; and
- (b) To give due regard to preserve the bountiful natural heritage of forests, wild life sanctuary, green spaces and water bodies within and around the city.

8.2 The Committee, which framed the CMP – 2031, considered some of the points of Chandigarh vision, which are as follows :

- (1) The city shall continue to facilitate, promote and enhance the capital functions for which it was originally designed;
- (2) The city shall continue to nourish itself through its green spaces and pedestrian friendly development encouraging the use of bicycle;



(3) Public transport shall be encouraged as preferred mode with the adoption of an appropriate 'City Mobility Plan' complementary to the CMP - 2031.

8.3 Some of the concepts statutorily laid down in CMP - 2031 are as follows :

(i) Chandigarh was planned as a Green City with abundance of open spaces ensuring that every dwelling has its adequate share of three elements of Sun, Space and Verdure (fresh, green colour of growing vegetation, or the lush plants and foliage themselves);

(ii) The concept of seven Vs :

V1 – Fast roads connecting Chandigarh to other towns;

V2 – Arterial roads;

V3 – Fast vehicular roads around the sectors;

V4 – Meandering shopping streets;

V5 – Sector circulation roads;

V6 – Access roads to houses;

V7 – Footpaths, cycle tracks

Buses will ply on V1, V2, V3 and V4 roads. A wall shall seal the V3 roads from the Sectors.

(iii) As regards roundabouts, CMP - 2031 stipulated that in order to continue to retain the roundabouts, the residents shall have to reduce use of personalized modes of transportation and instead adopt Mass Rapid Public Transport - Metro/Bus Rapid Transit System (BRTS) as well as Non Motorised Transport (NMT) system, which is being introduced in a big way in the city;

(iv) CMP - 2031 laid down that excessive pressure is exerted by construction activity and development on green heritage of



Chandigarh, especially the increased vehicular traffic, since Chandigarh has the highest ratio of per capita ownership of cars in the country;

- (v) Due to astronomical rise in the ownership of cars and shift from plotted development to group housing, multiple families inhabiting per plot – large number of open spaces between clusters have been encroached upon for parking of cars;
- (vi) Open/Green spaces in the city should be recognized as inviolable open spaces;
- (vii) An open space system of pedestrian greenways and nature walking systems which link existing and future open spaces, parks and forest areas should be developed;
- (viii) Twelve longitudinal Green Corridors have been proposed connecting the greens of the city in the North South direction which would offer diverse experiences as one moves across them;
- (ix) Chandigarh's road network is under intense pressure due to increase in population, explosive growth in the number of private vehicles which has increased the number of personalised vehicles, partly due to the absence of an efficient and reliable public transport system;
- (x) Road network capacity in CUC is adequate but major travel corridors, i.e. Madhya Marg, Udyog Path and Dakshin Marg (road on which proposed Tribune Flyover is being constructed), are beginning to become congested;
- (xi) Many junctions, particularly on Madhya Marg, Himalya Marg, Dakshin Marg, Jan Marg, Purv Marg, Udyog Path etc., have very high



approach traffic volumes and most of the junctions with rotaries have exceeded their capacity. With expected growth of traffic, the situation at these junctions is likely to deteriorate fast;

- (xii) Traffic surveys conducted by RITES (Rail India Technical and Economic Service) have shown that the maximum Vehicle Capacity Ratio in 2009 at Madhya Marg was 1.2, as against 0.8 qua Dakshin Marg;
- (xiii) One of the aims while establishing the city was reduction of dependency on cars with widespread use of non-motorised modes and Mass Rapid Transit System.

8.4 Some of the goals stipulated by CMP - 2031 were the least damage to environment, protection of green, clean and spacious township which does not buckle under pressure, sixty to seventy percent of total trips should be made by public transport, and safe bicycle lanes and Non Motorised Vehicle (NMV) facilities should be provided throughout the urban area.

8.5 Ring Road in the periphery of Chandigarh town was prescribed and it was stipulated in CMP - 2031 that in the absence of Ring Roads, the Chandigarh city roads, which provide the shortest travel distance between towns, are likely to be put under extreme pressure to the detriment of the city's environment and quality of life.

8.6 Comprehensive Mobility Plan for Chandigarh Urban Complex (CUC) including the Mass Rapid Transport System was preferred.

