

HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW)

**PUBLIC INTEREST LITIGATION (PIL) No. - 2622 of 2015
With WPIL Nos. 11268 of 2009 and 15385 of 2021**

Dr. Surendra Kumar and othersPetitioners

Through :- Mr. Dharmendra Gupta, Advocate

v/s

State of U.P. and othersRespondents

Through :- Mr. R.K. Singh, Additional Advocate General with
Mr. Pankaj Khare, Additional Chief Standing
Counsel and Mr. V.P. Nag, Standing Counsel for
respondent nos. 1, 3, 4 & 5

Mr. Ashok Kumar Verma, Advocate for respondent
no. 2

Mr. Shobhit Mohan Shukla, Advocate for
respondent no. 6

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

ORDER

1. The issue raised in the present petition is regarding misuse of the place, which was allotted for a Club. The grievance has also been raised regarding use of loudspeakers as the place is being used as marriage hall, which is disturbing peace of the residents in the surrounding area.

2. Learned counsel for the Lucknow Development Authority seeks time to file comprehensive affidavit explaining the terms and conditions for selling the land to be used as Club and also carry out inspection thereof and apprise the Court as to whether there is any violation either in construction or use of the place.

3. Affidavit of Vice Chairman, Lucknow Development Authority shall be filed.

WPIL No. 15385 of 2021

4. The present suo motu petition was registered with reference to noise pollution caused by modified silencers and pressure horns.

WPIL No. 11268 of 2009

5. The issue raised in the present petition is regarding additional/extra fittings attached on various motor vehicles and entry of heavy motor vehicles in the city during prohibited hours.

6. Though an affidavit has been filed by the State giving certain figures regarding challans issued, however, the fact remains that the menace of modified vehicles and entry of heavy vehicles in prohibited areas during day time, is still not taken care of.

7. The petitioner, who appeared in person, submitted that even today he had found number of modified vehicles as well as heavy vehicles being plied during no entry time in the city. He even clicked photographs of some of them.

8. Learned counsel for the State submitted that the aforesaid photographs may be provided to him so as to enable him to transmit the same to the authorities concerned for taking appropriate action. He seeks time to file a comprehensive affidavit.

9. As reported in the newspapers today, on account of D.J. playing in a function in hotel, the persons, who were responsible for playing D.J., set on fire the car of the complainant. It has also been reported that the hotel was running unauthorizedly. Earlier also, on account of issue regarding running of unauthorized hotels, a suo motu petition bearing Public Interest Litigation (PIL) No. 605 of 2022 titled as In Re Incidents of Fire at Levana Suites Hotel vs. State of U.P. and others was registered. At that time, major fire incident had taken place in a hotel, which was constructed and being run unauthorizedly. Since then, period of about 4 months has passed, still from the news item published today it is established that unauthorized hotels are still functioning in the city. That means Lucknow Development Authority has failed to take any action.

10. Let comprehensive affidavit be filed furnishing explanation in this regard too.
11. Adjourned to January 30, 2023.
12. Let WPIL 605 of 2022 be also listed along with present petitions on the next date of hearing.
13. Copy of the order be placed on record of aforesaid connected petitions.

(Brij Raj Singh)
Judge

(Rajesh Bindal)
Chief Justice

Lucknow
10.01.2023
Manish Himwan/Kuldeep