

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW-LC-CWP 2944/2016-

Dated: -

From: -

Engineer-in-Chief
H.P.PWD, Shimla-2

755075

21/2/17

To

All the Chief Engineer(s)
including National Highway.

All the Superintending Engineer(s)
including NH & excluding Electrical &
Mechanical circles.

Subject: -

CWP No. 2944/2016 titled Pankaj Vij Vs. State of HP
pertaining to illegal erection of hoardings of National
Highway & other Public Works Deptt. roads and
removal thereof if found erected against the rules.

Sir,

In the subject cited matter pertaining to illegal /objectionable hoardings erected against the guidelines framed by Public Works deptt./State during the year 2003, Hon'ble High court vide its order dated 29.11.2016 has been pleased to convert this writ petition into public interest litigation and impleaded Chief Secretary to the Govt. of HP, Addl. Chief Secretary (PW) to the Govt. of HP and Chief Engineer, (National Highway) as respondents and vide order dated 22.12.2016 has further fixed the hearing of this case for 15.03.2017 with direction to the Chief Secretary to the Govt. of HP to file status report w.r.t. removal of illegal objectionable hoardings on public roads including National Highway. Copies of detailed orders so passed by Hon'ble High Court on 29.11.2016 and order dated 22.12.2016 of this case for filing status report by Chief Secretary to the Govt. of HP by 15.03.2017 are enclosed herewith. Precisely in order dated 29.11.2016 in last para-16 to 19, the Hon'ble High Court has been pleased to direct as under:

16. In view of the aforesaid exposition of law, there can be no gainsaying that commercial gains and corporate interest cannot be placed at a higher pedestal than the concern for safety and security of the general public and the respondents are otherwise bound to comply with the directions passed by this Court from time to time in CWP No.1374 of 2006. Therefore, while treating this petition as 'Public Interest Litigation', we deem it proper to array the following additional parties in the array of respondents:-

- i) State of Himachal Pradesh through its Chief Secretary;
- ii) Secretary, - H.P.P.W.D., State of Himachal Pradesh;
- iii) Secretary, Panchayati Raj, State of Himachal Pradesh;
- iv) Chief Engineer, National Highways, HPPWD, Shimla, H.P.;
- v) Municipal Corporation, Shimla, through its Commissioner;
- vi) Municipal Corporation, Dharamshala, through its Commissioner.

17. The above parties shall now figure as respondents No.5 to 10 in the petition.

18. As an interim measure, we hereby direct all the respondents to ensure that all the hoardings not complying with the guidelines framed by the State (H.P.P.W.D.) or the Corporation, as the case may be, are removed and status report in this behalf vis-à-vis directions already passed by this Court on 27.08.2007 in Rajesh Kumar's case (supra) be filed by the Chief Secretary to the Government of Himachal Pradesh before the next date of hearing.

19. List on 22.12.2016, as already fixed."

You are, therefore, requested to kindly issue immediate necessary directions to the respective Executive Engineer(s) working under your jurisdiction to remove these illegal / objectionable hoardings so found erected against the 2003 guidelines framed by the Govt. of HP on this issue against erection of hoardings adjoining to or erected on acquired width of the public road which includes National Highway and other Public Works deptt. roads. For doing this weekly meetings be convened in your offices and its status be complied division wise, circle wise, zone wise which be supplied to this office positively by 06.03.2017 so that after complying zonal status of all zones including National Highway, it be further sent to Addl. Chief Secretary (PW) for its onward transmission to Chief Secretary to the Govt. of HP office for placing it before the Hon'ble High Court by 10.03.2017 positively being the matter already listed on actual date on 15.03.2017.

Being a strategic/sensitive/time bound Hon'ble High Court directions involving issue of public importance, it is hoped and trusted that personal intervention shall be immediately made by your offices so that no objectionable /illegal erected hoardings may remain on public road maintained by the State Public Works deptt.

Encls.: Copies of orders dt. 29.11.16
& 22.12.2016

Yours faithfully,

Engineer-in-Chief
HPPWD Shimla-2

Copy forwarded for favour of information and necessary action to:

1. The Addl. Chief Secretary (PW) to the Govt. of HP, Shimla.
2. Sh. Romesh Verma, Ld. Addl. Advocate General, State of HP.
3. Incharge (IT) with a request to upload this letter a/w orders of Hon'ble High Court on Departmental website and also email to all the Chief Engineer(s) including National Highway and all the Superintending Engineer(s) including both S.E.(s) of National Highway and excluding Electrical & Mechanical Circles.

Engineer-in-Chief
HPPWD Shimla-2