8.7 Several suggestions were given in CMP - 2031 to strengthen the public transport system. Non Motorised Vehicle system was again emphasized by stipulating that it is necessary for reducing the volume of traffic on the



roads and maintaining the quality of life for the city residents by giving priority to pedestrians and cyclists. Various proposals were made by CMP - 2031 to motivate people to adopt public transport. CMP - 2031 emphasised that there should be a major switch over to public transportation, adoption of cycle as a mode of transport and improved pedestrian infrastructure is to be ensured while on the other hand dependence on private vehicles has to be discouraged.

8.8 CMP - 2031 further emphasized that even the RUBs (Railway Under Bridges) should be designed with adequate provisions for the pedestrians and cyclists.

8.9 The RITES has proposed underpasses across the city, in view of the large traffic volumes, including at Tribune Chowk. It was also stipulated that while constructing underpasses, the right of way of pedestrians and cyclists should not be negatively impacted.

8.10 The most important and relevant to the issue herein is the following recommendation made in CMP - 2031 :

**Over bridges/flyovers are not recommended to be constructed in entire city of Chandigarh due to heritage considerations, since they impact the visual city scape, and cause inconvenience to the pedestrians.**

8.11 CMP - 2031 categorized Phase I as Sectors 1 to 30 occupying about 33.37% of the area of the grid. CMP - 2031 also stipulates that efforts should be made to retain the essence of the original Plan of the city and as such, the following is recommended :

- (1) Chandigarh shall remain an Administrative City.



- (2) Chandigarh shall retain the essential planning postulates of Sun, Space and Verdure (fresh, green colour of growing vegetation, or lush plants and foliage themselves).
- (3) Chandigarh shall be a Low-Rise city.
- (4) Chandigarh shall be a Green City.

All developments in areas surrounding Heritage Grade – I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade – I.

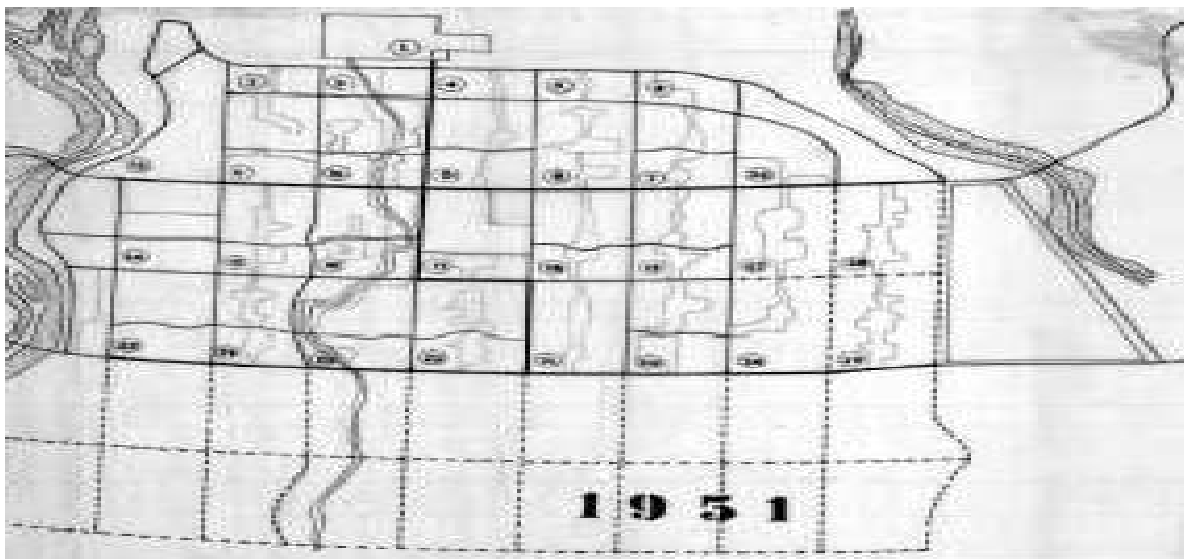
8.12 CMP – 2031 was notified on 23.04.2015 by invoking the powers u/s 4 (1) (f) of the Capital of Punjab (Development and Regulation) Act, 1952 and Sections 3, 4, 5 and 11 of Punjab New Capital (Periphery) Control Act, 1952 read with Article 239 of the Constitution of India and the General Clauses Act, 1857, after publishing a Draft Master Plan vide notification dated 11.07.2013, inviting objections/suggestions and deciding the same by a Board of Inquiry/Hearing.

8.13 CMP – 2031 has statutory colour for having been framed under the Capital of Punjab (Development and Regulation) Act, 1952 and Punjab New Capital (Periphery) Control Act, 1952 read with Article 239 of the Constitution of India. The contents of CMP – 2031 are, thus, mandatory in nature. Such a Master Plan, which is statutory in character can be changed or modified only by following the same procedure, which was followed during the time of its formation. Thus, CMP – 2031 is inviolable and every provision of the same is mandatory in nature.

