

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

B SEPTEMBER 12, 2011  
[R.V. RAVEENDRAN AND A.K. PATNAIK, JJ.]

*Environment Laws:*

C *Public Interest Litigation – Protection and Preservation*  
*of Victoria Memorial Hall, Kolkata and its green surroundings*  
*– Filing of writ petition – Direction by High Court that parking*  
*of all cars around the compound of the Victoria Memorial Hall*  
*and nearby areas be immediately prohibited and such*  
D *prohibition to continue for 24 hours every day including the*  
*holidays – Application filed before the High Court seeking*  
*permission for morning walkers to park their cars in the north*  
*and south zones of Victoria Memorial Hall for two hours in the*  
*early morning – Application dismissed – Held: Expert*  
E *Committee recommended that parking activities add to*  
*pollution load around the Victoria Memorial Hall and thus, the*  
*parking of vehicles on all sides of the Victoria Memorial Hall*  
*compound should be totally banned – Those who want to walk*  
*and take their cars to the place of their walk have sufficient*  
F *number of alternative places in Kolkata where they can go for*  
*their morning walks – Thus, orders of the High Court does not*  
*call for interference - Constitution of India, 1950 – Article 136.*

CIVIL APPELLATE JURISDICTION : SLP (Civil) No.  
1135-1136 of 2009.

G From the Judgment & Order dated 28.09.2007 of the  
Calcutta High Court in W.P. 7987 (W) of 2002.

Avijit Bhattacharjee, Sarbani Kar, Debnjani Das

FRIENDS OF VICTORIA MEMORIAL v. HOWRAH 375  
GANATANTRIK NAGARIK SAMITY

Purkayashta, Bidyabrata Acharya, Pranab Kumar Mullick for  
the Petitioner. A

Respondent-in-Person (R 1 & R 2), Dharam Bir Raj Vohra  
for the Respondent.

The order of the Court was delivered B

**O R D E R**

**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 C  
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 D  
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 E  
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 F  
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 G  
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 H

A 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  
B 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.  
C 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  
D 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  
E 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  
F 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  
G 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.

H N.J.

SLP dismissed.