

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 515/2023

{WRIT PETITION (PIL) No. 4003/2006}

IN THE MATTER OF:

RE: GANGA POLLUTION

...APPLICANT

VERSUS

STATE OF U.P. & ORS.

...RESPONDENT(S)

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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IN

AFFIDAVIT

On behalf of Respondent/ Vice Chairman, Prayagraj Development
Authority

IN

PUBLIC INTEREST LITIGATION NO. 4003 OF 2006

DISTRICT-ALLAHABAD

RE : GANGA POLLUTION -----Petitioner

Versus

State of U.P. and others-----Respondent

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Dated:

(Vibhu Rai)

Advocate

Counsels for the Respondent /

Prayagraj Development Authority

Roll No: A/V 0074/12

Chamber No.71, High Court Allahabad

Mob: 9455296006

Please note: Sri Anoop Trivedi, senior advocate has given his kind consent to argue on behalf of Prayagraj Development Authority

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT

On behalf of Respondent/ Vice Chairman, Prayagraj Development
Authority

IN

PUBLIC INTEREST LITIGATION NO. 4003 OF 2006

DISTRICT-ALLAHABAD

RE : GANGA POLLUTION -----Petitioner

Versus

State of U.P. and others-----Respondent

Affidavit of -----

S/o

Posted as....

Deponent

I, the deponent above named do hereby solemnly affirmed on
oath as under: -

- 1- That the deponent is posted as Vice Chairman , Prayagraj
Development Authority, Prayagraj and as such he is fully
acquainted with the facts deposed below:

- 2- That in so far as the issue with regard to burial grounds near
bathing ghats is concerned it is most humbly submitted that the
aforesaid burial grounds have been established by Nagar Nigam
Prayagraj and they are maintaining those facilities be it
Rasulabad or Phaphamau side. It is further humbly submitted

that as the Nagar Nigam Prayagraj is having exclusive jurisdiction over burial/cremation grounds the Development authority has never framed any scheme or plan in this regard.

- 3- That in so far as the submission of Learned Amicus Curiae in respect of "Nava Prayagam Yojana" is concern it is most humbly submitted that the Learned Amicus Curiae has not been correctly informed in this regard. As the matter of fact the aforesaid scheme namely "Nava Prayagam Yojana" has already been terminated in the year 2012 itself and all the allottees/proposed buyers have been refunded registration amount/allotment money and presently there is absolutely no scheme in the name of "Nava Prayagam Yojana" in existence.
- 4- That in so far as the submission of Learned Amicus Curiae in respect of other projects allegedly planned by development authority is concerned it is most humbly submitted that there is no project of the development authority which is falling within the prohibited area visualized under the order dated 22.4.2011.
- 5- That It is further submitted that only one project has been approved by the Board of Development Authority after 22.4.2011. The said Project was approved on 27.6.2017 vide resolution no. 1713 and it was permitted to submit the layout plan for approval of the Board after complying with statutory requirements. The layout plan of the aforesaid project was approved vide resolution no. 1791 passed in the 121st Board meeting dated 19.9.2018. Subsequently a decision was taken for reserving 5 percent of complete area of the project for commercial purposes. The said decision was requiring the approval of the state government for change of land use and as such the board of the Development authority in its 122nd

meeting dated 29.12.2018 has referred the matter to the state government with its recommendation for the such conversion. The said proposal is still pending before the state government. Further the State level Environment Impact Assessment Authority has granted environmental clearance to the aforesaid project in its meeting dated 27.5.2020.

- 6- That the Board of the Development authority has passed the layout of the residential portion of the aforesaid project vide resolution no. 1864 in its 129th meeting dated 17.12.2020.
- 7- That it is specifically stated here that none of the projects apart from the aforesaid has been proposed or underway or completed after 22.4.2011. It is specifically stated here that after the year 1991 no other project whatsoever has been launched by the Development Authority. The "Nava Prayagam Yojana" has already been abolished in the year 2012 and the proposed project has been approved in the year 2017.
- 8- That survey as directed by this Hon'ble Court involves a huge area. However near Naini area certain illegal constructions/illegal plotting etc. were identified and a list whereof is being submitted before this Hon'ble Court. However, for conducting thorough survey more time will be required and area wise survey list would be produced before this Hon'ble Court in a phased manner. Copy of the list of illegal constructions/illegal plotting is annexed herewith and marked as Annexure no.1 to this affidavit.
- 9- That thus affidavit is being filed in compliance of the order dated 29.10.2021 passed by this Hon'ble Court. The same may be very kindly be taken record.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

DECLARATION

IN

AFFIDAVIT

On behalf of Respondent/ Vice Chairman, Prayagraj Development
Authority

IN

PUBLIC INTEREST LITIGATION NO. 4003 OF 2006

DISTRICT-ALLAHABAD

RE : GANGA POLLUTION -----Petitioner

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State of U.P. and others-----Respondent

I -----

S/o

Posted as....

1. That it is stated that at the present situation pertaining to COVID-19 the RESPONDENT is unable to swear the affidavit.
2. That further the photo-centre of the Hon'ble High Court is also closed in the present circumstances.
3. That the documents and instructions averred annexed in the affidavit were duly communicated and forwarded to the counsel by the RESPONDENT on the mobile phone.

4. That thus in view of the aforesaid, the filing of the affidavit at the present time may be exempted and the RESPONDENT undertakes to file the same whenever the lockdown is completely lifted or may be directed by this Hon'ble Court.

Dated:

(Vibhu Rai)

Advocate

Counsels for the Respondent /
Prayagraj Development Authority

Roll No: A/V 0074/12

Chamber No.71, High Court Allahabad

Mob: 9455296006

Please note: Sri Anoop Trivedi, senior advocate has given his kind
consent to argue on behalf of Prayagraj Development Authority

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Annexure No. A-

IN

AFFIDAVIT

On behalf of Respondent/ Vice Chairman, Prayagraj Development
Authority

IN

PUBLIC INTEREST LITIGATION NO. 4003 OF 2006

DISTRICT-ALLAHABAD

RE : GANGA POLLUTION -----Petitioner

Versus

State of U.P. and others-----Respondent

3732

11-5-2011

o/k

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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In

Counter Affidavit
On behalf of respondent no. 19)

In

(PIL)
CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

District : Allahabad

Re: Ganga Pollution
Harchetan Bramhchari Ji MaharajPetitioner

Versus

State of U.P. and othersRespondents

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4	Copy of the relevant page of the Building Bye-Laws		CA2	24-25
5	Copy of final Master Plan		CA3	26-27

(Ashwani K. Misra)

Counsel for the respondent no. 19
Chamber no. 22, High Court, Allahabad

Dated : 11/5/2011

2506

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Misc. Stay Vacation Application No..... 2011
(Under Chapter XXII Rule 1 of the High Court Rules)

On behalf of

Allahabad Development Authority,
Allahabad through its Vice Chairman

.....Applicant

In

(PIL)

CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

Re: Ganga Pollution
Harchetan Bramhchari Ji Maharaj,
Sri Mad Paramhans Ashram, Teekar Mafi
Amethi, District Sultanpur at present
Residing at Jhoosi, Post Jhoosi, District Allahabad

District : Allahabad

.....Petitioner

Versus

1. State of U.P.
through Secretary, Environment,
Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division,
Allahabad
3. The Collector, Allahabad
District Allahabad
4. The Mela Officer, Incharge, Magh Mela,
Allahabad
5. State Board of Prevention and Control of Water
Pollution through its Chairman
6. Union of India,
Through the Ministry of Environment,

New Delhi

7. Union of India
Through the Ministry of Water Reserves,
New Delhi
8. Union of India
Through secretary, Ministry of Environment,
Government of India, New Delhi
9. State of Uttaranchal,
Through Chief Secretary, Civil Secretariat,
Government of Uttaranchal, Dehradun
10. Chairman, Central Pollution Control Board,
Ministry of Environment, Government of India
New Delhi
11. Tehri Hydro Development Corporation Limited
Registered office at Bhageerath Bhawan,
(Top Terrace), Bhageerath Puram,
District Tehri Garhwal - 249001
through its Managing Director
12. State of U.P.
through Chief Secretary,
Government of U.P., Lucknow
13. Principal Secretary,
Ministry of Irrigation, Government of U.P.
Lucknow
14. Principal Secretary,
Local Bodies, Jal Sansthan,
Government of U.P., Lucknow
15. Nagar Nigam, Allahabad (U.P.)
16. Nagar Nigam, Kanpur (U.P.)
17. Union of India,
through the Ministry of Urban Development,
New Delhi
18. M/s IVRCL Infrastructure and Project Ltd.
through its Managing Director,

Registered office M-22/3RT, Vijay Nagar Colony,
Hyderabad

19. Allahabad Development Authority,
Allahabad through its Vice Chairman
.....Respondents

To,

The Hon'ble the Chief Justice and His Companion
Judges of the aforesaid Court.

The humble petition of the above named applicant
Most Respectfully showeth as under :

1. That in view of the facts and circumstances stated
in the accompanying affidavit which forms part of this
application, it is expedient in the interest of justice that
this Hon'ble Court may graciously be pleased to vacate
the interim order dated 22nd April, 2011, otherwise the
applicant shall suffer irreparable loss and injury.

2. That the aforesaid application is to be filed on
.11/5/11 and it is to be listed before the Hon'ble Court
on 13/5/11...

PRAYER

It is, therefore, expedient in the interest of justice that this Hon'ble Court may graciously be pleased to vacate the interim order dated 22nd April, 2011, otherwise the applicant shall suffer irreparable loss and injury.

