

Court No. - 7

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, Jamil Ahamad Azmi, Jitendra Kumar, Katyayini, R.K. Shahi, Rahul Sahai, Rajeev Kumar Singh, 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, Vishakha Pande

With

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. Instructions placed on behalf of the police department, Prayagraj before this Court are taken on record.
2. The Court has gone through the instructions and heard Sri Chandan Sharma and Sri Shubham Dwivedi, the Advocate

Commissioners of High Court. So far as wearing of mask is concerned, the Advocate Commissioners have submitted that police personnel definitely were initially vigilant but of late it was being noticed that people, who were not wearing masks were not being asked to wear the same and the police have gone lax on this aspect.

3. The learned counsel who are present in the Court have informed the Court that 100% wearing of masks is not there in Magh Mela area. Though we record our appreciation for the daunting task undertaken by the district and police administration of various districts of the State to check spread of Covid-19 by tiny microscopic life called SARS-CoV-2 as the number of positive cases has reduced but still this is no time to relax. The report of the Advocate Commissioners cannot be brushed aside. The public vaccination for Covid-19 is a long drawn public health scheme and it will take time to develop herd immunity through vaccination. Thus, the police has to assure hundred percent face masking by the people, at least until the next three months when the State goes through different stages of vaccinations.

4. We, therefore, direct the Director General of Police, Uttar Pradesh to personally see that wearing of masks in the State of U.P. is properly enforced.

5. The S.S.P., Prayagraj, along with District Magistrate to see that everyone, who enters into the Megh Mela area, apart from going through the tests which are required to be taken, should wear masks.

6. Reports are also trickling down that Covid-19 patients after having been treated are not being looked after properly in the post Covid wards of S.R.N. Hospital. The Medical College to see that Wi-Fi connection is installed in the post Covid wards where the Covid-19 recovered patients are being treated, so that we may personally see to the state of affairs of the post Covid wards by the next date fixed.
7. The Nodal Officers of Covid-19, who are looking after the patients in Medical College shall also file their personal affidavit with regard to the functioning of post Covid wards.
8. The Medical College also to see that their ambulances have properly bi-pap oxygen machines so that patients who are transferred from their homes to the hospitals are given proper oxygen facilities to maintain.
9. Regarding the vaccination programme, when we made a pointed query as to whether there was any definite programme with regard to the phases in which vaccination programme would be executed, learned counsel for the Central Government only pointed to the affidavit which has been filed by Sri Swaroop Singh in which it has been stated that in phase-1 only front-line health workers would be vaccinated and thereafter in phase-2 those who are 50 years old and above, would be vaccinated. He was unable to inform the Court as to when the phase-1 would end and phase-2 would begin.
10. In these days of pandemic we have to put to an end to the spread of Covid-19 virus and the Government should come up

with a definite programme as to when exactly phase-1 would end and phase-2 would commence.

11. On the next date fixed, learned counsel appearing for the Central Government shall file a better affidavit bringing on record the exact vaccination programme *vis a vis* different phases.

Order on PIL No.- 1289 of 2019

12. So far as the restoration of underground parking is concerned, learned counsel for Prayagraj Development Authority (hereinafter referred to as 'PDA') informs that six underground parking of various commercial establishments have been restored while underground parking of eight nursing homes and other institutions have to be restored.

13. Sri Chandan Sharma and Sri Shubham Dwivedi, the Advocate Commissioners may visit the various buildings in civil lines and see for themselves as to whether all underground parking areas have been restored or not and thereafter submit their report.

14. The police may, in the meanwhile, see to it that the underground parking areas which are being restored, are used for parking purposes only and they are not reverted to their original usage and further no vehicle is parked outside these establishments.

15. The PDA also to see that buildings which had map sanctioned with underground parking should actually get their parkings constructed.

16. Sri Paul, learned counsel for PDA has submitted that when the officials of PDA go to remove encroachments, there was very scanty support of the police.

17. The State to see that proper police protection is given to the officials of PDA who go to remove encroachments. Further police authorities also to see that encroachments which are made outside the various police stations in the city, are cleared. The abandoned cars etc. which are dumped outside police stations also should be removed.