9. Another argument raised by learned counsel for UT Administration that Dakshin Marg is not an integral part of Phase I (Heritage Sector comprising Sectors 1 to 30) needs to be dealt with.



9.1 If Chapter 3, titled “Master Plan Area” contained in CMP – 2031 is seen at page 27, then the first aerial diagram that was drawn, of the city of Chandigarh in 1951 contained 30 Sectors with Dakshin Marg forming the South - West boundary of Sectors 29, 30, 20, 21, 22, 23, 24 and 25. As such, Dakshin Marg is an integral part of Phase I comprising of Heritage Sectors (Sectors 1 to 30).



9.2 Once it is established that Dakshin Marg is integral to Phase I Heritage Area (comprising of Sectors 1 to 30), then no developmental activity therein can take place in violation of CMP – 2031.

9.3 Pertinently, at the cost of reiteration CMP – 2031 at page 307 provides thus : **Over bridges/flyovers are not recommended to be constructed in entire city of Chandigarh due to heritage considerations, since they impact the visual city scape, and cause inconvenience to the pedestrians.**

9.4 Since the respondents have not given us any material to arrive at a conclusion that the aforesaid recommendation against the building of over bridges/ flyovers has been amended/modified, we are persuaded to believe that this forms part of existing CMP – 2031. Therefore, any violation or deviation



from the said recommendation prohibiting over bridges/flyovers needs intervention of this Court.

9.5 Chandigarh is the last well-planned city of this country, which has its unique features embodied in the concepts created by its architect Le Corbusier and the same needs to be preserved and protected, especially the foundational concepts that the city was planned and built not for motorized vehicular traffic but for non-motorized vehicular traffic. Pedestrians and the cyclists were given preference over the motorised vehicular traffic. Increase in the number of motor vehicular traffic in Chandigarh is alarming, since it has the highest per capita motorised vehicular in the entire country. There are more number of motorised vehicles in Chandigarh than people residing in this city.

9.6 The tendency of humans is to create ways and means to have more and more comfort and luxury, even if the same is at the cost of plundering nature, which is the mother of humans. Humans should remember that we are creatures of nature and as such should not become the creator. The pristine environment in mind, with which Chandigarh city was planned and established, ought not to be forgotten. Sun, Space and Verdure (fresh, green colour of growing vegetation, or lush plants and foliage themselves), which are hallmark of this city, need to be protected and preserved at all costs.

9.6 The cost of preservation of pristine environment of Chandigarh comes at a very low cost. A little sacrifice by humans of their greed and lust. Reducing consumerism. Protecting instead of plundering environment. We hope and expect, rather pray to God, that concept of Sun, Space and Verdure would be preserved by the respondents, by not constructing the flyover at Tribune Chowk in violation of CMP – 2031.



9.7 At this stage, we make it clear that CMP – 2031 does not prohibit underpasses, which can always be resorted to by the Chandigarh Administration for easing the congestion of traffic at Tribune Chowk. We also hope and expect that public transport would be put to maximum use for commuters to travel from one place to another within the city of Chandigarh, thereby limiting and minimizing the use of personal motorised vehicles.

10. Consequently, this Court allows this petition to the following extent :

- (i) By a writ of prohibition, the Chandigarh Administration is restrained from proceeding ahead with construction of Flyover at Tribune Chowk, being in violation of the statutory CMP – 2031, where construction of Over bridges/Flyovers within Chandigarh is prohibited.
- (ii) However, Chandigarh Administration is at liberty to construct Underpass at Tribune Chowk, being permissible under the CMP – 2031 for de-congesting the traffic issue.
- (iii) UT Administration is also restrained by way of writ of prohibition from cutting any mango tree or any other tree standing in and around Tribune Chowk.
- (iv) This Court further directs the UT Administration to maintain the green, unique and heritage status of Chandigarh town, including Phase I comprising Sectors 1 to 30, including Dakshin Marg, which forms an integral part of Phase I (Sectors 1 to 30) (heritage Sectors).
- (v) UT Administration is further directed by a writ of mandamus to ensure and encourage the original ambience and character of the city



of Chandigarh by minimizing the personal motorized vehicular traffic and instead adopting public transportation.

(vi) No cost.

( SHEEL NAGU )  
CHIEF JUSTICE

( SANJIV BERRY )  
JUDGE

May 29, 2026

narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No