Dated 11/5/2011

(Ashwani K. Misra)
Counsel for the respondent no. 19

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Counter Affidavit
(On behalf of respondent no. 19)

In

CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

District : Allahabad

Harchetan Bramhchari Ji Maharaj,
Sri Mad Paramhans Ashram, Teekar Mafi
Amethi, District Sultanpur at present
Residing at Jhoosi, Post Jhoosi, District Allahabad

.....Petitioner

Versus

1. State of U.P.
through Secretary, Environment,
Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division,
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District Allahabad
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5. State Board of Prevention and Control of Water
Pollution through its Chairman
6. Union of India,
Through the Ministry of Environment,
New Delhi
7. Union of India
Through the Ministry of Water Reserves,
New Delhi

8. Union of India
Through secretary, Ministry of Environment,
Government of India, New Delhi
9. State of Uttaranchal,
Through Chief Secretary, Civil Secretariat,
Government of Uttaranchal, Dehradun
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Registered office at Bhageerath Bhawan,
(Top Terrace), Bhageerath Puram,
District Tehri Garhwal - 249001
through its Managing Director
12. State of U.P.
through Chief Secretary,
Government of U.P., Lucknow
13. Principal Secretary,
Ministry of Irrigation, Government of U.P.
Lucknow
14. Principal Secretary,
Local Bodies, Jal Sansthan,
Government of U.P., Lucknow
15. Nagar Nigam, Allahabad (U.P.)
16. Nagar Nigam, Kanpur (U.P.)
17. Union of India,
through the Ministry of Urban Development,
New Delhi
18. M/s IVRCL Infrastructure and Project Ltd.
through its Managing Director,
Registered office M-22/3RT, Vijay Nagar Colony,
Hyderabad
19. Allahabad Development Authority,
Allahabad through its Vice Chairman

Affidavit *Baij Nath* of
....., aged
about 45 years, son of
Mathura Prasad.....,
presently posted as
Joint Secretary Allahabad
Development Authority,
Allahabad

(Deponent)

I, the deponent above named, do hereby solemnly affirm and state on oath as under :-

1. That the deponent, above named, is presently posted as *Joint Secretary* Allahabad Development Authority, Allahabad and has been duly authorized to file the present affidavit on its behalf and, as such he is fully acquainted with the facts deposed to below.
2. That in the present writ petition, the learned Amicus Curiae had filed an affidavit giving detail arguments relating to land of Sewage Form, relying upon which this Hon'ble court was pleased to pass an order on 22.4.2011.
3. That the relevant portion of the order of this Hon'ble court is reproduced herein below:

"Sri Arun Kumar Gupta, learned amicus curiae has filed an affidavit giving details pertaining to the land of sewage farm which was acquired in 1915 and the diversion of the land for other purposes including transfer of 45 hectares of land by Nagar Nigam, Allahabad for construction of housing colony. Learned Amicus Curiae has also brought on record the Government order dated 31.7.2000 by which the State Government has imposed restriction on constructions within 200 meters from the river bank with the object of saving river Ganges from pollution. Decision was however, taken that relaxation can be granted to Math, Ashram and temple in certain condition. The decision of the Board meeting of the Allahabad Development Authority dated 3.4.2005 has also been brought on record in which a decision was taken that no permission shall be granted for any construction of house within 200 meters of highest flood level of river Ganges. The relaxation for Math etc. was continued. Learned Amicus Curiae has also brought on record the decision of the Committee of Allahabad Development Authority deciding the objection on master plan 2021 specially the decision of the committee on item No. 45. From decision taken by the Committee at item No. 45, it appears that application was made by the Manager, Sahara India Commercial praying for land use as commercial in Mauja Mavaiya and Mavaiya Devrakh Uperhar Tahsil Karchana on total 133 acres of land. In the decision it has been resolved that upto 200 meters from the river bank, no construction of any kind would be permissible and for next 300 meters constructions can be permitted only in special circumstances. The Board refused permission to change the land use as residential. It is useful to quote the decision of the Committee:

प्राधिकरण बोर्ड के पूर्व बैठक के निर्णय के अनुसार हाइयेस्ट फ्लड लेवल को देखते हुए बंधा रोड का एलाइमेंट होगा। महायोजना में जो बंधा रोड का एलाइमेंट दिखाया गया है वो उसकी पुष्टि भी एरीगेशन विभाग से कर लिया जाये तथा शासन के आदेश के अनुसार बंधा रोड के साथ जा नदी तटीय विकास के लिए 200 मी० तक कोई निर्माण नहीं होगा तथा अगले 300 मी० में कोई विशेष भू-उपयोग

अनुमन्य किए कये हैं। इसके अतिरिक्त पूर्व महायोजना सीवेज फार्म, ग्रीन बेल्ट एवं फर्ल्ड इफवटेड एरिया प्रदर्शित था तथा शासनादेश के अनुसार यहां ग्रीन बेल्ट यथावत नदी तटीय विकास के अन्तर्गत रखा गया है उनका अधिकतर स्थल इस क्षेत्र में आता है। उपरोक्त शासनादेशों के आधार पर इस क्षेत्र को आवासीय करना उपयुक्त नहीं होगा। प्राधिकरण बोर्ड इस पर विचार करना चाहे।

Unabated and enormous construction on the river bank is also one of the source of increasing pollution in river water and a source for throwing untreated sewage dirt in the river with no mechanism to check. As noticed above, Allahabad Development Authority while rejecting the application of Sahara Commercial Corporation for permitting the change of land use as residential in villages mentioned therein, recorded that within 200 meters from highest flood level, construction is wholly prohibited and within next 300 meters permission be granted only in special circumstances. Restriction in making construction of housing colony within 500 meters of highest flood level of river is necessary and mandatory to check the further pollution which may be caused by such housing colonies. We have noticed that in spite of repeated directions, neither the Nagar Nigam nor the State of U.P. has been able to come with any measure to check release of untreated sewage in river Ganges. 134 MLD untreated sewage, according to own case of Nagar Nigam is being discharged in river Ganges daily and according to the respondent new sewage treatment plant of the capacity 60 MLD shall be commissioned by 2013. New sewage treatment plant which has been mentioned and proposed has yet not started and we have reasonable doubt as to whether it will be able to function by 2013. Stopping construction up to 500 meters from highest flood level on the banks of both the rivers Ganges and also on the part of river Yamuna adjoining Sangam has to be directed in the city of Allahabad. The earlier order dated 28.3.2011 however requires modification. We thus direct that no construction shall be undertaken by the Allahabad Development authority or by any private builders within 500 meters of highest flood level of river

Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area. We however, give liberty to any aggrieved person to make appropriate application in this petition with regard to above restrictions, if he feels so aggrieved."

4. That the argument advanced on behalf of the learned Amicus Curiae was to the effect that the Allahabad Development Authority in its Master Plan has already taken a decision not to ordinarily permit constructions upto an area of 500 meters from the highest flood level. This argument of the learned Amicus Curiae was based upon the recommendation of the committee constituted at item no. 45 at page 200 and 201 of the Master Plan Rule. The contention consequently was that in view of the recommendations which was stated to be a part of the Master Plan itself, this Hon'ble court proceeded to issue directions in the order dt. 22.4.2011 prohibiting any kind of construction activity within an area of 500 meters from the highest flood level.
5. That the aforesaid contention of the learned

Amicus Curiae is based on a complete misreading and misconstruction of the Master Plan document itself, in view of the facts stated hereinafter:

- i. That the answering respondent Authority submits that item no. 45 appearing at page no. 200 of the Master Plan document is a part of the objections and suggestions tendered by the committee constituted to discuss the draft Master Plan 2021. A perusal of page 170 of the Master Plan itself to reveal that while column no. 1 relates to name and address of the person, column no. 3 relates to the objections and suggestion of the person concerned upon which in the next column is contained the departmental note and lastly the recommendations of the committee have been contained. A conjoint reading of page 170, 200 and 201 would therefore, leave no room of doubt that serial no. 45 was actually a suggestion submitted by Mr. S. Faizal, Manager, Sahara India Commercial Company Ltd., Lucknow wherein in the next column the

false suggestion of Mr. S. Faizal has been mentioned. In the next column thereafter is contained the departmental note and in the last column the recommendations of the committee to examine the suggestions and objections has been mentioned.

- ii. That suggestions/objections of Mr. S. Faizal contained at serial no. 45 came to be considered in the 83rd meeting of the Authority itself dt. 3.4.2005. The agenda note placed before the Authority in the meeting dt. 3.4.2005 as well as the resolution no. 1337 resolved by the Authority in the said meeting are clearly mentioned at page 168 of the Master Plan document.
- iii. That perusal of page 168 would show that the recommendation made by the committee while dealing with the suggestions and objections of Mr. S. Faizal at serial no. 45 recommending restrictions in the raising of construction upto level of 500 meters from the

highest flood level was not accepted by the Authority and consequently the recommendation made by the committee was neither accepted nor it could be treated to be a decision by the competent authority for the said premises.

- iv. That the decision contained at page 168 is based upon the Government Order issued on 31.7.2000 of the State Government which has been annexed at page 166 of the Master Plan document.
- v. That from perusal of the above decision it is clear that the ultimate decision taken by the Authority on the issue relating to imposing of restrictions for raising constructions within a specified distance from the river itself was confined only to the extent of 200 meters from the bank (Nadi Tat) of the river itself.
- vi. That the Authority therefore, ^{at} had no point of time ever ^{took} ~~to~~ any decision to restrict raising of construction upto level of 500 meters from the

highest flood level in the final text Master Plan 2021 which is enforced and operative as on date. The contrary suggestion made by the learned Amicus Curiae is based on a complete misreading and misconstruction of the Master Plan document itself and therefore such stand is liable to be discarded.

- vii. That it would also be relevant to state that at page 125 of the final text of Master Plan document imposition of restrictions on raising constructions on either side of river Ganga and Yamuna has been specifically specified which is restricted to 200 meters from the bank of the river itself. A true copy of the page 125/126 of the Master Plan document is annexed herewith and marked as Annexure-CA1 to this affidavit.

- viii. That in furtherance of the provisions contained under the U.P. Urban Planning & Development Act, 1973 the Authority has also formulated its building bye-laws known as

Building Bye-Laws, 2008 of the Authority. The said building bye-laws also specifically deals with the restriction imposed upon raising of construction on either side of river Gana and Yamuna which too is confined to the extent of 200 meters of the river itself. The bank of the river (Nadi Tat) has also been defined therein to mean the bank of the river as mentioned in the revenue records or in the records of the Irrigation Authorities. A true copy of the relevant page of the Building Bye-Laws in this regard is annexed herewith and marked as Annexure-CA2 to this affidavit.

- ix. That in view of the provisions of the Act, 1973 the Master Plan itself was finalized and promulgated by the Authorities with the approval of the State Government on 12.8.2006. The final Master Plan which contains the map showing the existence of river and its bank as well as the permissible user of land on which adjoining areas as well as describes the situationing of the

embankment and the same is annexed herewith and marked as Annexure-CA3 to this affidavit.

