

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012
With WRIT-C No. 5221 of 2011 PUBLIC INTEREST LITIGATION Nos.-
8343 of 2010, 10817 of 2010 and 12261 of 2011

Lieutenant Colonel Ashok Kumar (Retired)Petitioner
Through :- Mr. Prince Lenin and Mr. B.K. Singh, Advocates

v/s

State of U.P. and others.Respondents
Through :- Mr. Gopal Kumar Srivastava, Standing Counsel, Mr.
Namit Sharma, Advocate for Nagar Nigam,
Lucknow, Girijesh Pandey, Mr. Ratnesh Chandra
and Mr. Shobhit Mohan Shukla, Advocates for
Lucknow Development Authority, Lucknow

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE JASPREET SINGH, JUDGE

ORDER

1. The issue raised in the bunch of petitions is regarding illegal constructions raised in the city in which no action was taken by the Lucknow Development Authority.
2. In the counter affidavit filed in writ petition No. 1737 (WPIL) of 2012, the statement is response to the averments made in the writ petition is quite vague.
3. In one of the connected petition in the bunch, bearing No. 12261 (WPIL) of 2011, this Court on 04.01.2012 noticed the statement made by the learned counsel appearing for the Lucknow Development Authority that action has been initiated against certain officers/officials who have been found prima facie responsible for allowing illegal constructions but nothing has been stated in that regard before this Court today.

4. The learned counsel for the Lucknow Development Authority seeks short adjournment to apprise about the latest position with reference to demolition of the illegal constructions raised, issue of the compounding thereof. He shall also apprise the Court about the action taken against the guilty officers/officials as stated before the Court and also furnish the list of such officials who according to Lucknow Development Authority are guilty of keeping calculated silence and closed their eyes when these constructions were being raised as it is the duty of the officers of the Lucknow Development Authority to monitor the constructions being raised even after the plans are approved to ensure that the construction is being raised in terms of the sanctioned plan. The duty is also to ensure that no illegal construction without permission is raised.

5. Adjourned to November 9, 2022.

6. Copy of the order be placed on record of aforesaid connected petitions.

(Jaspreet Singh)
Judge

(Rajesh Bindal)
Chief Justice

Lucknow
20.10.2022
Asheesh/RP

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

**PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012
(With Writ-C No.5221 of 2011
WPIL Nos.8343 and 10817 of 2010
WPIL No.12261 of 2011)**

Lt. Col. Ashok Kumar Retd.Petitioner
Through :- Mr. Prince Lenin, Advocate

v/s

State of U.P. and othersRespondents
Through :- Mr. Amitabh Rai, Additional Chief Standing
Counsel for respondent No.1 and Mr. Ratnesh
Chandra, Advocate for respondent No.2

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE JASPREET SINGH, JUDGE**

ORDER

1. Learned counsel for respondent No.2 seeks more time to file affidavit in compliance to the order of this Court dated October 20, 2022.
2. Adjourned to November 28, 2022.
3. Copy of the order be placed on record of connected petitions.

(Jaspreet Singh)
Judge

(Rajesh Bindal)
Chief Justice

Lucknow
09.11.2022
Kuldeep/Rakesh

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012
(With Writ C No.5221 of 2011 WPIL Nos. 8343 and 10817 of 2010
WPIL No.12261 of 2011)

Lieutenant Colonel Ashok Kumar(Retired)

.....Petitioner

Through :- Mr. B.K.Singh,Advocate

v/s

State Of Uttar Pradesh through Principal Secretary
Urban Development and Planning and others

.....Respondents

Through :- Mr. Namit Sharma,Advocate for Nagar Nigam,
Lucknow, Mr. K.K.Pandey, Advocate for Lucknow
Development Authority in Writ C No.5221 of 2011,
Mr. Mrityunjay Pratap Singh, Standing Counsel, Mr.
Shobhit Mohan Shukla, Advocate for Lucknow
Development Authority

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE RAJNISH KUMAR, JUDGE

ORDER

On request of learned counsel for the petitioner, adjourned to December
9, 2022.

