

Court No. - 68

(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, Aditya Singh Parihar, Amitanshu Gour, Arvind Kumar Goswami, Bhagwan Dutt Pandey, Jitendra Kumar, Katyayini, Rahul Sahai, Rishu Mishra, S.P.S. Chauhan, Satyaveer Singh, Shailendra Garg, Sunita Sharma, Sushil Kumar Mishra, Swetashwa Agarwal, Uttar Kumar Goswami

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

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.

Today, when the case was taken up, issues with regard to non-wearing of masks and not maintaining of social distancing were raised by the counsel present in the Court. It was informed to the Court that not only in Prayagraj but all over the State of U.P., people were not taking seriously the wearing of masks and they were not maintaining social distancing. It was informed that buses, tempo and auto-rickshaws were loading people to an extent which defies any kind of social distancing. In this regard,

therefore, learned Additional Advocate General is directed to take instructions from the Director General of Police of the State of U.P. He would file a personal affidavit of the Director General of Police. We have seen that the police and the Administration have worked together tirelessly but yet they have not been able to achieve the desired results. It may be here mentioned that the time has now come when the Director General of Police of the State of U.P. should take the call and come up with a definite *modus operandi* by which he proposes to see that 100 per cent people would wear masks and they would also maintain social distancing. This matter has to be taken up at the highest possible priority.

Further, it was informed by various counsel who come from various districts of the city of U.P. and are present today in the Court that the “undertakings” of the eateries as was required as per this Court's orders dated 01.10.2020 and 07.10.2020, were not being taken in any of the districts of U.P.. The learned Additional Advocate General may ensure the compliance of our orders dated 01.10.2020 and 07.10.2020 regarding the “undertakings” which had to be taken from the eateries in all over the State of U.P.

Counsel present for the Central Government Sri Purnendu Kumar Singh may take instructions as to why when the Unlock-5 has been put in operation the cantonments in the State of U.P. are not opening and are not functioning in a normal manner. He may apprise the Court as to why despite the judgement and order of this Court dated 18.11.2015 in Writ Petition No.18086 of 2014, the cantonment gates are being kept closed.

Order on PIL No. 1289 of 2020

Sri A.P. Paul, learned counsel appearing for the Prayagraj

Development Authority has filed two affidavits.

So far as the cleaning of Nawab Yusuf Road is concerned, he has taken us through various photographs with regard to the removal of encroachments. However, no compliance appears to be there of the provisions of Section 26-D of U.P. Urban Planning and Development Act, 1973 (U.P. Act, 1973) regarding action against officials who were responsible for the encroachments. Prayagraj Development Authority may under Section 26-D of the U.P. Act, 1973, fix the responsibility of the official who was responsible to see that no encroachment took place. Further, the already appointed Advocate Commissioners, namely, Sri Chandan Sharma and Shubham Dwivedi would visit the Nawab Yusuf Road and submit their reports as to whether the following had happened:-

- (i) All encroachments have been removed.
- (ii) The road has been cleaned.
- (iii) Drainage has been cleaned.
- (iv) Fused bulbs of the lamp posts and street lights have been replaced.
- (v) Wherever a garden exists, has been properly maintained by the Prayagraj Development Authority and the Nagar Nigam.
- (vi) No hawker is found to be having his kiosk illegally on the road side.

Now, when as per the Prayagraj Development Authority, the Nawab Yusuf Road has been freed of all the encroachments, we further direct the Prayagraj Development Authority to work in coordination with the Nagar Nigam and ensure that all the

encroachments on the Kanpur Road (starting from where the limits of Prayagraj Development Authority starts and till the Hastings Road Crossing) shall be removed by the next date.

We have been informed by various counsel present in the Court that wherever the Nagar Nigam and the Prayagraj Development Authority had removed the encroachments, people have again re-encroached those places after the leaving of the team of Nagar Nigam and Prayagraj Development Authority. In this regard, we direct that as per the various Government Orders, the Senior Superintendent of Police, Prayagraj shall see that all re-encroachments are removed.

If the Prayagraj Development Authority and the Nagar Nigam are unable to inform the relevant police about the re-encroachments then the Advocate Commissioners shall inform the police.