- x. That from perusal of the aforesaid Master Plan it would show that the bank of the river has been clearly depicted in the plan which is on the basis of revenue entries available with the concerned Authorities and after carrying out of survey etc. as per the revenue records. After the bank of the river (Nadi Tat) upto an extent of 200 meters River Front Development has been provided in the plan which corresponds to the decision already taken in the Master Plan document as well as in the meeting of the Authority, relying upon the Government Order issued in this regard.

- xi. That the River Front Development area which extends nearly to the extent of 200 meters is required to be kept as Green Belt Area and the only development permissible therein is for religious and other spiritual purpose as

defined in the Government Order dt. 31.7.2000 itself.

- xii. That further a perusal of the Master Plan it would show that that after the aforesaid 200 meters of river front development area a high areas embankment has been contemplated and actually established on the side of the river Ganga and Yamuna at Arail side.
- xiii. That all constructions activity of the residential colony which has been permitted by the Authority for its own New Praygam Scheme and for the construction of High-Tec City is beyond the high area embankment which clearly is beyond a distance of 200 meters from the river Ganga and Yamuna and consequently the decision of the Authority is strictly in view of the Master Plan document itself.

6. That the restrictions which has been provided in the order of this Hon'ble court, stopping construction and development work upto extent of

500 meters from the highest flood level therefore, runs counter to the specific provisions contained in the Master Plan document itself and therefore requires appropriate suitable modification by this Hon'ble court.

7. That the Authority has already allotted plots to merely 1000 plots holders in the New Prayagam Scheme and the development of High-Tec Township has also been permitted by the Authority as per law which specifically compliance with the provisions of Master Plan and also ensures that the holy river Ganga and Yamuna are not polluted by any means on account of development of the aforesaid two columns. It is again reiterated that in the project of the New Prayagam Scheme no untreated water beyond the permissible limit is to be discharged in the river and in the project of the High-Tec City no discharge whatsoever is to take place in river Ganga or Yamuna from the High-Tec City and the entire discharge of waste water would be treated and are cycled in the project area itself and consequently there would be no threat or

damage to the sanctity and purity of the river itself.

8. That account of the fact that the learned Amicus-curiae erred in construing the terms of the Master Plan, aforesaid, as such, the order passed by this Hon'ble Court on 22nd April, 2011 renders contrary to and in teeth of the provisions of the Master Plan-2010 for Allahabad, which is statutory document in terms of section 12 of the Act of 1973 and, therefore, it is prayed that the order passed by this Hon'ble Court dated 22.4.2011 may kindly be vacated/modified so that it is inconformity with the provisions of law.

9. That in view of the facts and circumstances stated above, it is expedient in the interest of justice that this Hon'ble court may be pleased to modify the order dated 22.4.2011 and the restrictions imposed on development by the Authority or any private developer within 500 meters of the highest flood level of river Ganga and Yamuna may very kindly be vacated otherwise the substantial public interest would be adversely hampered.

I, the deponent above named, do hereby solemnly affirm and state on oath that the contents of paragraph nos. ...1..... of this affidavit are true to my personal knowledge, and that of paragraph nos. ...2 To 8..... are based on record and that of paragraph nos. are based on information received and that of paragraph nos.9..... are based on legal advice and no part of this affidavit is false and nothing material has been concealed.

SO HELP ME GOD.

Deponent

I, Panchdeo, clerk to Shri Ashwani K. Misra, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be the deponent is known to me from the perusal of papers produced in this case and I am satisfied that he is the same person.

.....
Solemnly affirmed before me on this 11th day of

(20A)

^{9.30}
May., 2011 at about a.m/p.m. by the deponent
who is identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which has been read over and explained to him by me.

OATH COMMISSIONER

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Annexure-CA1

In

Counter Affidavit
On behalf of respondent no. 19)

In

CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

District : Allahabad

Re; Ganga Pollution
Harchetan Bramhchari Ji MaharajPetitioner

Versus

State of U.P. and othersRespondents

- उपरान्त ही गाड़ियाँ खड़ी होगी। पार्किंग लाइन्स के भाग की गणना प्रत्येक 100 वर्गमीटर फ्लोर एरिया पर पार्किंग क्षेत्र 20 वर्गमीटर के अनुसार ही की जायेगी।
5. 4 मंजिला भवन तथा उससे ऊपर के भवनों में अग्निशमन विभाग तथा भूकम्प की तीव्रता (Rictor Scale) के आधार पर तत्सम्बन्धित विभाग की संरचना के सम्बन्ध में अनापत्ति प्रमाण-पत्र लेना होगा।
 6. रेन वाटर हार्वेस्टिंग का प्रावधान प्रत्येक भवन के लिये किया जाना अनिवार्य होगा। उपरोक्त वर्णित प्रावधानों के अतिरिक्त कवर्ड एरिया, फ्लोर एरिया एवं सेटबैक आदि से सम्बन्धित समस्त विभागीय बाईलाज यथावत रहेगे तथापि फ्रन्ट सेटबैक स्तम्भ संख्या-1 के अनुसार होगा।

IV निर्मित क्षेत्र

- मार्गों के साथ-साथ व्यावसायिक एवं आवासीय प्रयोजन निम्नानुसार होंगे।
1. निर्मित क्षेत्र में निर्धारित बाजार स्ट्रीट मार्ग के दोनों ओर महायोजना में दर्शायी गयी तालिका संख्या-9.5 के अनुसार मार्ग की चौड़ाई के अनुरूप गहराई सुनिश्चित की जायेगी।
 2. भवन की ऊँचाई 3 मंजिल अर्थात् 11 मीटर से अधिक नहीं होगी।
 3. सेट बैक भवन उपविधियों के अनुसार सुनिश्चित किये जायेंगे।
 4. फ्रन्ट सेट बैक में किसी प्रकार की बाउण्ड्रीवाल नहीं होगी और इसका उपयोग फुटपाथ एवं मार्गों को चौड़ा करने में किया जायेगा। फ्रन्ट सेट बैक में किसी प्रकार का स्थाई अथवा अस्थायी निर्माण न तो अनुमत्य होगा और न ही शामिल (Compound) किया जायेगा।
 5. इन क्षेत्रों में भूतल पर व्यावसायिक तथा ऊपर के दोनों तलों पर आवासीय अथवा व्यावसायिक भू-उपयोग अनुमत्य होगा।

V गंगा-यमुना नदी के दोनों ओर हरित पट्टिका :

शासनादेश संख्या-124/सीएम/9-आ-3-2000-27 कैम्प/99 दिनांक 31 जुलाई 2000 के अनुसार गंगा-यमुना नदी के किनारे से 200 मीटर की गहराई तक धार्मिक मान्यताओं से जुड़े हुये प्रमुख मठ, आश्रम एवं मन्दिर आदि के निर्माण की अनुमति निम्नलिखित शर्तों के अन्तर्गत प्रदान की जा सकती है।

1. इस क्षेत्र में भू-आच्छान 35 प्रतिशत तथा एफ0 ए0 आर0 1.5 होगा, जैसा कि सार्वजनिक सुविधाओं के अनुरूप अनुमत्य हो। किसी भी भूखण्ड का क्षेत्रफल एक एकड़ से कम नहीं होगा।
2. आवेदक को भवन मानचित्र के साथ एक योजना प्रस्तुत करना होगा जिसमें यह सुनिश्चित हो कि इससे नदी का जल प्रदूषित नहीं होगा। इसके लिए सम्बन्धित विभाग से अनापत्ति प्रमाण-पत्र लेना होगा।
3. ड्रेनेज सीधा नदी में अवमुक्त नहीं किया जायेगा अपितु इसे अन्य नालों या सीवेज से मिलाने की व्यवस्था करनी होगी।
4. यदि क्षेत्र में सीवेज व्यवस्था नहीं है तो अपने स्रोतों से सेप्टिक टैंक बनाना होगा।

ताकि मल नदी में न जाने पाये।

5. यह योजना जल निगम/जल संस्थान अथवा विकास प्राधिकरण द्वारा स्वीकृत की जायेगी तथापि स्वीकृति के पूर्व समिति का अनुमोदन लेना होगा।
6. वर्तमान अभिलेखों के अनुसार इस क्षेत्र में ग्रामीण आबादी यथावत बनी रहेगी, जिसके लिए विकास प्राधिकरण को लाल-डोरी क्षेत्र निर्धारित करता होगा तथा उस सीमा में ग्रामीण क्षेत्र के अन्तर्गत रहने वाले लोगों को आवासीय भवन निर्मित करने की अनुमति उस ग्राम में विगत 10 वर्षों से रहने का प्रमाण-पत्र सक्षम प्राधिकारी द्वारा प्रस्तुत करने के उपरान्त ही प्रदान की जाएगी तथा किसी प्रकार का कालोनाइजेशन अनुमन्य नहीं होगा।
7. हगित पट्टिका के अन्तर्गत विशेष परिस्थितियों में निर्माण/विकास की अनुमति दिये जाने के सम्बन्ध में निम्न समिति द्वारा निर्णय लिया जायेगा।
 1. आयुक्त/अध्यक्ष, इलाहाबाद विकास प्राधिकरण, इलाहाबाद या उनके द्वारा नामित अधिकारी
 2. जिला अधिकारी, इलाहाबाद या उनके द्वारा नामित अधिकारी
 3. उपाध्यक्ष, इलाहाबाद विकास प्राधिकरण, इलाहाबाद
 4. सहयुक्त नियोजक, सम्भागीय नियोजन खण्ड, नगर एवं ग्राम नियोजन विभाग 30प्र0 इलाहाबाद
 5. मेलाधिकारी, कुम्भ मेला, इलाहाबाद

VI हैरिटेज जोन :

मुख्य नगर के दर्शनीय सांस्कृतिक, धार्मिक एवं ऐतिहासिक भवनों के सौन्दर्यीकरण तथा सम्प्रभुता को बढ़ावा देने के दृष्टिकोण से निम्नलिखित प्रस्ताव दिये गये हैं।

