

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

With

(3) **Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 67235 of 2014

Petitioner :- Ashok Kumar And 2 Others

Respondent :- Nagar Nigam Allahabad And 5 Others

Counsel for Petitioner :- Anubhav Verma In Person, Ashok Kumar (In Person), Jagannath Singh, Mayank Verma (In Person), Narendra Srivastava, Shailendra, Siddharth Nandan, Tahir Husain, Tarun Agrawal

Counsel for Respondent :- C.S.C., Arun Kumar Tripathi, Dr. H.N. Tripathi, G.S. Srivastava, Manish Goyal, Navaneet Chandra Tripathi, Neerad Srivastava, Nisheeth Yadav, Pradeep Verma, Prashant Mathur, Rahul Agrawal Amicus Curi, Rajan Tripathi, Sanjai Singh Jatav, Smt Manju R Chauhan

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

Order on PIL No.574 of 2020

Affidavits of compliance have been filed by the Commissioner of Police, Lucknow, District Magistrate, Lucknow, Commissioner of

Police, Gautambudh Nagar and the Senior Superintendent of Police, Meerut.

From the affidavit of compliance filed by the District Magistrate, Lucknow, it appears that almost 300 and odd people were getting infected everyday in the city of Lucknow. Though we appreciate the sincere efforts of the Police Administration but we find a lot more is needed to be done and it cannot be said that things are now under control. Further efforts should be made for restricting the spread of the infection of Covid-19. Even though the learned Additional Advocate General stated that testing was also increasing everyday, we find that the number of infected persons was increasing. We find that tracking was not being done properly. In the cities, like Lucknow, Gautambudh Nagar, Ghaziabad and Meerut, the number of infected persons should be coming down and this could happen only if proper tracking takes place. Also proper policing is required to be done to see that 100 per cent masking is done. Though it has been stated in the affidavit that two police personnel were deployed in every stretch of 2 kms of every road but no names of the police personnel had been given. Under such circumstances, we expect a better affidavit to be filed by the Police Administration of the cities of Lucknow, Gautambudh Nagar, Ghaziabad and Meerut to show as to who were the police personnel who had been deployed. The affidavits shall give the names of the police personnel deployed. The deployment of police personnel is very essential since we have found that policing alone can make people wear masks. It is something to be appreciated that in Prayagraj only because of proper policing, residents of Prayagraj wore masks and the number of persons getting infected with Covid-19 remarkably has come down. When the case is listed next, we would like to get affidavits from the districts of Lucknow, Gautambudh Nagar, Ghaziabad and Meerut wherein proper details with regard to the deployment of the police personnel along with their names would be given.

Further the District Administrations to see that at least in these districts, no food is consumed in the open. The restaurants/eateries/street vendors may be allowed to sell their edible products but only in closed packets.

Surprisingly, in Prayagraj even though policing was being done quite vigilantly, we find from the reports of the various Advocate Commissioners that food was being sold openly in the old areas of the city. The police to see that the restaurants/eateries/street vendors while they are selling their food, they do not allow the customers to consume the food in the open. Food should only be sold in closed packets.

It has been informed that schools and colleges in the State of U.P. have been opened ever since 07.12.2020. It is a matter of concern whether the Teachers and the Students would follow the Covid-19 guidelines. There is always a possibility that young children might violate the guidelines. Under such circumstances, we direct the District Administration of all the districts of the State of U.P. that without discriminating between the Government and the Private Schools, they shall inspect regularly all the schools and see that Covid-19 guidelines vis-a-vis sanitization and wearing of masks are followed.

Further we find that the State Government is going to hold Magh Mela, 2021 in the month of January and February, 2021. On the next date fixed, the learned Additional Advocate General may bring before the Court all the safeguards which would be taken by the State of U.P. for holding the Magh Mela, 2021 especially with regard to bathing.

Affidavits of Additional Chief Secretary, Medical Education and Training, U.P. Lucknow and the Director General of Medical Education and Training, U.P. Lucknow have been placed before us. A perusal of these affidavits show that the funds, as were required for

the opening of the second gate of Swaroop Rani Nehru Hospital to facilitate the functioning of the Covid ward on a separate basis from the main hospital, have been obtained. Learned Additional Advocate General has informed that the Nodal Agency i.e. U.P. Projects Corporation Limited, Lucknow has already been handed over the task of making the construction of the second gate. It is expected that the construction work would be completed under all circumstances within a period of one month. No delay in this work would be tolerated

Regarding the vaccine, Sri S.P. Singh, learned Additional Solicitor General of India appeared and stated that he would be taking instructions as to by what date the vaccine would be available for the general public.