Sri S.D. Kautilya, learned counsel in this context appearing for the Nagar Nigam submitted that no information was required to be given to the police as it was the duty of the police to see that no re-encroachments took place. In this regard, learned Additional Advocate General may get instructed from the concerned officials of the police and should see that no re-encroachment take place.

So far as the identification and formation of vending zones is concerned, no information has been provided by the Nagar Nigam. The Nagar Nigam shall provide this information positively on the next date.

Sri Apul Misra, learned counsel submits that when the Grand Trunk Road (Kanpur Road) would be freed from the encroachments then the Prayagraj Development Authority and

the Nagar Nigam should also attend to the PDA colonies and the private colonies which abut the Kanpur Road. Sri Misra also informed that Neem Sarai PDA Colony located in the Ward No.31 can in no manner be called a part of an urban establishment since there were any number of large scale encroachments. Sri Sukhbir Singh, Advocate Commissioner of the Ward No. 31 (Contact No.9838790404) may personally see as to whether the encroachments have been removed. Sri Misra may also report to Sri Sukhbir Singh, Advocate Commissioner with regard to the grievances which either he or the residents of the colony have.

So far as the parking issue is concerned, the Nagar Nigam represented by Sri S.C. Dwivedi, Advocate placed before the Court an instruction obtained from the Additional Municipal Commissioner in regard to whatever had been done till date. With regard to the parking issue, we direct that the Nagar Nigam, after the parking at the multi-storeyed parking and opposite the Yatrik Hotel becomes operational, it should collect parking fee and from this fee the Nagar Nigam would ensure that people who require transportation within Civil Lines should be offered a free travel on battery operated rickshaws so that there is no insistence of customers to park their vehicles in front of the shops. The vehicles after the functioning of parkings commence, would be parked in the parking area and not in front of the shops and people would go wherever they intend to go on the battery operated vehicles. In this regard, the Administration may also give their full support. Needless to say that after parking in the multi-storeyed parking and opposite the Yatrik Hotel commences, any vehicle which is not parked properly in the designated lot for

parking the traffic police would be free to lift those vehicles forthwith. It is made clear that these electric operated rickshaws/ cars shall be used for picking and dropping of customers. The customers shall not be permitted to hold back these battery operated vehicles.

Further, since now efforts are being made to make the multi-storeyed parking behind the Raj Karan Cinema Hall and also the parking in front of the Hotel Yatrik operational, we allow for only a period of three weeks, parking in the third lane on the Sardar Patel Road as we expect the parkings to be made operational by this time.

In Re:- Civil Misc. Intervention Application No.Nil of 2020 (dated 12.10.2020 filed by Sri V.C. Srivastava, Advocate)

No order is required to be passed on this application as all the Durga Puja pandals had been directed to be operational only if they adhere to the guidelines of the State Government and the guidelines definitely propose cleanliness and sanitization.

In addition, Mr. Srivastava informed us that the work of fogging and sanitization by the Nagar Nigam was not being done properly. Sri Srivastava submitted that if the Nagar Nigam does it's duty of fogging and sanitization religiously then there would be no dengue and malaria patient in the city of Prayagraj. He also informed that the Health Officer of the Nagar Nigam has now retired and, therefore, no one is overlooking the work of fogging and sanitization.

Under such circumstances, we direct the Chief Medical Officer to appoint an officer in every Nagar Nigam of the State of U.P. forthwith. Not only in the city of Prayagraj should the work of fogging and sanitization be done properly but it should be

done all over the State of U.P.

Today, the Indian Council of Medical Research (ICMR) has not produced any instructions with regard to the standards prescribed to sanitizer. It may do so on the next date.

Place this case on 21.10.2020 at 02:00 PM.

A copy of this order shall be made available to the Chief Secretary of the State of U.P., the Director General of Police, Uttar Pradesh and all the District Magistrates, Senior Superintendents of Police/ Superintendents of Police and the Chief Medical Officers of all the districts of the State of U.P. through Registrar General of this Court forthwith.

Order Date :- 14.10.2020
Siddhant

(Siddhartha Varma,J.)

(Ajit Kumar,J.)