1. दर्शनीय स्थल के समस्त भू-खण्डों से 50 मीटर तक कोई निर्माण की अनुमति अनुमन्य नहीं होगी।
2. 50 से 100 मीटर तक एक तल का निर्माण अनुमन्य होगा।
3. 100 से 150 मीटर तक दो तल का निर्माण अनुमन्य होगा।
4. 150-250 मीटर की दूरी तक भवन की ऊँचाई किसी भी दशा में तीन तल से अधिक नहीं होगी।

VII कुम्भ मेला क्षेत्र :

महायोजना में प्रस्तावित कुम्भ मेला क्षेत्र के लिये मेला से सम्बन्धित स्थायी या अस्थायी निर्माण/विकास निम्न समिति के निर्णयानुसार होगा।

1. आयुक्त/अध्यक्ष, इलाहाबाद मण्डल या उसके द्वारा नामित अधिकारी
2. जिलाधिकारी, इलाहाबाद या उसके द्वारा नामित अधिकारी
3. उपाध्यक्ष, इलाहाबाद विकास प्राधिकरण, इलाहाबाद
4. सहयुक्त नियोजक, सम्भागीय नियोजन खण्ड, नगर एवं ग्राम नियोजन विभाग 30प्र0 इलाहाबाद
5. मेलाधिकारी, कुम्भ मेला, इलाहाबाद

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Annexure-CA2

In

Counter Affidavit
On behalf of respondent no. 19)

In

CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

District : Allahabad

Re; Ganga Pollution
Harchetan Bramhchari Ji MaharajPetitioner

Versus

State of U.P. and othersRespondents

3.1.10 गंगा नदी के किनारे
200 मीटर क्षेत्र में
निर्माण अनुज्ञा

- (II) संरक्षित स्मारकों के अतिरिक्त सांस्कृतिक, ऐतिहासिक एवं वास्तुकलात्मक अभिकल्पन की धरोहर के संरक्षण की दृष्टि से महत्वपूर्ण स्थलों/भवनों के आस-पास विकास/निर्माण की अनुज्ञा प्रदान करने हेतु प्राधिकरण समुचित शर्तें एवं प्रतिबन्ध निर्धारित कर सकता है।
- (I) गंगा नदी के किनारे बसे नगरों में नदी तट से 200 मीटर क्षेत्र में केवल विद्यमान भवनों की मरम्मत एवं जीर्णोद्धार तथा हेरिटेज भवनों के सम्बन्ध में 'इंटैक' (INTACH) के परामर्श से संरक्षण कार्य अनुमन्य होंगे, शेष गतिविधियां निषिद्ध होंगी।
- (II) गंगा नदी के किनारे स्थित प्रमुख तीर्थ स्थलों पर नदी तट से 200 मीटर के क्षेत्र से अन्तर्गत मठ, आश्रम तथा मंदिर का निर्माण निम्नलिखित शर्तों के अधीन अनुमन्य होगा :
- (क) भू-आच्छादन 35 प्रतिशत तथा एफ.ए.आर. 1.5 अनुमन्य होगा।
- (ख) प्रस्तावित निर्माण के साथ एक योजना प्रस्तुत की जाएगी जिसमें यह सुनिश्चित हो कि नदी में प्रदूषण नहीं होगा। योजना जल निगम/जल संस्थान अथवा विकास प्राधिकरण द्वारा स्वीकार पाये जाने पर नियमानुसार मानचित्र स्वीकृत किया जाएगा।
- (ग) ड्रेनेज सीधे नदी में अवमुक्त नहीं किया जाएगा, बल्कि अन्य नालों, आदि में ले जाने की व्यवस्था की जाएगी।
- (घ) यदि क्षेत्र में सीवरेज व्यवस्था नहीं है, तो निवास स्थान/धर्मशाला, आदि अनुमन्य नहीं होंगी।

टिप्पणी:—नदी तट का आशय सम्बन्धित विभाग (राजस्व/सिंचाई) के अभिलेखों में अंकित तट से है।

3.1.11 आर्किटेक्चुरल
कन्ट्रोल

किसी क्षेत्र विशेष में भवनों का आर्किटेक्चुरल फसाड/एलीवेशन अथवा उस सीमांकित क्षेत्र के आर्किटेक्चुरल फीचर्स विकास प्राधिकरण द्वारा निर्माण अनुज्ञा हेतु निर्धारित शर्तों एवं प्रतिबन्धों के अनुरूप होंगे। आर्किटेक्चुरल कन्ट्रोल में परिस्थिति के अनुसार निम्न शर्तों/प्रतिबन्धों में समस्त या किसी एक का प्राविधान सुनिश्चित कराया जा सकता है:—

- (क) सामने अथवा गली/सड़क की ओर भवन के अभिदर्शित पार्श्व की अनिवार्य ऊँचाई, जहाँ तक भवन निर्माण किया जा सकता है,
- (ख) तलों की अनिवार्य ऊँचाई,
- (ग) कार्निस सिल, खिड़कियों के ऊपरी भाग, सन-शेड तथा प्रथम एवं अनुवर्ती तलों पर प्रोजेक्शन की अनिवार्य ऊँचाई एवं डिजाइन,
- (घ) भवन निर्माण के साथ अनिवार्य बिल्डिंग लाइन,
- (च) बालकनी के अनिवार्य टाइप डिजाइन,
- (छ) कलर स्कीम।

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Annexure-CA3

In

Counter Affidavit
On behalf of respondent no. 19)

In

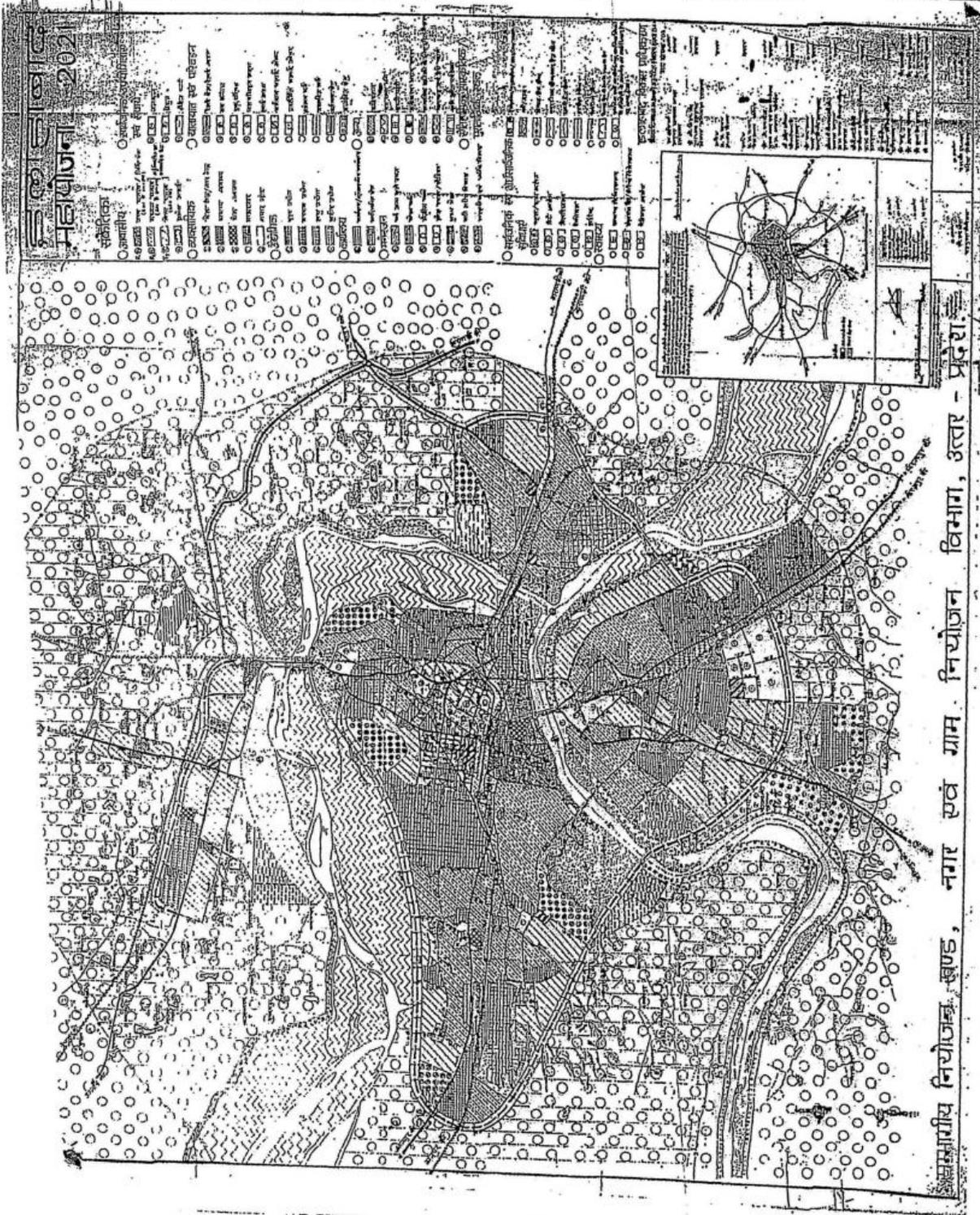
CIVIL MISC. WRIT PETITION NO. 4003 OF 2006
(Under Article 226 of the Constitution of India)

District : Allahabad

Re; Ganga Pollution
Harchetan Bramhchari Ji MaharajPetitioner

Versus

State of U.P. and othersRespondents



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

INDEX

IN

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

..... Respondent No. 19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner

Versus

State of U.P and others.

..... Respondents

<u>Sl. No.</u>	<u>Particular</u>	<u>Date</u>	<u>Annx</u>	<u>Page No.</u>
1.	Affidavit of compliance			1-6
2.	Copies of the notice issued by the Authority to the Blind School and the photograph of the Wall-Writing.		1	5-6
3.	Copy of the I. D. Proof.			

Dated: 13/7/12

(Ashwani K. Mishra)
Advocate
Counsel for Respondent
No.19, Chamber No.22,
High Court, Allahabad.

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad, through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

.....

