

Court No. - 7

(1) **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

(2) **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 monitoring Covid-19 virus infection during the coming Magh Mela, we have received two instructions. One from the Chief Secretary, State of U.P. and other from the Chief Medical Officer, Prayagraj.

2. The Chief Secretary has essentially come up with a programme by which every individual who would enter defined Magh Mela area of Prayagraj, would be allowed to enter only if he/she has had a negative RT-PCR report within five days of entering Prayagraj. In the instructions, there were other methods

also by which the State was intending to control the spread of the Covid-19 virus during the Magh Mela period. They were all very general in nature.

3. The Chief Medical Officer, Prayagraj also has suggested methods by which he intended to control the on-slaught of the Covid-19 infection during the Mela. They are in effect the same as have been suggested by the Chief Secretary.

4. After having gone through the instructions, we are not convinced, at all, that the steps which are being taken by the State, would be sufficient to stop the infection if it came through someone who entered inside Prayagraj with it. By the next date, the State may come up with fullproof methods by which it intended to control the spread of the infection. They may keep in mind that such congregations during month of Magh are very large in number and if even one infected person sneaks inside the City he can create havoc.

5. So far as the application moved by Ms. Pragti Gulati is concerned, it has alleged that because of the vending zone alongside the roadside land near the Boys High School, huge crowds were collecting every evening in front of the residential apartment of the applicant causing great hindrance to the residents *vis a vis* ingress and egress from their residences. Apart from that it has been submitted that it was creating health hazard. It has also been stated that after the market is over, the left overs are strewn all over the place making it difficult for the residents to live a comfortable life. Further it has been informed that untoward incidents take place almost everyday and it has been submitted by the learned Senior Counsel Sri Rahul Sripat assisted by Sri Abhishek Rai, Advocate that almost everyday such incidents were taking place which necessitated the residents to file complaints over the "Dial 100" number of the

police. In this regard, instructions be taken and be placed before the Court by the State as also by the Nagar Nigam by the next date fixed.

6. With regard to the opening of the Second Gate, the Principal of the Medical College may file an affidavit as to whether the gate has been completely built.

7. In the event, by the next date, the construction of the gate is not completed, the Project Manager of the U.P. Construction and Design Services shall be personally present before the Court to explain his position regarding status of work and why appropriate proceedings may not be drawn for non compliance of the order of this Court.

8. Upon a question being put to Sri Purnendu Kumar Singh, learned Advocate as to when the vaccination programme for elimination of Covid-19 would be started in the country, he prayed for time to take instructions. By the next date fixed, a definite date and intended programme would be placed before the Court as to when and how the vaccination for the elimination of COVID-19 would be done in the State of U.P.

Order on Public Interest Litigation No. 1289 of 2019

9. On the last occasion, upon information being given by the counsel for the Nagar Nigam that 50% of the pond had fallen in the share of the Nagar Nigam, an order was passed that the State Government, the Nagar Nigam and the Prayagraj Development Authority were to see that the pond was restored as per the decree of the First Appellate Court.

10. Today, learned counsel of the three authorities are unable to show to the Court that the pond had been restored as per the decree of the First Appellate Court.

11. On 12th January 2021, the Municipal Commissioner of the Nagar Nigam, and the Zonal Officer of the Zone of the Prayagraj Development Authority where the pond is situate will be personally present in the Court to inform as to whether the decree of the First Appellate Court has been honoured. The District Magistrate, Prayagraj, may often help in the manner it is asked for from him by these authorities.

12. In the meantime, it is being directed that no further temporary or permanent construction shall take place on the land situate at the Jahawarlal Nehru Marg that was recorded as pond in revenue records.

13. Sri Parashar Pandey placed before the Court a report with regard to the Wards No. 18, 39, 42 and 52. The Nagar Nigam to look into the report and to do the needful immediately.

14. On the last occasion, we had asked the Nagar Nigam and the Prayagraj Development Authority to submit their proposals to the State Government and make a request for funds but today they have stated that no funds were required to do the development work.

15. Under such circumstances, on the next occasion, we would like to get a detailed report of the work which would be done by them. They shall also submit reports of the funds they would have spent on the development in the City of Prayagraj.

16. So far as the restoration of parking places of the buildings which had sanctioned parking slots are concerned, it has come to our notice that there were certain show cause notices which were issued way back in the month of December, 2020. Today, we are constrained to note that no action has been taken with regard to the restoration of those parking slots. In fact, learned

counsel for the Prayagraj Development Authority informed the Court that he had no information exactly as to what happened to the notices. An affidavit, however, has been filed showing that certain fresh notices had been issued to some fresh offenders in various parts of the City.

17. Under such circumstances, on the next occasion, a detailed affidavit be filed informing the Court regarding the progress *vis a vis* the restoration of the parking slots in the buildings which had parking slots in their sanctioned maps.

18. So far as the removal of the worshiping places built on the State land is concerned, again the learned counsel for the Prayagraj Development Authority informs the Court that no work had been done. In fact in our last order, we had asked the State Government to inform as to who had to be directed for the removal of the illegal structures. Even the State is unable to inform the Court as to what exactly has to be done.

19. We may record our displeasure regarding conduct of the State authority and district administration for their indifferent approach towards illegal encroachment of public land.

20. Under such circumstances, we direct the Chief Secretary of the State of U.P. to inform the Court by means of an affidavit as to how and in what manner such places of worships which had been constructed over the public land had to be removed.

21. So far as the removal of the encroachments in the various Colonies of Prayagraj Development Authority alongwith the Kanpur Raod is concerned, an affidavit has been filed stating that certain encroachments had been removed. However, since it is not clear as to whether the encroachments have actually been removed, we direct Sri Chandra Sharma and Sri Shubham

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Dwivedi to visit the PDA colonies and see themselves as to whether the encroachments, which had been made in the PDA colonies, have been actually removed.

22. Place this petition on 12.01.2021 in the additional cause list at 2:00 pm.

Order Date :- 7.1.2021

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(Ajit Kumar,J.) (Siddhartha Varma,J.)