(Rajnish Kumar)
Judge

(Rajesh Bindal)
Chief Justice

Lucknow
07.12.2022
Akanksha

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012
With WRIT C No. 5221 of 2011
PUBLIC INTEREST LITIGATION No. -8343 and 10817 of 2010

Lieutenant Colonel Ashok Kumar (Retired)Petitioner

Through :- Mr. Prince Lenin and Mr. B.K. Singh, Advocates

v/s

State of U.P. and othersRespondents

Through :- Mr. Sanjay Sarin, Additional Chief Standing
Counsel for State
Mr. Ratnesh Chandra, Advocate for Lucknow
Development Authority

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE MANISH KUMAR, JUDGE

ORDER

1. The issue raised in the bunch of petitions with reference to illegal construction raised in various multi storied buildings including excess floors. Now, some of the buildings have been identified by Lucknow Development Authority but till date no effective steps have been taken for demolition thereof.
2. What transpired at the time of hearing is that the guilty officers have been left without any major punishment.
3. Let a comprehensive affidavit containing details of the issues raised in all the petitions be filed in the present petition.
4. Adjourned to February 9, 2023.

(Manish Kumar)
Judge

(Rajesh Bindal)
Chief Justice

Lucknow
09.12.2022
Manish Himwan/Kuldeep

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,U.N.Misra

With

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 8343 of 2010

Petitioner :- Anil Kumar Tripathi

Respondent :- State Of U.P.Through Its Prin. Secy. Housing And Urban Plannin

Counsel for Petitioner :- B.K.Singh,Amitabh Misra

Counsel for Respondent :- C.S.C.,Illigible,K.S.Pawar,Namit Sharma,Shashi Prakash Singh,Shobhit Mohan Shukla

With

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 10817 of 2010

Petitioner :- Gokhale Vihar Marg Resident Welfare Society

Respondent :- State Of U.P. Thru. Prin. Secy. Housing And Urban Planning And

Counsel for Petitioner :- B.K. Singh

Counsel for Respondent :- C.S.C.,Anuj Kudesia,Rajesh Singh Chauhan,Saurabh Shankar Srivastav

With

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 12261 of 2011

Petitioner :- Ameer Nagar Vikas Samiti Lucknow

Respondent :- State Of U.P. Thru. Secretary Urban Development And Planning And

Counsel for Petitioner :- Manish Jauhari,Mohit Jauhari,Ranvijay Chaudhary

Counsel for Respondent :- C.S.C.,Anuj Kudesia,Girjesh Pande,Rajesh Singh Chauhan

Hon'ble Ramesh Sinha,J.

Hon'ble Subhash Vidyarthi,J.

Shri Prince Lenin, learned Counsel for the petitioner (in PIL No.1737 of 2012), Shri B.K. Singh, learned Counsel for the petitioner (in PIL Nos.8343 of 2010 and 10817 of 2010), Shri Amitabh Kumar Rai, learned Additional Chief Standing Counsel for the State-respondents and Shri Ratnesh Chandra,

learned Counsel for the respondent no.2 -Lucknow Development Authority are present.

Shri Ratnesh Chandra, learned Counsel for the respondent no.2 prays for and is granted three weeks' time to take latest instructions with respect to the notices issued for demolition of the illegal constructions and shall inform this Court about the same on the next date.

Let the matter be listed after three weeks.

Copy of the order be placed on record of aforesaid connected petitions.

(Subhash Vidyarthi, J.) (Ramesh Sinha, J.)

Order Date :- 9.2.2023

Anand Sri./-

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,U.N.Misra

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Rajan Roy,J.

Out station slip of Sri Prince Lenin, learned counsel for the petitioner has been received.

Adjourned.

List in the next cause list.

(Rajan Roy,J.) (Pritinker Diwaker, CJ)

Order Date :- 21.9.2023

Shanu/-

Court No. - 7

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,U.N.Misra

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Saurabh Lavania,J.

1. Shri Prince Lenin, counsel for the petitioner, has sent illness slip.

2. List on 9 February 2024.

Order Date :- 31.1.2024

Mukesh Kr.

(Saurabh Lavania,J.) (Manoj Kumar Gupta,A.C.J.)

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,U.N.Misra

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

Let Sri Ratnesh Chandra, learned counsel for Lucknow Development Authority inform the Court about the latest position with regard to the unauthorized construction as also the action taken against the remaining six officers as mentioned in the counter affidavit of the Lucknow Development Authority.