Petitioner

Versus

1. State of U.P, through Secretary, Environment, Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division, Allahabad.
3. The Collector, Allahabad, District Allahabad.
4. The Mela Officer Incharge, Magh Mela, Allahabad.
5. State Board for Prevention & Control of Water Pollution, through its Chairman.
6. Union of India through the Ministry of Environment, New Delhi.
7. Union of India through Ministry of Water Resources, New Delhi.
8. Union of India through Secretary, Ministry of Environment, Government of India, New Delhi.
9. State of Uttranchal through Chief Secretary, Civil Secretariat, Government of Uttranchal, Dehradun.
10. Chairman, Central Pollution Control Board, Ministry of Environment, Government of India, New Delhi.
11. Tehri Hydro Development Corporation Limited, Registered Office at Bhageerath Bahwan (Top Terrace), Bhageerathi Puram, District Tehri (Garhwal)-249001, through its Managing Director.
12. State of U.P. through Chief Secretary, Government of U.P., Lucknow.
13. Principal Secretary, Ministry of Irrigation, Government of U.P., Lucknow.
14. Principal Secretary, Local Bodies, Jal Sansthan, Government of U.P., Lucknow.
15. Nagar Nigam, Allahabad.
16. Nagar Nigam, Kanpur.

17. Union of India, through Ministry of Urban Development, New Delhi
18. M/s IVRCL Infrastructures & Projects Ltd, Hyderabad.
19. Allahabad Development Authority, Allahabad, through its Vice Chairman.

..... Respondent

Affidavit of Ram Yagya Mishra, age about 48 years, S/o Sri K.N. Mishra presently posted as Secretary, Allahabad Development Authority, Allahabad.

(Deponent)

I, the deponent above named do hereby solemnly affirm and state on oath as under;

1. That the deponent is presently posted as Secretary, Allahabad Development Authority, Allahabad and is authorized by the Respondent No. 19 to file this affidavit on his behalf; as such, he is well acquainted with the facts of the case deposed to below.
2. That this Hon'ble Court on 31.05.2012 had been pleased to consider the developments, which had taken place towards identification of the Highest Flood Level (in short, HFL) and its demarcation according to the map submitted by the District Administration. The partial work of demarcation of HFL which had remained incomplete, has also been completed and therefore, the work of identification and demarcation of HFL on the map has also been concluded by erecting pillars on the spot.
3. That so far as application moved by M/s. Sam Higginbottom Educational and Charitable Society, Allahabad before this Hon'ble Court is concerned, as soon as application was examined at the level of the Authority, immediate instructions were issued by the Authority for stopping all the construction and development work undertaken in the premises of the Blind School. The Management of the Blind School was apprised of the orders passed by this Hon'ble Court and that they should not undertake any further construction. The Authority has also ensured that no construction work is actually undertaken in

the premises of the Blind School thereafter and as a matter of fact, no construction work has actually taken place in the premises of Blind School ever since then. The Authority apart from serving notice to the Blind School has also prominently highlighted through wall-writing on the gate of the Blind School itself that no constructions are permissible in the premises as per the orders of the Hon'ble High Court. Upon further verification, it transpired that no new construction work has actually been undertaken by the Blind School in the recent past and the only construction which has been found to have taken place of late in the premises of the Blind School is of raising of a 4 Feet boundary wall and gate. Copies of the notice issued by the Authority to the Blind School and the photograph of the Wall-Writing are enclosed herewith and are marked as Annexure No. '1' to this Affidavit.

4. That, the Authority reiterates the prayer made by it in its previous affidavits of compliance for appropriate vacation and modification of the orders passed by this Hon'ble Court on 22.04.2011 as reiterated from time to time on the basis of materials already brought on record before this Hon'ble Court.
8. That, the aforesaid Affidavit of Compliance may kindly be accepted and taken on record.

I, the deponent above named do hereby swear and verified that the contents of paragraph nos. 1, 2, 4 and 5 of this affidavit are true to the personal knowledge, and those of paragraph nos. 3 of this affidavit are based on perusal of records, and those of para nos. of this affidavit are based on information received by the deponent and those of para nos. of this affidavit are based on legal advice which all I believes to be true, no part of it is, false and nothing has been concealed.

So Help Me God.

DEPONENT

I, Panchdeo, Clerk to Shri Ashwani K. Mishra, Advocate, High Court, Allahabad do hereby declare that person making this affidavit and alleging himself as deponent is the same person and is known to me from the perusal of papers produced in this case.

(Clerk)

Solemnly affirmed and stated before me on this day of 13th July, 2012, at about 10.25 a.m./p.m. by the deponent who has been identified by the above person.

I have satisfied myself by examining the deponent that he understood the contents of this affidavit which has been read-over to him by me.

OATH COMMISSIONER

J

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. '1'

IN

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

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6

इलाहाबाद विकास प्राधिकरण, इलाहाबाद।

प्रषक,

जोनल अधिकारी,
इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

संवा में,

डा०(श्रीमती)सोसन एलिजाबेथ द्विवेदी
जनरल सेक्रेटरी
द स्कूल एंड होम फार द ब्लाइड(ब्लाइंड एसाइलम) नैनी
इलाहाबाद।

पत्रांक :- 165/जो०अ०/जोन-4/वि०प्रा०/2012-13

दिनांक 20.6.2012

विषय :- मा० उच्च न्यायालय इलाहाबाद में दाखिल जनहित याचिक सं०-4003/2006 में
पारित आदेश दिनांक 22.04.2011 का अनुपालन सुनिश्चित करने के सम्बन्ध में।

महोदया,

उपर्युक्त विषयक के सम्बन्ध में सूचित करना है कि मा० उच्च न्यायालय इलाहाबाद में दाखिल जनहित याचिक सं०-4003/2006 में प्रारित आदेश दिनांक 22.04.2011 के द्वारा नदी के उच्चतम जल स्तर से 500 मीटर के अन्दर किसी प्रकार के निर्माण पर रोक लगाया गया है। निर्मित द स्कूल एंड होम फार द ब्लाइड(ब्लाइंड एसाइलम) नैनी इलाहाबाद नदी के उच्चतम जल स्तर से 500 मीटर के अन्दर स्थित है ऐसी स्थिति में मा० उच्च न्यायालय के आदेश का अनुपालन में स्थल पर किसी प्रकार नव निर्माण न करावे, साथ ही स्थल पर मा० उच्च न्यायालय के आदेश दिनांक 22.04.2011 को स्थल पर अंकित कराने का कष्ट करें।

भवदीय,

(W)
जोनल अधिकारी,
इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

प्रतिलिपि :-

1. श्री ए०के० सिंह अवर अभियन्ता को इस आशय से कि स्थल पर किसी प्रकार का निर्माण न हो निगरानी रखे, साथ ही मा० उच्च न्यायालय के आदेश दिनांक 22.04.2011 को स्थल पर अंकित कराना सुनिश्चित करें।

(W)
जोनल अधिकारी,
all
me

-168-

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सूचना

यह भवन एक एक एल के 500 सी०
के अन्तर्गत आता है जो उच्च न्यायालय
के जनहित याचिका सं० 4003/2006 के
अन्तर्गत अदरानुसार यहाँ कोई भी नव
निर्माण करना बजित है।
आज्ञा से-

इला० वि० अधिकरण इला०

RAE (A.F.)
07/07/12

3769

Q/e

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

INDEX

IN

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,

through its Vice-Chairman:

..... Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

E
17/8/12 In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

<u>Sl. No.</u>	<u>Particular</u>	<u>Date</u>	<u>Annx</u>	<u>Page No.</u>
1.	Affidavit of compliance			<i>1-4</i>
2.	A copy of the report of the Secretary, ADA, Allahabad, in this regard dt.16.8.2012.	16.08.2012	1	<i>5-6</i>
3.	A copy of the notice issued under Section 27 of the Act.	16.07.2012	2	<i>7-8</i>
4.	A copy of the demolition order.	28.07.2012	3	<i>9-11</i>
5.	Photo copy of I.D. of the Deponent			

Dated: *17-8-12*

(Ashwani K. Mishra)
Advocate
Counsel for Respondent
No 19, Chamber No.22,
High Court, Allahabad.

2543

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad, through its Vice-Chairman.

..... Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006.

(District : Allahabad)

In re :- Ganga Pollution.

.....

Petitioner.

Versus

1. State of U.P, through Secretary, Environment, Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division, Allahabad.
3. The Collector, Allahabad, District Allahabad.
4. The Mela Officer Incharge, Magh Mela, Allahabad.
5. State Board for Prevention & Control of Water Pollution, through its Chairman.
6. Union of India through the Ministry of Environment, New Delhi.
7. Union of India through Ministry of Water Resources, New Delhi.
8. Union of India through Secretary, Ministry of Environment, Government of India, New Delhi.
9. State of Uttranchal through Chief Secretary, Civil Secretariat, Government of Uttranchal, Dehradun.
10. Chairman, Central Pollution Control Board, Ministry of Environment, Government of India, New Delhi.
11. Tehri Hydro Development Corporation Limited. Registered Office at Bhageerath Bahwan (Top Terrace), Bhageerathi Puram, District Tehri (Garhwal)-249001, through its Managing Director.
12. State of U.P. through Chief Secretary, Government of U.P., Lucknow.
13. Principal Secretary, Ministry of Irrigation, Government of U.P., Lucknow.
14. Principal Secretary, Local Bodies, Jal Sansthan, Government of U.P., Lucknow.
15. Nagar Nigam, Allahabad.
16. Nagar Nigam, Kanpur.

17. Union of India, through Ministry of Urban Development, New Delhi.
 18. M/s IVRCL Infrastructures & Projects Ltd, Hyderabad.
 19. Allahabad Development Authority, Allahabad, through its Vice-Chairman.

..... Respondents.

Affidavit of Ram Yagya Mishra, aged about 48 years, S/o Shri K. N. Mishra presently posted as Secretary, Allahabad Development Authority, Allahabad.

