

FRIENDS OF VICTORIA MEMORIAL
V.
HOWRAH GANATANTRIK NAGARIK SAMITY & ORS.
(SLP (Civil) Nos. 1135-1136 of 2009)

SEPTEMBER 12, 2011

[R.V. Raveendran and A.K. Patnaik, JJ.]
[2011] 11 SCR 374

The order of the Court was delivered

ORDER

A. K. PATNAIK, J. 1. Delay condoned.

2. These Special Leave Petitions under Article 136 of the Constitution are directed against the orders dated 28.09.2007 and 15.02.2008 of the Division Bench of the Calcutta High Court in Writ Petition No.7987 (W) of 2002.

3. The facts very briefly are that during the British rule, Victoria Memorial Hall was built in the memory of Queen Victoria in Central Kolkata. After independence, this monument continues to be known for its beautiful architecture and green surroundings. To the north of the Victoria Memorial Hall is a huge stretch of land known as 'the Maidan' which is covered by green grass and interspersed with a large number of trees, bushes and shrubs. To protect and preserve the Victoria Memorial Hall and its green surroundings, a public interest litigation (Writ Petition No. 7987(W) of 2002) was filed in the Calcutta High Court by the respondent nos. 1 to 5.

4. After hearing all concerned parties and considering the petitions, affidavits and counter affidavits and the recommendations of expert bodies, the High Court, inter alia, directed in the impugned order dated 28.09.2007 that parking of all cars around the compound of the Victoria Memorial Hall shown as red-marked portions in the annexed map and nearby areas would be immediately prohibited and such prohibition would continue for 24 hours every day including the holidays. A group of persons describing itself as 'the Friends of Victoria Memorial' then filed an application before the High Court for modification of the aforesaid direction so as to permit morning walkers to park their cars in the north and south zones of Victoria Memorial Hall for two hours in the early morning. The High Court, however, dismissed the application by the impugned order dated 15.02.2008 saying that car parking has only been prohibited around Victoria Memorial Hall and persons desirous of morning walk may go to the Maidan which was lying vacant and may also walk by the side of Ganges or the Eden Garden area and the area

around the grounds of Mohun Bagan, East Bengal and Mohammedan Sporting Clubs where there was no restriction of parking the vehicles. Aggrieved, the petitioner has filed these Special Leave Petitions.

5. We have heard learned counsel for the parties and we find from the recommendations of the Expert Committee (annexed to the Special Leave Petitions as Annexure P1) that a Committee of Experts has observed that parking activities add to pollution load around the Victoria Memorial Hall and have accordingly recommended that the parking of vehicles on all sides of the Victoria Memorial Hall compound should be totally banned. The High Court appears to have considered these recommendations of the Expert Committee and directed in the impugned order dated 28.09.2007 that parking around the Victoria Memorial Hall on the red-marked portions of the map would be prohibited. The High Court has also indicated in the impugned order dated 15.02.2008 that there were many other places in Kolkata, such as *Maidan*, the Eden Garden area and the area around the grounds of Mohun Bagan, East Bengal and Mohammedan Sporting Clubs as well as the area by the side of the river Ganges where there was no restriction of parking the vehicles. Those who want to walk and take their cars to the place of their walk thus have sufficient number of alternative places in Kolkata where they can go for their morning walks.

6. We are, therefore, not inclined to interfere with the impugned orders of the High Court and accordingly dismiss the Special Leave Petitions with no order as to costs.

JUDGMENT