

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, Ishir Sripat, 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, 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.

An affidavit, which is sworn by Director General of Police, Uttar Pradesh, Lucknow, has been placed before us.

We have gone through the affidavit and find that certain steps have been taken. However, we feel that one further step is required to be taken to curb a second wave of Covid-19 if it at all comes and we find the only way to succeed is to wear masks, which is required to be worn by one and all. In this context, it would be in the fitness of things that every road should have a constant surveillance of the police from at least 07:00 AM to 10:00 PM. The roads which are busy and have a length of 2 km or more, a team of police personnel may be

deployed and if it is a 2 km road which is not all that crowded then a minimum 2 police personnel must be deployed so that the constant vigil be kept. This much is sure that a surveillance on every road/ lane/ bye-lane and gali has to be maintained. The Task Force should be empowered to stop people and ask them to wear masks. If any individual misbehaves with the Task Force inappropriately then the Task Force would have enough powers to take appropriate action against that individual. This plan may be implemented in the cities of Prayagraj, Kanpur, Varanasi, Agra and Lucknow and thereafter it may be followed in other districts of the State of U.P. The learned Additional Advocate General did agree with the above and submitted that the implementation of this method for having 100 per cent masking was essential.

With regard to the opening of Gate No.2 in the Medical College, we direct the Authority concerned that the plan be finalized by the next date.

So far as the undertakings which were required from various eateries, the learned Additional Advocate General submits that a Circular had already been issued on 20.10.2020. We hope and trust that the Circular would be followed in letter and spirit.

So far as the appointment of a Health Officer in all the Municipalities of the State of U.P. is concerned, learned Additional Advocate General informed that the Health Officer in each Municipality has already been appointed in the State of U.P. He further informs that Health Officer in the Nagar Nigam at Prayagraj was appointed on 16.10.2020. Dr. Chhotey Lal was present in the Court and he informed that fogging and sanitization was being regularly done in the city of Prayagraj.

However, since the lawyers present in the Court denied the fact that fogging was being done in their respective colonies, let Dr. Chhotey Lal take proper instructions as to how sanitization and

fogging etc. would be done in the municipal limits of Prayagraj by the next date.

A compliance report has been submitted by the Nagar Nigam, Prayagraj. Upon perusal of the report, we find that a Committee had been constituted for the identification of vending zones other than the 28 zones which had earlier been identified. The list of the members of the Committee and the list of 28 vending zones which have been identified by the Committee are annexed with the compliance report as Annexures No.1 and 2. Annexure No.3 of the report is with regard to the order issued by the Government on 16.10.2020 in which it has been informed that the district of Prayagraj has to have 57,136 sites/ places for various vendors who have been ousted from the places where they had earlier illegally occupied. It has also been informed that the whole State of U.P. has to have 9,39,759 identified places where the hawkers who have been dispossessed from the earlier places of occupation, would be given places to run their businesses. We direct the President of the Committee and the Nagar Ayukta to assemble within a period of one month and identify some more vending zones so that the Government Order dated 16.10.2020 is complied with and also such hawkers who have been displaced get a proper place for doing businesses.

Further it has been informed by various counsel present in the Court that some structures are coming up in the vicinity of the Board of Revenue and in the vicinity of the Chief Medical Officer's residence on Nagar Nigam's land. The counsel appearing for the Nagar Nigam and the counsel appearing for the Prayagraj Development Authority may inform as to what type of structures are being constructed and why those structures are being built on Nagar Nigam's land by the next date. Also they would inform if those structures are as per the Master Plan.

So far as the re-encroachment is concerned, the learned

Advocates present in the Court apprised that no action for removal of re-encroachment was being taken. They informed that encroachments on the Hamilton Road and Lidle Road which were earlier removed and have again cropped up, and have yet not been removed. The learned Additional Advocate General may definitely see that persons, who are in occupation, may be given alternative places for running their businesses and they should be removed as early as possible.

On the last occasion i.e. on 14.10.2020, we had directed the Authorities for removal of all encroachments on the Kanpur Road (commencing from where the limits of Prayagraj Development Authority starts and till the Hastings Road Crossing).

Sri Apul Misra, Advocate who is present in the Court also submits that the PDA Colonies which adjoin the Kanpur Road, are still encroached and dirty and no work was being done for removal of encroachment.

However, Sri A.P. Paul, learned counsel appearing for the Prayagraj Development Authority submits that very little work could be done owing to Navratri and he prays a further time of two weeks' for complying with the order. Time prayed for is granted.

A report has been submitted by the Advocate Commissioners Sri Chandan Sharma and Sri Shubham Dwivedi. This report may personally be served upon the Additional Municipal Commissioner Sri Mushir Ahmad Khan and Sri S.D. Kautilya, learned counsel for the Nagar Nigam. The shortcomings, which are still there in the Nawab Yusuf Road, may be looked into. The street lights should be repaired, parking slots being made and roadside kerbs be properly painted.

Order on Public Interest Litigation No.1289 of 2019

So far as the parking issue is concerned, learned counsel appearing for the Prayagraj Development Authority Sri S.C. Dwivedi submits that the parking opposite the Yatrik Hotel and behind the Raj Karan Palace have now started. However, Sri Nipun Singh, learned

counsel for the Vyapar Mandal submits that the state of affairs of the parking opposite Yatrik Hotel is abominable. No definite roads have been carved out, street lighting are in a shambles and mobile toilets have been parked therein.

Under such circumstances, we direct that the two parkings be made absolutely trouble free so that they can be used by the public at large. Mr. Chandan Sharma and Mr. Shubham Dwivedi, Advocate Commissioners may also give a report with regard to these two parkings on the next date. The mobile toilets be also removed.

Order on Civil Misc. Intervention Application No.Nil of 2020

An Intervention Application has been filed by Ramanuj Tiwari and it has been prayed that the cantonment roads be not closed for the general public. Learned counsel appearing for the Intervenor submits that there is absolutely no order brought on record by which the public roads within the cantonment, have been closed for the general public. Learned counsel took us through a news item published on 06.06.2018 in which there is a mention of the Defence Ministry's decision to let civilians access the Cantonment/Army roads across the country. However, he has not in fact brought the Defence Ministry's Circular on record.

Learned counsel appearing for the Central Government Sri Purnendu Kumar Singh may bring on record the Defence Ministry's Circular.

A perusal of the instructions which have been placed before us by the learned counsel appearing for the Central Government, shows that there is no order attached with it by which the ingress and egress of people has been restricted. Various reasons have been given in support of prohibitory orders for ingress and egress of the common people but they are all such reasons which were there before the lockdown was imposed. Today, the lockdown is over and we have now entered the stage of 'Unlock-5'. The people at large are as much

having the threat of the virus as the Cantonment/Army personnel are having.

On the next occasion, the directions/orders as were issued by the Defence Ministry, be placed before us by the learned counsel appearing for the Central Government and also specific orders which might have been passed for prohibiting entry in the Cantonment areas be placed before us. If the orders are not placed before us on the next date, then some responsible officer may come with the relevant record.

Office is directed to give a regular number to this application.

Order on Civil Misc. Intervention Application No.63 of 2020

This application may be served upon the counsel appearing for the Nagar Nigam and the counsel appearing shall thereafter look into the grievance of the applicant.

Place these petitions on 09th November, 2020 at 02:00 PM.

Order Date :- 21.10.2020

Siddhant

(Ajit Kumar,J.)

(Siddhartha Varma,J.)