(Deponent)

I, the deponent above named do hereby solemnly affirm and state on oath as under;

1. That the deponent is presently posted as Secretary, Allahabad Development Authority, Allahabad (in short, ADA) and is authorized by the Respondent No. 19 to file this affidavit on his behalf; as such, he is well acquainted with the facts of the case deposed to below.
2. That the work with regard to identification, demarcation and installing of pillars indicating 500 meters from the Highest Flood Level (HFL) already identified and noticed in the previous order of this Hon'ble Court, has been completed. A total number of 1248 pillars have been installed being 400 in Tehsil Karchana, 324 in Tehsil Soraon, 306 in Tehsil Sadar and 218 in Tehsil Phoolpur. A copy of the report of the Secretary, ADA, Allahabad, in this regard dt.16.8.2012 is annexed and is marked as Annexure No.1 to this Affidavit.
3. That so far as raising of construction of boundary wall within the limits of 500 meters from the HFL by the Blind School is concerned, the Authority had issued a notice to the School on 16.7.2012 requiring appearance of the representative of the school on 25.7.2012. Despite service of notice none appeared on behalf of the School and consequently, an order of demolition was passed by the Authority on 28.7.2012. A copy of the notice dt.16.7.2012 issued u/s 27 of the Act as well as the order of demolition dt.28.7.2012 are enclosed and are marked as Annexure No.2 and 3 to this Affidavit.

4. That, pursuant to the order of demolition passed by the Authority, the Blind school has commenced work of actual demolition of boundary wall, which is going on, on the spot.
5. That, the Vice-Chairman and the Secretary of the ADA, Allahabad, had themselves inspected the spot and certain constructions which were attempted to be raised within premises of the Blind School have been got stopped on the spot and all construction material etc. which were available on the spot, have been removed. No construction of any kind is presently being undertaken within the premises of the Blind School.
6. That, with regard to issue of raising of construction by Sam Higginbottom Educational and Charitable Society (Formerly Allahabad Agricultural Institute) is concerned, the Authority initiated proceedings in accordance with law regarding violation of the provisions of the Act. The officials of ADA, have taken further necessary steps as per law and the Senior Officials have also inspected the spot for ensuring that no further violation of law takes place at the spot. The Institute and their Senior Officials have been duly apprised by the Authority vide notice and also by personal intimation that their area falls within 500 meters from the HFL and raising of construction within it. The Authority has also intimated the local police to ensure that no construction of any kind is allowed within the premises of the Institute.
7. That, all possible efforts are being undertaken by the Authority to ensure strict compliance of the directions issued by this Hon'ble Court.
8. That, the aforesaid Affidavit of Compliance may kindly be accepted and taken on record.

I, the deponent above named do hereby swear and verified that the contents of paragraph nos. 1 of this affidavit are true to the personal knowledge, and those of paragraph nos. 2 to 7 of this affidavit are based on perusal of records, and those of para nos. of this affidavit are based on information.

received by the deponent and those of para nos. 8....., of this affidavit are based on legal advice which all I believes to be true, no part of it is, false and nothing has been concealed.

So Help Me God.

DEPONENT

I, Panchdeo, Clerk to Shri Ashwani K. Mishra, Advocate, High Court, Allahabad do hereby declare that person making this affidavit and alleging himself as deponent is the same person and is known to me from the perusal of papers produced in this case.

(Clerk)

Solemnly affirmed and stated before me on this day of ¹⁷ ~~10~~^{Aug} 2012 at about _____ a.m./p.m. by the deponent who has been identified by the above person.

I have satisfied myself by examining the deponent that he understood the contents of this affidavit which has been read-over to him by me.

OATH COMMISSIONER

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. '1'

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,

through its Vice-Chairman:

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

1279
16.8.12

कार्यालय सचिव, इलाहाबाद विकास प्राधिकरण, इलाहाबाद।

संख्या: 3357 सचिव / वि०प्रा० / 2012

दिनांक: अगस्त 16, 2012

✓ श्री बैजनाथ,

प्रभारी अधिकारी (विधि)

जनहित याचिका संख्या 4003/2006 में माननीय उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांक 13-7-2012 के अनुपालन में तहसीलवार निम्नवत् एच०एफ०एल०+500 मी० रेखा पर सम्बन्धित तहसील के राजस्व स्टाफ द्वारा किये गये सीमांकन रेखा पर पत्थर नसब कराने का कार्य पूर्ण हो जाने की सूचना अधिशासी अभियन्ता, श्री एम०एस०गुरुदित्ता द्वारा दी गयी है:-

1- तहसील करछना	400
2- तहसील सोरांव	324
3- तहसील सदर	306
4- तहसील फूलपुर	218
योग	1248

उपरोक्तानुसार एच०एफ०एल०+500 मी० रेखा पर माननीय उच्च न्यायालय के आदेश दिनांक 13-7-2012 के अनुपालन में पत्थर नसब किये जाने का कार्य पूर्ण हो गया है। कृपया इस सूचना के आधार पर मा० उच्च न्यायालय में दाखिल किये जाने विषयक शपथ पत्र तैयार करावें।

16.08
(राम यज्ञ मिश्र)
सचिव।

प्रतिलिपि:-

- 1- उपाध्यक्ष महोदय की सेवा में सूचनार्थ।
- 2- अपर जिलाधिकारी (वित्त/राजस्व), इलाहाबाद को सूचनार्थ।

सचिव

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. '2'

AFFIDAVIT OF COMPLIANCE

On Behalf of
Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

.....

Petitioner.

Versus

State of U.P and others.

.....

Respondents.

इलाहाबाद विकास प्राधिकरण, इलाहाबाद

कारण बतलाने की नोटिस

प्रेषक,

संयुक्त सचिव/उप सचिव
इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

सेवा में,

श्री/श्रीमती श्रीमान् शक्ति आ बेधन डिपेंडी
दि. २५.७.२०१२ को म. फ. री. व. १५३४
अ. व. २०१२ नं. १०१इलाहाबाद। (को-४/उप-की-१/२५/१२-१३) १६.७.२०१२
संख्या वि० प्रा०/वार्ड (२७)। दिनांक

विषय :

उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, १९७३
की धारा २७ के अधीन नोटिस

महोदय,

चूंकि उत्तर प्रदेश नगर नियोजन तथा विकास अधिनियम, १९७३ की ४ के
अधीन इलाहाबाद विकास प्राधिकरण, इलाहाबाद से अपेक्षित अनुमति प्राप्त किये बिनाउपरोक्त स्थल पर
पर स्थित भवन का, जिसमें १६०० मीटर लम्बी ५ फीट २ इंच की
बाड़ूरी काठ का निर्माण कार्य प्रारंभ हुआ है।
है, आपने निर्माण आरम्भ किया है आप निर्माण कर रहे हैं/आपने निर्माण
पूरा कर लिया है।अतः उक्त अधिनियम की धारा २७ (१) के अधीन आपसे यह अपेक्षा की जाती है कि
आपने हस्ताक्षरी के समक्ष दिनांक २५.७.२०१२ को समय ११ बजे पूर्वान्ह में
उपस्थित होकर कारण बतलाये कि आपके उपर्युक्त अनाधिकृत निर्माण को गिरा देने के आदेश क्यों न पारित कर
दिये जायें।उक्त तिथि को यथासमय आप स्वयं अथवा अपने यथाविधि प्राधिकृत अधिवक्ता द्वारा उपस्थित हो
सकते हैं।

संयुक्त सचिव/उप सचिव
इलाहाबाद विकास प्राधिकरण
इलाहाबाद ०१६
टिप्पणी - आपका ध्यान उ०प्र० नगर नियोजन तथा विकास अधिनियम १९७३ की धारा २६ (१) की ओर
आकर्षित किया जाता है जिसके अधीन इलाहाबाद विकास प्राधिकरण की अनुमति के बिना निर्माण
करने के लिये सिद्ध दोष, व्यक्ति को रु० १०,००० अर्थ दण्ड से दण्डित किया जा सकता है और
अपराध अनवरत रूप से होने की दशा में ऐसे अपराध के लिए रु० ५०० तक प्रतिदिन और अर्थ
दण्ड दिया जा सकता है।

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. '3'

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,

through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

.....

Petitioner.

Versus

State of U.P and others.

.....

Respondents.

3779

173

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(A)

इलाहाबाद विकास प्राधिकरण, इलाहाबाद

प0सं0 : 56 / जोन-04 / उप0-ए / वि0प्रा0(27) / 2012--13
दिनांक 26 / 7 / 2012

आदेश

क्षेत्रीय अवर अभियन्ता/सहायक अभियन्ता (भवन) द्वारा अपनी आख्या दिनांक 16.07.2012 को यह रिपोर्ट प्रस्तुत किया गया कि श्रीमती सोशन एलिजाबेथ द्विदेदी द्वारा द स्कूल एण्ड होमकार द ब्लाइड(अन्धा खाना) नैनी इलाहाबाद के मूर्तल पर लगभग 100 मीटर लम्बी एवं 5' ऊँची बाउन्ड्रीवाल कराया गया है।

उक्त रिपोर्ट के आधार पर विपक्षी को उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम 1973 की धारा 27 एवं 28 के अर्न्तगत "कारण बतलाने" एवं "अवैध निर्माण कार्य को रोकने" की रोकने की नोटिस दिनांक 25.27.12 को सुनवाई तिथि नियत करते हुए दिनांक 16.07.12 को जारी किया गया। जिसे श्री विश्वनाथ स्वर्णकार डाक चपरासी द्वारा स्थल पर चस्पा किया गया। क्षेत्रीय अवर अभियन्ता/सहायक अभियन्ता की आख्या दिनांक 26.07.2012 के अनुसार स्थल नदी के उच्चतम जल स्तर से 500 मीटर के अर्न्तगत होने क कारण बाउन्ड्रीवाल को ध्वस्त करने की संस्तुति की गयी है। इस प्रकार विपक्षी द्वारा किये गये अनधिकृत निर्माण से उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम 1973 की धारा 14 व 15 का घोर उल्लघन होता है, जिसको ध्वस्त करने के अलावा अन्य कोई विकल्प नहीं है।

अतः विपक्षी को आदेश दिया जाता है कि इस पत्र प्राप्ति के 15 दिन के अन्दर उक्त कराये गये अनधिकृत निर्माण को स्वयं ध्वस्त कराकर विकास प्राधिकरण कार्यालय को सूचित करें, अन्यथा उसे विकास प्राधिकरण द्वारा ध्वस्त करा दिया जायेगा और उस पर होने वाला समस्त व्यय विपक्षी से भू0-राजस्व के रूप में वसूल किया जायेगा।

(H)
MOENS

जोनल अधिकारी,

इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

21/7/12

2553

3780

B/E

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

INDEX

IN

SUPPLEMENTARY AFFIDAVIT

On Behalf of

Allahabad Development Authority, Allahabad, through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

F
24/2/12

<u>Sl. No.</u>	<u>Particular</u>	<u>Date</u>	<u>Annx</u>	<u>Page No.</u>
1.	Affidavit of compliance.			1 - 4

Dated: *24/2/12*

(Ashwani K. Mishra)
Advocate
Counsel for U.P. Jal Nigam,

2554

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

SUPPLEMENTARY AFFIDAVIT

On Behalf of

Allahabad Development Authority, Allahabad, through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

.....

