

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

AND

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.

On 1.3.2021, following directions were issued by this Court:-

"(i) People to observe hundred per cent masking and police to see that one and all wear masks.

(ii) Non-wearing of masks should entail penalties as have been enumerated in the Pandemic Act and other relevant laws.

(iii) Crowding should be stopped with immediate effect.

(iv) The control of number of guests in marriages and other social

functions etc should be observed and any violation should be strictly punished.

(v) Schools and colleges where small children go should not be asked to start physical classes. If, however, for any reason schools are physically functioning then all guidelines issued by the State Government should be followed in letter and spirit.

(vi) Institutions where students above the 10th Class have to compulsorily attend classes, it should be seen that they observe social distancing and that they also wear masks.

(vii) Eateries should see that no food is served in the open, that is to say, people should take covered food in packets and should eat them at their home.

(viii) Within the restaurants, table should be laid in such a manner that social distancing is properly observed."

So far as masking is concerned, in between 1.3.2021 and 21.3.2021, the Police Department has informed that they had challaned only 1192 persons for not wearing mask in the city of Prayagraj. Sri Chandan Sharma, Advocate Commissioner has informed that almost nobody is wearing mask. This small number of penalisation shows that the police has also become complacent.

Under such circumstances, it is being directed that some responsible police officer to inform us as to why steps are not being taken to implement our directions contained in the order dated 1.3.2021 on the next date fixed.

So far as observance of the COVID guidelines in the High Court is concerned, learned counsel appearing for the High Court may inform as to how guidelines would be followed.

With regard to the second gate at the SRN Hospital, learned

Additional Advocate General, who is present, may take proper instructions.

Public Interest Litigation No.1289 of 2020

The instructions attaching the report of the **Three Member Committee** has been submitted by the learned Additional Advocate General. The report does not indicate that any measurement was done on the spot. There is no spot map attached with the report. The instructions reveal that plot no.408 was a pond and certain encroachments are there. The report should have indicated exactly where the pond situates and also where are the encroachments.

Under such circumstances, a fresh report be submitted by the next date fixed.

So far as the parking spaces are concerned, learned counsel appearing for the Prayagraj Development Authority has stated that six more buildings having parking have been cleared for the purposes of parkings.

We direct the Advocate Commissioners Sri Chandan Sharma and Sri Shubham Dwivedi to inspect each and every shop in the Civil Lines area and see whether the parkings have been restored. After the parkings are restored, it shall be reported as to whether the same were actually being used.

Regarding unauthorized running of commercial activities in the residential areas, learned counsel for the Prayagraj Development Authority may produce all the Rules and Regulations as to how they are permitting such activities to continue. Learned counsel may also produce the zonal maps and the masterplan to show where such commercial activities can take place in the city and where it cannot take place. He

may also produce the Rules to see where certain opening of medical stores etc in the residential areas was permitted.

All the rules etc. be produced by the next date fixed.

So far as the maintenance of jogging track and pond in the Chandra Shekhar Azad Park is concerned, learned counsel for the Prayagraj Development Authority states that entire maintenance work had been handed over to the State Horticulture Department, Prayagraj.

Learned Standing Counsel to take instructions in the matter.

With regard to the Intervention Application filed by Sri Adesh Kumar and two others, learned counsel for the Central Government has informed that apart from the initial 25 metres of the road, the rest is of A-1 land. In this regard, learned counsel for the Central Government may file a proper affidavit by the next date fixed. The report shall also have a spot map.

However, the encroachment upon the land which belongs to the Development Authority and the Nagar Nigam, the Development Authority and the Nagar Nigam to see that all encroachments over the land are removed.

With regard to the various ponds which have to be cleared in the district of Prayagraj, the Prayagraj Development Authority in conjunction with the authorities of the concerned Tehsil to prepare a proper spot map and see where exactly the ponds are located and thereafter they be cleared of encroachments and be restored in the form of ponds.

With regard to the Intervention Application filed by Sri Harish Pratap Singh, learned counsel appearing for the Prayagraj Development Authority informed that the T-junction had been

cleared. However, Ms. Vijeta Singh, learned counsel appearing for the applicant informed that till date no efforts had been made to clear the land in front of the Gate No.4 of the Courts.

By the next date fixed, the Prayagraj Development Authority as also the State Authorities to inform by means of a proper map as to how the T-junction had been cleared. They should also inform as to why the encroachment over the remaining land had not been removed till date.

Regarding the Application No. 113 and 114 of 2021, learned counsel appearing for Prayagraj Development Authority prayed for certain more time to remove the unauthorized structures within the park.

By the next date, learned counsel for the Prayagraj Development Authority may also inform as to what exactly happened with regard to the orders which have been passed for the demolition of illegal structures vide order dated 5.2.2021.

Put up this case on 26.3.2021 at 2:00pm as unlisted.

Order Date :- 22.3.2021

GS

(Siddhartha Varma, J.)

(Ajit Kumar, J.)