

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 374 of 2022

Petitioner :- Sanjog Walter

Respondent :- State Of U.P. Thru. Chief Secy. Up Lko And 5 Others

Counsel for Petitioner :- Nishant Srivastava, Vivek Kumar Singh

Counsel for Respondent :- C.S.C., Namit Sharma, Ratnesh Chandra

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Rajnish Kumar, J.

Heard learned counsel for the petitioner, learned State Counsel, Sri Namit Sharma, learned counsel representing the Lucknow Nagar Nigam and Sri Alok Singh Chauhan, learned counsel representing the Lucknow Development Authority.

By means of this Public Interest Litigation, a prayer which is general in nature, has been sought to issue a direction to the respondents for removal of encroachment over various drainage systems in the city of Lucknow and further to ensure proper cleaning of such drainage systems.

Another prayer made in the writ petition is that a direction be issued to institute an independent enquiry against the responsible officers of Nagar Nigam, Irrigation Department and Health Department for the reason that as per the petitioner, though crores of rupees are sanctioned for ensuring that the drainage system operates effectively, the city of Lucknow still gets water logged every year.

The prayers made in the writ petition are omnibus in nature. There cannot be any denial that it is the duty of the Municipal authorities of the city of Lucknow to maintain appropriate and proper drainage systems. Except for relying on certain newspaper reports, no specific averments in support of the prayer has been made in the writ petition. However, there cannot be any denial of the fact that every year on the onset of monsoon, residents of Lucknow city are faced with the problem of water logging at various locations. There may be various technical reasons to explain as to why water gets logged at various places in the city of Lucknow including on the roads which makes it difficult for the passengers to travel on the road and also sometimes it becomes the cause of spread of various diseases including vector borne diseases.

When we peruse certain photographs appended with the writ petition, what we find is that the photographs depict the poor condition of the drainage at various places in the city and on account of the fact that such drainage are not being properly

cleaned and managed, various areas gets water logged and sometimes such water logging even results in small islands in the city itself.

Having regard to the aforesaid facts and also taking into consideration the impending monsoon, we **dispose of** this writ petition with a direction to the Nagar Nigam to activate its employees/ officials so that different drainage systems operating in the city of Lucknow are cleaned and are appropriately maintained. The Nagar Nigam shall take all such effective steps which may help to remove or minimize the difficulties being faced by the residents of Lucknow on account of water logging, which is being caused during monsoon.

It is needless to say that Nagar Nigam shall take all possible steps to mitigate the aforesaid problem including installation of pumps where syphoning of water may be required. The officials of Nagar Nigam shall also ensure that pumps already installed are in a fit and functional condition.

Let a copy of this order be communicated to the Municipal Commissioner of Lucknow by learned counsel representing Lucknow Development Authority forthwith.

Order Date :- 7.7.2022
Akanksha