Petitioner.

Versus

1. State of U.P, through Secretary, Environment, Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division, Allahabad.
3. The Collector, Allahabad, District Allahabad.
4. The Mela Officer Incharge, Magh Mela, Allahabad.
5. State Board for Prevention & Control of Water Pollution, through its Chairman.
6. Union of India through the Ministry of Environment, New Delhi.
7. Union of India through Ministry of Water Resources, New Delhi.
8. Union of India through Secretary, Ministry of Environment, Government of India, New Delhi.
9. State of Uttranchal through Chief Secretary, Civil Secretariat, Government of Uttranchal, Dehradun.
10. Chairman, Central Pollution Control Board, Ministry of Environment, Government of India, New Delhi.
11. Tehri Hydro Development Corporation Limited, Registered Office at Bhageerath Bahwan (Top Terrace), Bhageerathi Puram, District Tehri (Garhwal)-249001, through its Managing Director.
12. State of U.P. through Chief Secretary, Government of U.P., Lucknow.
13. Principal Secretary, Ministry of Irrigation, Government of U.P., Lucknow.
14. Principal Secretary, Local Bodies, Jal Sansthan, Government of U.P., Lucknow.

15. Nagar Nigam, Allahabad.
16. Nagar Nigam, Kanpur.
17. Union of India, through Ministry of Urban Development, New Delhi.
18. M/s IVRCL Infrastructures & Projects Ltd, Hyderabad.
19. Allahabad Development Authority, Allahabad, through its Vice-Chairman.

..... Respondents.

Affidavit of Pradeep Kumar, aged about 48 years, S/o Shri **RASHU RAJ TIWARI** presently posted as Secretary, Allahabad Development Authority, Allahabad.

(Deponent)

I, the deponent above named do hereby solemnly affirm and state on oath as under;

1. That the deponent is presently posted as Secretary, Allahabad Development Authority, Allahabad, and is authorize to file the present Supplementary Affidavit on behalf of respondent no.19, and as such, is well acquainted with the facts of the case deposed to below.
2. That, this Hon'ble Court had been pleased to enquire from the respondent State, the source of funds needed for the successful holding of upcoming Kumbh Mela – 2013.
3. That, the Allahabad Development Authority, Allahabad had submitted a budget for a sum of Rs.57 Crores for the said event.
4. That, as per the existing arrangement for providing funds for the project, only 30% of the required funds are being provided by the Central Government, whereas, remaining contribution of 70% is to come from the State Government through its different agencies



involved in the project, including the Allahabad Development Authority, Allahabad.

5. That, the forthcoming Kumbh Mela-2013 is an event of International level, having cultural, social, religious and spiritual importance. Citizens from most of the countries spread across seven Continents participate in large numbers, apart from large population attending the event from throughout the country. In view of the importance of the project itself, the Allahabad Development Authority, Allahabad has undertaken to provide 70% share of the project amount of Rs.57 Crores, and remaining 15 Crores is being provided by the Central Government.

6. That, the Allahabad Development Authority, Allahabad, has been constituted under Section 3 of the U.P. Urban Planning and Development Act, 1973, with the object of ensuring Planned Development of the Development Area of the Allahabad. The Authority is supposed to provide various public amenities and development work in Allahabad. Considering the enormity of the task to be achieved, the funds available with the Authority are scarce. In case, the Authority diverts the funds for meeting the commitment made for the Kumbh Mela, it shall have to divert its fund from other public activities, which may obstruct the normal activities of the Authority.

I, the deponent above named do hereby swear and verified that the contents of paragraph nos...../..... of this affidavit are true to the personal knowledge, and those of paragraph nos. 2, 3, 4, 5..... of this affidavit are based on perusal of records, and those of para nos. of this affidavit are based on information received by the deponent and those of para nos. of this affidavit are based on legal advice which all I believes to be true, no part of it is, false and nothing has been concealed.

So Help Me God.



DEPONENT

I, Panchdeo, Clerk to Shri Ashwani K. Mishra, Advocate, High Court, Allahabad do hereby declare that person making this affidavit and alleging himself as deponent is the same person and is known to me from the perusal of papers produced in this case.

(Clerk)

Solemnly affirmed and stated before me on this day of 24th February, 2012 at about 12-30 a.m./p.m. by the deponent who has been identified by the above person.

I have satisfied myself by examining the deponent that he understood the contents of this affidavit which has been read-over to him by me.

OATH COMMISSIONER



3785 o/c

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

INDEX

IN

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad,

through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

R
18/5/12

<u>Sl. No.</u>	<u>Particular</u>	<u>Date</u>	<u>Annx</u>	<u>Page No.</u>
1.	Affidavit of compliance			1-5
2.	Photo copy of the letter	21.4.2012	1	6-8
3.	Copy of the letter of IIT, Allahabad	30.4.2012	2	9-10
4.	Copy of the letter of IIT, Allahabad to the Authority	17.5.2012	3	11-13
5.	Copy of the order passed by the District Magistrate	23.4.2012	4	14-15

Dated: 18.5.12.

(Ashwani K. Mishra)
Advocate
Counsel for Respondent
No.19 Chamber No.22
High Court, Allahabad.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT OF COMPLIANCE

On Behalf of

Allahabad Development Authority, Allahabad, through its Vice-Chairman.

..... Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

1. State of U.P, through Secretary, Environment, Government of U.P., Secretariat, Lucknow (U.P.)
2. The Commissioner, Allahabad Division, Allahabad.
3. The Collector, Allahabad, District Allahabad.
4. The Mela Officer Incharge, Magh Mela, Allahabad.
5. State Board for Prevention & Control of Water Pollution, through its Chairman.
6. Union of India through the Ministry of Environment, New Delhi.
7. Union of India through Ministry of Water Resources, New Delhi.
8. Union of India through Secretary, Ministry of Environment, Government of India, New Delhi.
9. State of Uttranchal through Chief Secretary, Civil Secretariat, Government of Uttranchal, Dehradun.
10. Chairman, Central Pollution Control Board, Ministry of Environment, Government of India, New Delhi.
11. Tehri Hydro Development Corporation Limited, Registered Office at Bhageerath Bahwan (Top Terrace), Bhageerathi Puram, District Tehri (Garhwal)-249001, through its Managing Director.
12. State of U.P. through Chief Secretary, Government of U.P., Lucknow.
13. Principal Secretary, Ministry of Irrigation, Government of U.P., Lucknow.
14. Principal Secretary, Local Bodies, Jal Sansthan, Government of U.P., Lucknow.

15. Nagar Nigam, Allahabad.
16. Nagar Nigam, Kanpur.
17. Union of India, through Ministry of Urban Development, New Delhi.
18. M/s IVRCL Infrastructures & Projects Ltd, Hyderabad.
19. Allahabad Development Authority, Allahabad, through its Vice-Chairman.

..... Respondents.

Affidavit of Baijnath, aged about 48 years,
S/o Shri Mathura Prasad, presently
posted as Joint Secretary, Allahabad
Development Authority, Allahabad.

(Deponent)

I, the deponent above named do hereby solemnly affirm and state on oath as under;

1. That the deponent is presently posted as Joint Secretary, Allahabad Development Authority, Allahabad and is authorized by the Respondent No. 19 to file this affidavit on his behalf; as such, he is well acquainted with the facts of the case deposed to below.
2. That pursuant to the orders passed by this Hon'ble Court on 20.04.2012, the Allahabad Development Authority, Allahabad (in short, Authority) took decision to request the Indian Institute of Information Technology, Allahabad (in short, IIIT), to assist the Authority in proper implementation of the orders passed by this Hon'ble Court dated 16.02.2012 and 20.04.2012 with regard to preparation of its own map on the details provided by the District Administration. The Authority, therefore, requested the IIIT to accept such request and all the revenue maps which have been provided by the District Administration to the ADA, pursuant to the directions of this Hon'ble Court, were furnished to the IIIT. Photocopy of the letter

dated 21.04.2012 sent by the ADA to IIIT, Allahabad in this regard is enclosed and is marked as Annexure No. '1' to this Affidavit. The IIIT accepted the request of the Authority and work on the Project was started with effect from 21.04.2012 itself. This was intimated by letter of the IIIT dated 30.04.2012, copy whereof is enclosed and is marked as Annexure No. '2' to this Affidavit.

3. That a team of officials of the Authority has been in regular touch of the IIIT and all the records desired by them, have been made available to them, as they have been so made available to the Authority by the District Administration.
4. That, certain discrepancies were noticed by the IIIT in this regard, which were rectified with submission of fresh / more accurate maps provided by the District Administration.
5. That, on the basis of the work undertaken for the aforesaid project by the IIIT, Allahabad, the situation as emerging has been elaborately noticed and communicated by the IIIT, Allahabad, to the Authority vide its letter dt.17.5.2012, copy of which is enclosed and is marked as Annexure No. '3' to this Affidavit.
6. That, the Authority has requested IIIT to complete the project within a still shorter period, instead of two weeks, as has been mentioned in the letter of the IIIT.
7. That, the Authority, therefore, prays that it be allowed 10 days further time to comply with the directions contained in the order passed by this Hon'ble Court dt.20.4.2012, in so far as it relates to preparation of its map.
8. That, the further direction issued by this Hon'ble Court on 20.4.2012 of making demarcation on the spot of the Highest Flood Level by affixing pillars has been taken up on priority. The District Magistrate vide his order dt.23.4.2012 constituted a committee consisting of Joint Secretary of the Authority alongwith concerned Tehsildar of Sadar, Saraon, Phoolpur and Karchana Tehsils. Copy of the order by the

District Magistrate dt.23.4.2012 is enclosed and is marked as Annexure No. '4' to this Affidavit.

