

**Court No. - 9**

**Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 31229 of 2005**

**Petitioner :-** Kautilya Society Thru' General Secy. & Another

**Respondent :-** State Of U.P. Thru' Principal Secy. & Others

**Petitioner Counsel :-** Neeraj Tiwari, Neera Tiwari, Sandeep Chaturvedi, Suneet Kumar, Suneet Tewari, U.N. Sharma, Virendra (In Person), Vrinda Dar

**Respondent Counsel :-** C.S.C., A.N. Tewari, Ajay Kumar Singh, Ajit Kumar Singh, S.M.A. Kazmi, Vivek Varma

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

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

Heard Mrs. Vrinda Dar appearing in person on behalf of the petitioners.

Shri Chanchal Kumar Tiwari, Chairman, Varanasi Development Authority is present in the Court in pursuance of our earlier order dated 14/3/2013. An affidavit has been filed by the Varanasi Development Authority titled as 'affidavit of compliance' duly sworn by Sarvagya Ram Misra, Secretary, Varanasi Development Authority. Mrs. Vrinda Dar appearing in person on behalf of the petitioners is allowed three weeks time to file reply to the affidavit.

Shri Chanchal Kumar Tiwari, Chairman, Varanasi Development Authority submitted that he himself is monitoring the unauthorised constructions on the Ghats within 200 metres from the river Ganga and steps are being taken by the Varanasi Development Authority for demolishing those constructions where orders have been passed. It is submitted that appropriate directions have been issued to Vice Chairman of the Varanasi Development Authority and other authorities for regular inspections of the constructions on the Ghat. It is further submitted that appropriate directions shall be issued in writing for monitoring appropriate action in the matter. In pursuance of our earlier direction dated 14/3/2013, with regard to carrying on repair work and for providing a foolproof mechanism, the Varanasi Development Authority has already taken a decision and framed appropriate guidelines for implementing and scrutinising the scheme and overseeing the application submitted for repair and restoration of the buildings around 200 metres from the river Ganga. By letter dated 17/4/2013, guidelines have been forwarded to the Chief Town and Country Planner, Lucknow for its suggestion. We are of the view that appropriate final decision regarding the guidelines after obtaining suggestions from the Chief Town and Country Planner, Lucknow, be completed within a period of

six weeks.

Shri C.K. Parekh, learned counsel appearing for the intervenors has filed application on behalf of Shri Balaji Mandir (Balaji Ghat) and on behalf of Scindia Devasthan Trust and it has been submitted that with regard to the heritage buildings also no permission is being granted by the Varanasi Development Authority endangering the heritage buildings. It has been submitted by Shri Parekh that on the subject of conservation and development of heritage buildings at Balaji Ghat, detailed project report has already been prepared by the INTACH which has been submitted to the Varanasi Development Authority, but no action has been taken.

Mrs. Vrinda Dar appearing in person on behalf of the petitioners also submitted that the Varanasi Development Authority had a heritage cell which has now become non-functional. Looking to the fact that in Varanasi there are several heritage buildings which require extra effort for their maintenance and conservation, we are of the view that the Varanasi Development Authority itself may constitute a heritage cell which may have the benefit of advise of several experts in the field so that effective conservation and repair of heritage buildings may be carried out with the permission and supervision of the Varanasi Development Authority.

Shri Vivek Verma, learned counsel appearing for the Varanasi Development Authority submitted that appropriate steps will be taken by the Varanasi Development Authority for constituting a heritage committee in helping the conservation and restoration of heritage buildings, he may do so and bring the relevant materials on record. With the regard to the compounding done by the Varanasi Development Authority and the State Government, details have been brought on record in the affidavit of compliance. Shri Vivek Verma submitted that in one case compounding has been done by the Varanasi Development Authority and in other cases compounding has been done at the level of the State Government. All relevant materials with regard to the aforesaid compounding be brought on record to enable the Court to examine as to whether any directions are required or not by the Court in the above context. One of the buildings which has been compounded is 'Darbhanga Palace'.

Counter affidavit on behalf of respondent nos. 6 to 8 has been filed which is taken on record, copy of which has also been given to Mrs. Vrinda Dar in the Court.

Reply to the counter affidavit may be filed by Mrs. Vrinda Dar within three weeks. It has been submitted by Mrs. Vrinda Dar, that in certain buildings which have been compounded construction work is still going on.

Shri Vivek Verma, learned counsel appearing for the Varanasi Development Authority submits that no construction work in any of the compounded buildings is going on.

Be, as it may, we are of the view that till the matters are in the scrutiny of the Court, no construction work in any of the buildings which have been compounded shall be permitted and the Varanasi Development Authority shall ensure that no construction shall take place in any of the buildings.

Shri C.K. Parekh, learned counsel appearing for the intervenors has further submitted that with regard to heritage buildings, the Varanasi Development Authority be directed to take steps for granting permission for restoration and repair of the heritage buildings.

Shri Vivek Verma learned counsel appearing for the Varanasi Development Authority submits that with regard to heritage buildings, the Varanasi Development Authority shall immediately take steps for granting permission and overseeing the applications so that restoration and repairing of heritage buildings may take place and the heritage buildings may not be endangered. The Varanasi Development Authority shall also take appropriate steps for getting all the revisions decided pending with the State Government.

List on 29/5/2013, at 2 P.M.

Shri Chanchal Kumar Tiwari, Chairman, Varanasi Development Authority who is present in the Court need not be present on the next date unless otherwise directed.

**Order Date :- 22.4.2013**

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