18. The affidavit filed on behalf of PDA is taken on record. The report shows that efforts are being made to remove the places of worship which had come up on the State land and on the land of the Nagar Nigam, Prayagraj. Learned counsel for the PDA assures the Court that steps would be taken to clear the city from all the encroachments over the Nagar Nigam land.

19. The district and police administration in conjunction with Prayagraj Development Authority and Nagar Nigam, Prayagraj shall ensure that these places shall continue to remain open public land and are not encroached upon again.

20. So far as the plot No. 408 is concerned, Sri Kautilya, learned counsel for the Nagar Nigam, Prayagraj is directed to produce the map as was part of the compromise decree dated 25.08.1992 passed in Civil Suit No.- 503 of 1980 and he may also produce the spot map as exists today. He would also indicate the extent to which total land belongs to the Nagar Nigam including the land upon which petrol pump exists, on the next date fixed.

21. Sri Paul, learned counsel for the PDA to see that along with pond of plot No. 408 other ponds in the city which have been illegally occupied are also cleared in conjunction with the Nagar Nigam. Nagar Nigam shall also supply the list of all the ponds in the city which are required to be restored to their original shapes, to the PDA.

22. So far as the vending zones in front of Boys High School is concerned, learned counsel for the Nagar Nigam produced a plan by which they now intend to make vending zones for the night market. It has been very clearly informed that Zone-C and Zone-D would be removed as they are in front of multi-story residential building and night activities of other zones shall take place from 6:00 pm to 10:00 pm only. The activities which relates to the Zone-C & Zone-D shall be shifted to the some other areas which shall definitely not be in front of residential buildings. Learned counsel appearing for Nagar Nigam has further assured the Court that vending zone areas bearing commercial activity shall be cleaned and sanitized after 10:00 pm. Further wherever now vending zones or night markets are intended to be opened, it may be kept in mind that no vending zones or night markets shall come up in front of either residential areas or in front of educational institutions.

Civil Misc. Intervention Application No.- Nil of 2021

23. Intervention application filed on behalf of Adesh Kumar and two others, is taken on record.

24. They are concerned about the bottlenecks which has been created on the road which leads to various colonies on the Kanpur Road.

25. Sri Paul, learned counsel for the PDA has assured that bottlenecks would be removed and he further assured the Court that he would come up with a road map for the construction of a dedicated corridor for the Airport at Prayagraj. By the next date fixed, the bottleneck road leading to the various colonies on Kanpur Road be removed and also a road map be produced by which the dedicated corridor for the Airport at Prayagraj shall be constructed.

Civil Misc. Intervention Applications No.- 113 & 114 of 2021

26. Intervention application filed on behalf of Ghanshyam Shukla is also taken on record. In this application, the area reserved for park at Barsana Sector, Kalindipuram, Prayagraj has been highlighted.

27. Learned counsel for the PDA and Nagar Nigam to look into the encroachment *vis a vis* the park at Barsana Sector, Prayagraj.

Civil Misc. Intervention Applications No.- Nil of 2021

28. Intervention application filed on behalf of Harish Pratap Singh is taken on record. This intervention application has been filed with regard to certain unauthorized and illegal structures near the T point of District Bar Association, Gate No.-4, Prayagraj.

29. The PDA to look into the grievance of Sri Harish Pratap Singh and give a detailed reply on the next date fixed.

Civil Misc. Intervention Applications No.- NIL of 2021

30. Intervention application filed on behalf of Vishal Talwar is also taken on record. A copy of this application be served upon the learned counsel for the PDA, who may see as to whether the structures that are coming up are in accordance with the norms prescribed or not.

31. Sri Goel, learned Additional Advocate General has also submitted that commercial activities which are taking place upon Nyay Marg in the shape of various marriage halls should also be checked. The PDA is directed to look into the same.

32. The report of residential area of ward No.5, 10 and 12 has also been submitted by Sri Birendra Prasad Maurya, the Advocate Commissioner, High Court, which is taken on record. The report highlights the grievances of the residents. They may be looked into and be redressed.

33. Let these public interest petitions be listed again on 5th February, 2021 at 2:00 pm.

Order Date :- 22.1.2021

Atmesh

(Ajit Kumar,J.)

(Siddhartha Varma,J.)