

**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, 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, Satyaveer Singh, Shailendra Garg, Sunita Sharma, 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.**

Today Sri Manish Goyal, learned Additional Advocate General assisted by Ms. Akansha Sharma, Advocate upon taking instructions from the Senior Superintendent of Police who was also present in the Court, informed about the deployment of police. He expressed his satisfaction vis-a-vis the deployment but submitted that it required more intensification in terms of the order passed on the last occasion i.e. on 24.11.2020. Learned Additional Advocate General also

informed that out of 75 districts, 37 districts were having surveillance done with the help of drones. He, however, informed that in the districts of Gautam Budh Nagar and Lucknow, drones have yet to be commissioned. So far as the district of Prayagraj is concerned, two drones have been deployed by which 21 areas were being covered. It was also informed that four drones which are a part of the police force, had been sent to Mumbai for getting repaired.

So far as the eateries are concerned, learned Additional Advocate General informed that as many as 726 undertakings had been taken. However, the Court upon being apprised by the Advocate Commissioners found that simple taking of the undertakings was not sufficient, inasmuch as, further action had to be taken on such eateries which were allowing eatables to be consumed on the spot. In our last order also, we had specifically directed that such food articles alone could be sold which could be packed and thereafter sold.

So far as the districts of Lucknow, Ghaziabad, Meerut, Kanpur Nagar and Gautam Budh Nagar are concerned, looking to the rise of the active Covid-19 cases it is clear that the police was not taking as much action as was required to be taken. Even though the learned Additional Advocate General informed that in the above districts, Section 144 had been imposed, we find that there is a definite rise in the active cases of Covid-19 in the above districts and for this purpose, the State Government

along with the local administration may come up with such steps which would restrain the rise of the active Covid-19 cases. On the next date fixed, an affidavit may be filed by the Heads of the Administration and the Heads of the Police Force of the above named districts with regard to the steps which they were taking to restrain the hike of Covid-19 cases.

As per the suggestions given by the Advocate Commissioners and various members of the Bar, we suggest that the districts where the active cases are rising following steps for restraining Covid-19 infection may be taken:-

- (i) There should be 100 per cent wearing of masks by the residents of those districts.
- (ii) Borders should be well guarded so that people of the other districts/States who were coming into the districts may properly be checked.
- (iii) Medical facility vis-a-vis checking and treatment, should be increased/ extended. In this regard, the figures of testing and recovery rate may be provided to the Court by the next date fixed.

Today, Sri Chandan Sharma and Sri Shubham Dwivedi, Advocate Commissioners have brought to the notice of the Court, a judgement of the Gujarat High Court in which the State Government had been directed to come up with a policy for dealing with persons who were caught without masks or face covers. They suggested that action be taken in the

State of U.P. also in consonance with the judgement and order dated 02.12.2020 passed in R/Writ Petition (PIL) No.108 of 2020 (Vishal S Awtani Versus State of Gujarat).

The Chief Secretary, State of U.P. may see to the feasibility of having community service by such persons who violated the law of wearing masks in terms of the aforesaid order of the Gujarat High Court.

So far as the opening of the second gate is concerned, we have perused our order dated 9.11.2020 and found that the Director General, Medical Health and the Additional Chief Secretary, Medical Studies were to provide the required funds within three days from 9.11.2020. Since the funds have not been provided, we find that no progress has taken place with regard to the opening of the second gate of the Hospital.

In this regard, the Director General, Medical Health and the Additional Chief Secretary, Medical Studies would personally be present before the Court on the next date. However, if the funds are released within the next three days from today, they may not appear personally. However, an affidavit would be filed indicating as to when exactly the funds have been provided to the hospital.

**Order on PIL No.1289 of 2019**

Separate affidavits filed today by Sri A.P. Paul, Advocate on behalf of the Prayagraj Development Authority and Sri Arun Kumar, Advocate

on behalf of the Prayagraj Smart City Limited, Prayagraj be kept on record.

Sri Uttar Kumar Goswami, who has been appointed as an Advocate Commissioner of Ward Nos.10, 20, 32 and 34, has submitted a report and has stated that certain areas of Phaphamau Bazar and Rangpura have no municipal amenities whatever they are not being either cleaned or any hygiene etc. is there. He submitted that there was absolutely no wearing of masks also and, therefore, some action was required. The Municipal Commissioner to look into these grievances and to take action to redress their grievances.

Sri Deepak Kumar Srivastava, who has been appointed as an Advocate Commissioner of Ward Nos.71, 76, 77 and 79 also submitted a report and submitted that the areas where he had visited required regular cleaning. He also submitted that people were not wearing masks in the manner they should.

Both the Advocate Commissioners have submitted that the garbage collection system was not in place at all. The Municipal Commissioner should see that garbage collection bins are installed so that the garbage may be collected.

Similarly, Sri Anoop Kumar Srivastava, who has appeared as an Advocate Commissioner for Ward Nos.80, 44, 45 and 48, submitted that no cleaning was being done in the Wards No. 80, 44, 45 and 48. He also

was aggrieved by the lack of garbage collection system. He submitted that there were no roads worth the name in these Wards. If there were roads then they could not be recognized. He also informed the Court that there was no drainage system in the area and also no street lighting was there.

In regard to the above grievances, the Municipal Commissioner may personally look into the grievances of the Ward Nos.80, 44, 45 and 48.

Sri Arvind Kumar Goswami, who has appeared as an Advocate Commissioner of Ward Nos.22, 26, 28 and 56, also submitted that he had submitted a report with regard to the cleaning of the Wards. He submitted that hardly any cleaning was being done and whatever cleaning was being done was very intermittent.

In this regard, the Municipal Commissioner may look into the matter and see that cleaning is done on a regular basis.

With regard to Nai Basti, Beniganj, the Advocate Commissioner reported that roads and the drainage were yet to be brought into existence. He further submitted that even the street-lights were not there. Learned Advocate Commissioner submitted that fogging etc. which was being done earlier was also not being done any longer.

The Municipal Commissioner may look into these grievances and also report as to what action he has taken, on the next date.

The Further observation of the Advocate Commissioner is that there is a public park in Lavkush Colony in Himmatganj which was to be cleaned and maintained.

In this regard, the Prayagraj Development Authority and the Municipal Commissioner may give their report by the next date.

Sri Goswami also submitted that in Himmatganj there was a Basic Shiksha Parishadiya School which had been converted into a pigsty.

In this regard, the Secretary, Basic Shiksha Parishad, Prayagraj may look into the grievance of the school situated in Himmatganj and submit a report by the next date fixed.

Sri A.P. Paul, learned counsel appearing for the Prayagraj Development Authority prays for some further time to apprise the Court with regard to the following :

- (i) the removal of encroachments from Kanpur Road and with regard to the cleaning of the adjoining colonies which have their ingress and egress through the Kanpur Road;
- (ii) whether parkings spaces as had been provided to the various buildings, the maps of which have been sanctioned, have been restored as parkings ;
- (iii) all encroachments in the shape of religious worshipping places have been removed;

(iv) Whether the cycle pathways have been cleaned of all the encroachments and whether they have been restored in the original forms. An effort should be made to see that cyclists use only the cycle paths and do not venture out on the main roads.

(v) the toilets which have come-up at various sites in the city in the recent past and which absolutely do not merge with the design of the city should be removed;

(vi) if the toilets have to be constructed, they should be aesthetically built and should be properly designed.

Put up on 10.12.2020 at 2.00 PM.

**Order Date :- 3.12.2020**

Siddhant/GS

(Ajit Kumar,J.)

(Siddhartha Varma,J.)