List on **19.09.2024** along with connected matters showing the name of Sri Ratnesh Chandra, as counsel for Lucknow Development Authority.

Ms. Monika Yadav holding brief of Sri Namit Sharma, learned counsel for Nagar Nigam is present.

[Om Prakash Shukla, J.] [Rajan Roy, J.]

Order Date :- 31.8.2024
Shubhankar

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,Ratnesh Chandra,U.N.Misra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Subhash Vidyarthi,J.

(1) Planning of urban areas is the primary responsibility of the State through its developmental and local bodies within whose jurisdiction the areas are notified. Regulation of complete construction plans, drainage and roads are the basic amenities and the local authorities are duty bound to regulate the same for optimum public good. Any slackness on the part of the development authorities/local authorities to maintain effective check and vigilance against the unauthorized constructions or encroachments cannot be left unnoticed or overlooked by this Court in appropriate proceedings as is the case at hand.

(3) Although a list of unauthorized constructions is placed on record before us regarding which demolition orders have already been passed way back in the year 2012 and explanation thereof not to proceed against seems to be unpleasant. The situation may have worsened further which an effective survey would only reveal, if there is a fresh survey.

(4) The State, in these circumstances, is bound to evolve an effective mechanism so as to serve the object of planned development in order to achieve healthy standards of living in the urban areas.

(5) In view of the above, the Principal Secretary, Department of

Housing and Urban Planning, U.P. Lucknow is hereby directed to file his personal affidavit bringing on record the measures which the State Government would propose to initiate for dealing with the unauthorized constructions relating to which orders have already been passed. The affidavit shall also explain as to how such large scale constructions have been raised going unnoticed by the development authorities. The measures to curtail any further violations may also be explained so as to avoid conversion of residential areas into multi-storeyed or commercial areas without sanction of development plans.

(6) List this case on 10.02.2025.

(7) If the personal affidavit of Principal Secretary, Department of Housing and Urban Planning, Lucknow is not filed by the next date of listing, he shall appear in person before this Court with complete records.

(8) In order to facilitate filing of the personal affidavit, as directed above, any affidavit filed by the Lucknow Development Authority or any other authority pertaining to the list of unauthorized constructions shall be handed over to the learned Standing Counsel.

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(Subhash Vidyarthi, J.) (Attai Rahman Masoodi, J.)

Order Date :- 2.1.2025

akhilesh/-

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1737 of 2012

Petitioner :- Lt.Col.Ashok Kumar Retd.

Respondent :- State Of U.P.Thr.Principal Secy.Urban Dev.And Planning And Ors.

Counsel for Petitioner :- Prince Lenin

Counsel for Respondent :- C.S.C.,Avnish Kumar Singh,Ratnesh Chandra,U.N.Misra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Subhash Vidyarthi,J.

(1) Vakalatnama filed by Sri Shailendra Singh and Sri Shreya Prakash, learned counsel for the opposite party no. 3 is taken on record.

(2) Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Ratnesh Chandra learned counsel who has put in appearance on behalf of the Lucknow Development Authority.

(3) None is present on behalf of the respondent no. 4.

(4) Petitioner is permitted to serve opposite party no. 4 within 24 hours and file an affidavit of service.

(5) The affidavit filed by the Principal Secretary, Department of Housing and Urban Planning, U.P. is dissatisfactory, hence, the same is returned to the learned Standing Counsel for filing the better affidavit.

(6) We make it clear that a complete scheme needs to be evolved for dealing with the menace of unauthorized constructions in the residential, commercial and industrial areas. The State must come out with a complete plan as to how such unauthorized constructions, apart from the process of

compounding, are going to be dealt with.

(7) We also make it clear that that the compounding of the buildings, by no means, can be permitted to alter the foundational structure of the sanctioned plans and wherever the structure upto plinth level deviating the sanctioned plans has been raised, necessary survey deserves to be undertaken for dealing with the matters sternly.

(8) List/put up day after tomorrow i.e. **12.02.2025**.

(9) Let a complete copy of the writ petition be served to learned counsel for the opposite party no. 3 during the course of the day who may produce the sanctioned map of the building owned by him. The Lucknow Development Authority may also produce the relevant sanctioned map for comparison.

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[Subhash Vidyarthi, J.] [Attai Rahman Masoodi, J.]

Order Date :- 10.2.2025

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