Civil Misc. Intervention Application No.2 of 2020:

This intervention application is taken on record. The grievance of the intervener-applicant is that the healthcare workers and doctors, who are the front-line warriors in this COVID-19 pandemic are not getting proper help from the Government viz-a-viz. proper masks and PPE kits.

Learned Additional Advocate General to look into the matter.

Sri Sheshadri Trivedi, learned counsel for the intervenor may provide a copy of the application to the learned Additional Advocate General.

PIL No.1289 of 2019

Today, matters with regard to cleaning of Kanpur Road and the adjoining colonies, namely, Neem Sarai, Sulemsarai, Kasari Masari and Kalindipuram were taken up. The Prayagraj Development Authority was required to remove all the encroachments and was required to contribute to the repair of the infrastructures facilities which were missing on the Kanpur Road and the adjoining areas. The Nagar Nigam was required to paint the streets, the dividers and also

put street lights. Our Advocate Commissioners have informed that no work had been done at the Kanpur Road and its adjoining areas.

The Vice-Chairman of the Prayagraj Development Authority and the Municipal Commissioner of Prayagraj be personally present on the next date i.e. on 17.12.2020. They shall bring maps to show to the Court, the areas where they had done the work of improvement.

So far as the matter regarding parking spaces which have been converted into shops etc. is concerned, learned counsel appearing for the PDA submitted that he would require three more days to find out as to which of the parking lots had been converted into shops or commercial places. On the next date, the PDA would give details as to how many parking lots had been got cleared and as to how many notices etc. had been sent.

So far as removal of religious worshipping places is concerned, learned counsel for the PDA could give no input at all. It appears that the PDA is not interested in the removal of these encroachments. The State Government to inform the Court as to which Authority should be directed to remove all the religious worshipping places which have been constructed on the Nagar Nigam land or on other public land.

Learned counsel appearing for the PDA, however, assured the Court that the Cycle Pathways shall be cleared by the next date fixed and they shall be made operational.

Upon a question being put as to what exactly was being done with regard to the matter of toilets, learned counsel appearing for the Nagar Nigam informed that only such toilets would be allowed to remain which were in conformity with the Master Plan. Learned counsel for the Nagar Nigam has assured the Court that such toilets which were in existence and which had been put into disuse, would be rejuvenated for the purpose they were built. All *Sulabh Shauchalayas* shall be freed of the grabbers and would be used only for the purposes of toilets.

With regard to Ward No.55, Sri Vineet Sankalp, Advocate Commissioner has submitted a report dated 22.9.2020 and has submitted that though there were many shortcomings in his area, he was mainly pointing to a drain which was situated on the southern side of Jawahar Lal Nehru Road and was dumped with waste and therefore had become non-functional. The Nagar Nigam to restore the Nala by the next date fixed.

Further papers showing Revenue entries of the pond situate between Jawahar Lal Nehru Road and C.Y. Chintamani Road be placed before the Court on the next date.

Dr. Abida Syed, who is the Advocate Commissioner of Ward Nos.64, 68, 70 and 78 has submitted that an electric pole in Haji Nagar, Kareli was in a very dilapidated condition and, therefore, the same may be changed.

The Nagar Nigam may look into the matter.

An affidavit of compliance has been submitted by Sri S.D. Kautilya, learned counsel appearing for the Nagar Nigam. It may be kept on record.

The crux of the affidavit is that even though the Nagar Nigam was aware of the various shortcomings, it could not do much owing to shortage of funds. The State to provide funds under Section 138-A of the U.P. Corporation Act, 1959 and to see that fund is provided to the Nagar Nigam so that various development projects do not get hindered.

PIL No.67235 of 2014

The respondents in this petition may see that all the orders which were passed in the past especially the order dated 1.9.2016 are complied with.

The Vice-Chairman of PDA and the Municipal Commissioner who shall be present on the next date, shall inform as to what action they have taken to comply with the order dated 1.9.2016 till now.

Place this matter on 17.12.2020 at 02:00 PM.

Order Date :- 10.12.2020

Siddhant

(Ajit Kumar,J.) (Siddhartha Varma,J.)