

**Court No. - 9**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re: Ganga Pollution

**Respondent :-** State Of U.P. And Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C. Chaturvedi,M.C. Tripathi,M.K.Alam,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain, Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Ashok Bhushan,J.**

**Hon'ble Arun Tandon,J.**

Heard Sri A.K. Gupta, Amicus Curiae, Sri Ashwani Kumar Mishra, learned counsel for the Allahabad Development Authority, Sri Ajay Bhanot, learned counsel for the Union of India, Sri M.A. Haseen, learned counsel for Intervener, Sri Pradeep Kumar, learned counsel for Intervener and Sri R.B. Pradhan, learned Additional Chief Standing Counsel for the State.

Sri M.A. Haseen, learned counsel for the Intervener has filed an affidavit bringing on record the areas to be used for Kumbh/Magh Mela. It is his submission that on the area so earmarked to be used for Kumbh/Magh Mela, no construction can be permitted.

Reply to the said affidavit may be filed by the Allahabad Development Authority by the next date.

We have heard Sri Sudhir Chandra, learned Senior Advocate on behalf of M/s Pancham Realcon Private Limited and Sri Ashwani Kumar Mishra, learned counsel for Allahabad Development Authority in support of their prayer for modification of our earlier order dated 22nd April, 2011. Both the learned counsels have prayed that restriction imposed on construction upto 500 metres from the highest flood level of river Ganges and Yamuna in Allahabad is causing undue hardship. It is also pointed out that there are certain residential colonies within the city of Allahabad, which are within the restricted zone of construction.

However, both the learned counsel agree that the very purpose of Development Authority is to ensure planned development.

Sri Mishra, learned counsel for the Allahabad Development Authority seeks time to inform the Court as to what development has been done in the localities with specific reference to sewage treatment qua which relaxation is being prayed for. The details of the sewer lines and Sewage Treatment Plants, as may be available for treatment of sewage generated in the city of Allahabad, may be disclosed locality-wise by the next date through an affidavit, for which Sri Mishra prays for four weeks' time.

Prayer whereof is granted.

In the affidavit to be filed by the Allahabad Development Authority, it shall also be indicated as to what development has been affected in other areas, which have been earmarked in the master plan as residential and as to whether master plan of 2021 provides for stages of development as per Section 8 of the U.P. Urban Planning and Development Act, 1973, with specific reference to sewage treatment and the sewage farms. Details of action taken for Harit Patti being created at the distance of 200 metres around the river Ganges, as per the master plan, shall also be disclosed.

Sri Pradeep Kumar, Advocate on behalf of intervener has highlighted the difficulties faced by the residents of George Town Area of the city of Allahabad, during rainy season, because of sewage and dirty water being not drained off from the area. On earlier occasion, learned Chief Standing Counsel had assured that some concrete steps shall be taken for permanent solution to the problem, but no plan has been submitted before this Court till date.

The State Government may file an affidavit bringing on record the steps taken for overcoming the difficulties of the residents of George Town area by the next date.

A dredging machine had been provided for the river at Allahabad. To what use, the machine is being put, is not known. We feel that if dredging is down for providing a course to the river Ganga near the city side of Allahabad during this lean season than the effect, it has on the flow of river during rainy season when the flow of the water is at its maximum and the status of the course after the floods could be ascertained. Let the concerned authority do the needful and file an action taken report by the next date.

Let the matter be listed on 5th July, 2013 at 02:00 p.m.

(Ashok Bhushan, J.)

(Arun Tandon, J.)

**Order Date :- 29.5.2013**

Sushil/-