9. That the Authority has arranged for stone pillars to commence such work of demarcation. The actual installing of pillars has started in villages Madanua, Deverakh and Lavayan Kalan of Karchana Tehsil which forms part of the project area of M/s Pancham Realcon Pvt. Ltd. The remaining project area of M/s Pancham Realcon would also be completed in about a weeks time and further demarcation work thereafter, shall proceed expeditiously. The photographs showing installing of pillars in the project area of Hi-Tech City shall be placed at the time of hearing of the petition.
10. That the Authority therefore, most humbly prays that the hearing in this matter on pending applications relating to demarcation of Highest Flood Level and preparation of map by the Authority may kindly be taken after 10 days.

I, the deponent above named do hereby swear and verified that the contents of paragraph nos. 1, 3, 4, 6, 7, 9, and 10 of this affidavit are true to the personal knowledge, and those of paragraph nos. 2, 5, 8, of this affidavit are based on perusal of records, and those of para nos. of this affidavit are based on information received by the deponent and those of para nos. of this affidavit are based on legal advice which all I believes to be true, no part of it is, false and nothing has been concealed.

So Help Me God.

DEPONENT,

I, Panchdeo, Clerk to Shri Ashwani K. Mishra, Advocate, High Court, Allahabad do hereby declare that person making this affidavit and alleging himself as deponent is the same person and is known to me from the perusal of papers produced in this case.

(Clerk)

Solemnly affirmed and stated before me on this day of ~~18th February~~^{19th}, 2012
at about 12.45 a.m./p.m. by the deponent who has been identified by the
above person.

I have satisfied myself by examining the deponent that he understood the
contents of this affidavit which has been read-over to him by me.

OATH COMMISSIONER

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. 1

AFFIDAVIT OF COMPLIANCE

On Behalf of
Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

इलाहाबाद विकास प्राधिकरण, इलाहाबाद

प्रेषक,

उपाध्यक्ष,
इलाहाबाद विकास प्राधिकरण,
इलाहाबाद।

सेवा में,

निदेशक,
भारतीय सूचना प्रौद्योगिकी संस्थान,
इलाहाबाद।

संख्या: 02/2570/न.वि.प्रा. / वि.प्रा. / 2006

दिनांक: 21/02/2012

विषय: रिट याचिका संख्या: 4003/2006 रि: गंगा पाल्युशन बनाम उ०प्र० राज्य व अन्य में
जिलाधिकारी, इलाहाबाद द्वारा दाखिल नैप के डिजीटाईजेशन एवं मास्टर प्लान पर
सुपर इम्पोजिंग के संबंध में।

महोदय,

अपगत कराना है कि उपर्युक्त जनहित याचिका में दिनांक 16.02.2012 को मा०
उच्च न्यायालय द्वारा निम्न आदेश पारित किया गया है :-

Learned Amicus Curiae explains that it has to be determine first as to at
what point the highest flood level should be taken for calculating the radius of
500 meter where in construction stands prohibited.

Sri A.K. Mishra, learned counsel for the Allahabad Development Authority
submits that the Development Authority shall, on the basis of the map submitted
by the District Magistrate, measure the area giving the plot number, Khasra
number and the name of villages for demarcating the highest flood level in 1978
and submit its own map.

Let this be done within two weeks from today. A copy of the map be supplied to
the applicant, Amicus Curiae and the Additional Advocate General before filing
the same before the Court.

आज दिनांक 21.04.2012 को आपके कार्यालय में इस संबंध में प्रारम्भिक वार्ता
हुई। जिलाधिकारी, इलाहाबाद द्वारा माननीय उच्च न्यायालय में तहसील सदर, करछना,
फूलपुर एव सोरॉव के राजस्व मानचित्र उपलब्ध कराये गये हैं जिनमें 1978 में आई बाढ़
के अधिकतम बिन्दु/स्तर (H.F.L.) को हरी रसाही से इंगित किया गया है। मा० न्यायालय
के यह आदेश है कि जिलाधिकारी द्वारा प्रस्तुत किये गये इस मानचित्र को आधार
मानचित्र (base map) मानते हुये सर्वप्रथम इसको कम्प्यूटर से डिजीटाईज किया जाय
तत्पश्चात अधिकतम बाढ़ स्तर से अग्रेतर 500 मीटर की दूरी इस मानचित्र पर लाल
रसाही से इंगित कर दिया जाय। नदी तट से इस 500 मीटर की लाईन के मध्य का क्षेत्र
न्यायालय द्वारा No Construction Zone के रूप में घोषित किया गया है। वस्तुतः इसी
अनिर्माण क्षेत्र को मानचित्र पर प्रदर्शित करना ही मुख्य कार्य है। द्वितीय चरण में
जिलाधिकारी, इलाहाबाद एवं इलाहाबाद विकास प्राधिकरण की टीम द्वारा इस मानचित्र
पर इंगित लाल घेरे पर वाउन्ड्री पिलर्स गडवाकर इस अनिर्माण जोन का भौतिक सीमांकन
कराया जाना प्रस्तावित है।

इस साधर अनुसंध है कि संस्थान के विशेषज्ञों की सेवायें इस कार्य हेतु प्राधिकरण को उपलब्ध कराने की नहती कृपा करें। इस कार्य पर जो भी लागत आयेगी, प्राधिकरण उसका भुगतान करने की प्रतिबद्धता व्यक्त करता है। संस्थान से सम्पर्क करने हेतु प्राधिकरण के 02 अधिकारियों श्री स्वराज गौगुली, नगर नियोजक (नो0सं0-9838558309) एवं श्री राजेश कुमार श्रीवास्तव, तहसीलदार (नो0सं0: 9335100601) नोडल अधिकारियों के रूप में नामित किये जाते हैं जो दान्तिन सूचनायें और आनुषंगिक अभिलेख उपलब्ध करायेंगे।

संलग्नक: उपरोक्तानुसार।

भवदीय

अनिल
21.4.2012

(अनिल कुमार सिंह)

उपाध्यक्ष

o/c

प्रतिलिपि:-

1. श्री स्वराज गौगुली, नगर नियोजक को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
2. श्री राजेश कुमार श्रीवास्तव, तहसीलदार को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

अनिल
21.4.2012

अनिल
21.4.2012

उपाध्यक्ष

o/c

9

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. 2

AFFIDAVIT OF COMPLIANCE

On Behalf of
Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

..... Respondent No. 19

IN

CIVIL MISC. WRIT PETITION NO. 4003 (PIL) OF 2006

(District: Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.



12
3/5/12

3795
भारतीय सूचना प्रौद्योगिकी संस्थान, इलाहाबाद
Indian Institute of Information Technology, Allahabad

A University Established under Sec.3 of UGC Act, 1956 vide
Notification No. F.9-1/99-U.3 Dated 4/8/2000 of the Govt. of India
(A Centre of Excellence in IT Established by Govt. of India)

10

एम० डी० तिवारी
डी.एच., डी.एच.
निदेशक
M.D. TIWARI
D.Phil., D. Sc.
DIRECTOR



पत्रांक: भा०सू०प्रौ०सं०-इ०/348/2012
दिनांक: 30.04.2012

प्रिय श्री अनिल जी,

आपका पत्रांक संख्या 22/उपा०/न.नि./वि.प्रा./2012 दिनांकित 21/04/2012 जो रिट याचिका संख्या:4003/2006 रि: गंगा पाल्युशन बनाम उ०प्र० राज्य व अन्य में जिलाधिकारी, इलाहाबाद द्वारा दाखिल मैप के डिजिटलाईजेशन एवं मास्टर प्लान पर सुपर इम्पोजिंग से सम्बन्धित है, प्राप्त हुआ। जैसा कि आपको विदित है कि हमने दिनांक 21/04/2012 से डिजिटलाईजेशन का कार्य प्रारम्भ दिया है तथा इसमें काफी प्रगति हो गई है। आप अपने सम्बन्धित अधिकारियों/विशेषज्ञों को प्रतिनियुक्त कर अतिरिक्त आवश्यक कार्य के बारे में हमारे विशेषज्ञों से सुनिश्चित करवा सकते हैं। इस कार्य में लागत का आकलन हम बाद में प्रेषित करेंगे।

3/5/12
उपाध्यक्ष
उ०प्र०

शुभकामनाओं सहित,

भवदीय,
एम० डी० तिवारी
(मुरलीधर तिवारी)

श्री अनिल कुमार सिंह
उपाध्यक्ष
इलाहाबाद विकास प्रधिकरण
इलाहाबाद

प्रतिलिपि:

प्रो० एम.राधाकृष्णा
भा०सू०प्रौ०सं०-इलाहाबाद

(मुरलीधर तिवारी)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. 3

AFFIDAVIT OF COMPLIANCE

On Behalf of
Allahabad Development Authority, Allahabad,
through its Vice-Chairman.

.....Respondent No.19

IN

CIVIL MISC. WRIT PETITION NO.4003 (PIL) OF 2006

(District : Allahabad)

In re :- Ganga Pollution.

..... Petitioner.

Versus

State of U.P and others.

..... Respondents.

Karchana Tahsil came around 04:45 PM and have reported that some of the villages were missing from the maps and hence they brought a new set of maps for digitization.

Despite directions by ADM (F&R), all the maps of Tehsil Sadar were not provided by concerned official and therefore, the maps of Tehsil Sadar could not be digitized as yet. However, a tentative map with HFL and ± 500 Meter line has been facilitated seeing the urgency of the ADA. The complete process of digitization of Tehsil Sadar maps with HFL and ± 500 Meter line will further require at least two week's time ahead.

Because of above facts and incomplete/erroneous maps submitted to the Institute, IIT-A team has digitized the maps of the same area twice. This being a time consuming job, put a lot of strain on the resources at the Institute.

With regards,

Yours Sincerely,

M. Radhakrishna

(M. Radhakrishna)
Professor, IIT-Allahabad

Copy to:

- ✓ District Magistrate for information and necessary instructions
- Collectorate Compound, Allahabad

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. 4

AFFIDAVIT OF COMPLIANCE

On Behalf of
Allahabad Development Authority, Allahabad,
through its Vice-Chairman

Respondent No 19

IN

CIVIL MISC. WRIT PETITION NO 4003 (PIL) OF 2006

(District Allahabad)

In re :- Ganga Pollution

Petitioner

Versus

State of U.P and others

Respondents

