

Court No. - 7

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur, Abhinav Gaur, Aditya Singh Parihar, Amitanshu Gour, Arvind Kumar Goswami, Bhagwan Dutt Pandey, Ishir Sripat, Jitendra Kumar, Katyayini, Rahul Sahai, Rishu Mishra, S.P.S. Chauhan, Sarveshwari Prasad, Satyaveer Singh, Shailendra Garg, Siddharth Shukla, Sunita Sharma, Suo Moto, Sushil Kumar Mishra, Swetashwa Agarwal, Uttar Kumar Goswami, Vibhu Rai

Counsel for Respondent :- C.S.C., Arun Kumar, Dhiraj Singh, Hari Nath Tripathi, Purnendu Kumar Singh, Satyavrat Sahai, Sunil Dutt Kautilya, Tahir Husain

with

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1289 of 2019

Petitioner :- In Re Parking Problem In Civil Lines Prayagraj And Other Places

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Suo Motu, Anurag Khanna (Senior Adv.), Apul Misra, B.S. Pandey, Nipun Singh, Rahul Sahai, S.F.A. Naqvi, Apul Mishra

Counsel for Respondent :- C.S.C., Suresh C. Dwivedi

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

1. With regard to the modality of the COVID - 19 vaccination regarding Magh Mela, learned Additional Advocate General has placed before the Court, new guidelines by which the Government proposes to contain the spread of the virus. We only hope and trust that the guidelines placed before us, are adhered to quite religiously and that people coming to the Magh

Mela also cooperate with the State Authority and district administration. The Guidelines placed today be kept on the record.

2. On the last occasion, we had requested, the learned Standing Counsel for the Central Government to come up with the vaccination programme. Today again no vaccination programme has been brought before us.

3. The Principal Secretary of the Health Department of the State of U.P. has provided a certain time table for the vaccination. However, the time table only indicates that the vaccination would commence from 16th January 2021 and when first phase would be over and the second phase would begin, is not at all clear from the instructions. A detailed instructions, therefore, be provided on the next date of hearing.

4. Today, the Project Manager of the U.P. Construction Corporation Ltd. was present in person. The fact is that the Second Gate of the S.R.N. has not been completed till date. It has been submitted by means of an affidavit of the Principal of the Medical College and also orally by the Project Manager that the Second Gate would be finally completed by the 27th January 2021.

5. The Project Manager has also informed that after the

completion of the Second Gate it shall be handed over in the functional state to the hospital by the 31st January 2021.

6. Vakalatnama filed by Ms. Vishakha Pandey, Advocate, on behalf of the Project Manager be kept on record.

7. So far as the vending zone/night market which has been open in front of the Boys High Schools and adjoining residential areas of the city are concerned, it has been informed that it is, therefore, on the basis of certain resolution/scheme passed by the Town Vending Committee. However, the Resolution/Scheme is nowhere found on the record. The Resolution/Scheme be placed on the record and every effort be made to see that no commercial activity takes place in the residential areas of the city.

8. By the next date, a definite proposal be placed before the Court by which the Resolution/Scheme may be amended so that no commercial activity is seen in the residential areas and in the areas where school/educational institutions are established. If any such area, by any chance, is declared as commercial area, then the Committee may also look into it.

PIL No. 1289 of 2020

9. The decree of the First Appellate Court has been brought on record. The conjoint reading of the paragraphs of 11, 12, 13 and

14 of the compromise which is part of the decree says that 50% of the pond situate over plot no. 408 was given into the share of the Nagar Nigam. It has been brought to our notice that by a Gazette notification dated 1.5.2019 land use of an area measuring 1490.68 square meters of the 50% land falling in the share of Nagar Nigam, has been changed and earmarked for petrol pump.

10. However, why the remaining land has not been cleared of the various encroachments, is not clear. On the next date the Municipal Commissioner would by means of personal affidavit may explain as to why the remaining area which belongs to the Nagar Nigam has not been cleared from the encroachments.

11. Sri Chandan Sharma and Sri Shubham Dwivedi, Advocate Commissioners of this Court would make inspection of the area and inform the Court with regard to the status of the encroachments. Sri Prashar Pandey, who is also the Advocate Commissioner, of the area would Assist Sri Chandan Sharma and Sri Shubham Dwivedi. The administration shall provide necessary aid to the Advocate Commissioners.

12. It has also been informed that the subject matter involved in this petition is similar to the Civil Misc. Public Interest Litigation No. 50717 of 2014.

13. The Public Interest Litigation No. 50717 of 2014 may be

connected to this petition after seeking necessary nomination from Hon'ble the Chief Justice.

14. It has been informed by the Municipal Corporation that the writ petition being Writ Petition No. 46841 of 2006 has been filed by the Collector Allahabad for the quashing of the compromise decree. We do not find it appropriate to get that writ petition connected with this petition. If the Writ Petition No. 46841 of 2006 is dismissed even then 50% of the pond land which has been given to the Municipal Corporation under the compromise decree, the same shall continue to be with it and the Municipal Corporation will have to restore 50% of the land as has been given to it by the decree of the First Appellate Court dated 5.3.1998.

15. On the next date, the Municipal Commissioner and the Zonal Commissioner of the Zone may not be present, however, they may ensure that all the unauthorized encroachments are removed in accordance with law.

16. So far as clearing of the parking areas below the buildings where the parking slots have been sanctioned by the Allahabad Development Authority while sanctioning maps is concerned, it has been provided that 28 parking slots have been cleared from the commercial activity which was taking place.

17. On the next occasion, list of such parking slots which are

not in use as parking place be also provided and the Prayagraj Development Authority is to ensure that all parking slots are used for parkings only. If we get information from any of the Advocate Commissioners that any of the parking slots is being used for the purpose other than parking then the Prayagraj Development Authority and Nagar Nigam shall be responsible.

18. So far as the removal of structures which were constructed on State land and on the land of the Nagar Nigam is concerned, it has been informed that a few of the structures have been removed and the demolition of other structures was going on.

19. So far as the removal and cleaning of PDA colonies attached with the Kanpur road is concerned, a report has been submitted by Sri Chandan Sharma and Sri Shubham Dwivedi, Advocate Commissioners and it shows that the work done is not to the satisfaction of the Advocate Commissioners. By the next date, some palpable work has to be done and it may be brought on record.

Civil Misc. Intervention Application No.105 of 2021

20. The Intervention Application filed by Ms. Pooja Srivastava, Advocate in person with regard to the public address system.

21. A copy of the application be served upon the learned Additional Advocate General and he may look into the volume

of the speakers through which public address is being made. A detail may also be given as to what should be the volume of the public address system so as not to cause noise pollution.

22. On the last occasion, Sri Parashar Pandey, Advocate Commissioner had placed before the Court a report with regard to the Ward Nos.18, 39, 42 and 52. The Nagar Nigam and the Prayagraj Development Authority are required to look into the report of Sri Parashar Pandey on the next date fixed and bring on record the work done in the respective wards.

23. So far as the report with regard to the crowding due to Mazar at G.T. Road, Sobatiyabagh is concerned, another report was submitted by Sri Parashar Pandey. The Nagar Nigam to look into this aspect and see how the crowding around the Mazar can be reduced and what alternative/additional route to Mazar may be made to avoid crowding on the main road and streets approaching main G.T. road. Report may be kept on record.

24. Place this petition along with connected matters on 22.01.2021 at 02:00 PM.

Order Date :- 12.1.2021
PK

(Ajit Kumar,J.)

(Siddhartha Varma,J.)