

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 199 of 2022

Petitioner :- R.C. Pathak Advocate (In Person)

Respondent :- Union Of India Thru.Secy.Mini.Of Home Affairs And Others

Counsel for Petitioner :- Ramesh Chandra Pathak

Counsel for Respondent :- A.S.G.I.,C.S.C.,Kumar Ayush,Namit Sharma,Ratnesh Chandra

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Subhash Vidyarthi,J.

Heard Sri R.C.Pathak, the petitioner who appears in person, learned Standing Counsel representing the State-authorities, Sri Mahendra Kumar Mishra, learned counsel for Railways, Sri Akhilesh Kumar Srivastava, learned counsel for LDA, Sri Kumar Ayush, learned counsel for U.P. Metro Rail Corporation and Sri Rajneesh Kumar Singh, learned counsel for Nagar Nigam.

Though from a perusal of the averments made in this public interest litigation petition, exact and clear grievance of the petitioner is not decipherable, however, it appears that near Charbagh Railway Station there is a road emanating from a tri-section of roads known as Nattha Tiraha which goes to Alambagh and in the stretch of the road from Nattha Tiraha to Durgapuri on both sides there are some permanent/temporary encroachments.

Allegation in the writ petition is that on account of the said encroachments unusual traffic jams occur very frequently which cause a lot of difficulties to the commuters. Further, submission made in the petition is that on account of these permanent/temporary encroachments the width of road which is available for actual use gets reduced causing lots of problems. It has also been stated that on account of the Metro Rail running above the road and also on account of the Metro Rail Station the daily foot fall on the road has increased, however because of the encroachments the pedestrians and other commuters find it difficult even to cross the road.

Removal of encroachment, as we understand, is primarily the duty of the local body i.e. Lucknow Nagar Nigam. So far as the traffic management is concerned, the district traffic police has to take appropriate and adequate steps to make the traffic smooth.

In the aforesaid view of the matter, we require the District Magistrate, Lucknow to hold a meeting of all the authorities concerned, namely, Superintendent of Police (Traffic) Lucknow, Nagar Ayukt, Lucknow, concerned Engineer of Public Works Department (if PWD is concerned with the maintenance of the road in question), appropriate Level Officer of Uttar Pradesh Metro Rail Corporation, Officer at appropriate Level of U.P. State Road Transport Corporation and the Divisional Railway Manager, North Eastern Railway, Lucknow and discuss the issues raised in this petition. This Committee is expected to cause a joint spot inspection by a team of officers and take appropriate measures for removal of encroachment and for providing smooth functioning of traffic so that people in the area may get rid of traffic jams occurring almost throughout the day. The said Committee shall take appropriate decision in this regard and shall also evolve a time bound action plan which shall be acted upon accordingly.

The District Magistrate, Lucknow is directed to ensure that the action plan, which is evolved by the Committee, is implemented in a time bound manner.

Learned Standing Counsel is required to communicate this order to the District Magistrate, Lucknow who shall communicate it to all concerned, as observed above.

Sri Akhilesh Kumar Srivastava, learned Standing Counsel for UPSRTC shall communicate this order to the Managing Director of the Corporation. Learned Standing Counsel representing the respective parties are also required to communicate this order to the authorities concerned in their respective departments/organizations.

With the aforesaid observations, the petition is **disposed of** finally.

Order Date :- 25.4.2022

Renu/-