

Court No. - 37

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

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

Counsel for Respondent :- C.S.C., A.N. Tewari, Ajay Kumar Singh, Ajit Kumar Singh, C.K. Parekh, Q.H. Siddiqui, Raunak Parekh, S.M.A. Kazmi, Vivek Varma

Hon'ble Ashok Bhushan, J.

Hon'ble Arun Tandon, J.

Heard the petitioner Mrs. Vrinda Dar in person and Sri Vivek Verma for the Varanasi Development Authority.

The petitioner stated that admittedly Darbhanga Palace is within 200 meter of the bank of river Ganga. Unauthorized constructions have been carried out in the building. It is submitted that in guise of restoration of the building, new constructions have been made, which are in violation of the Government Order dated 11.04.2001 and even otherwise contrary to the four specific conditions incorporated in the sanction order of the Varanasi Development Authority dated 03.03.2005 as well as to the licence granted by the Archaeological Survey of India, Patna Circle, J.C. Road, (Antaghat).

Sri Vivek Verma has contended that all four conditions, under which the map was sanctioned on 03.03.2005, have not been complied with. It is submitted that there was mezzanine floor or upper second floor in the original building. The construction of mezzanine and second upper floor is a new construction, which does not fall within the meaning of restoration, conservation & renovation of the dilapidated building.

Sri Vivek Verma seeks time to file an affidavit for explaining the non-compliance of the four conditions in detail point-wise. He may also explain as to whether these new constructions could be compounded specifically in view of the Government Order dated 11.04.2001. He may file the affidavit of the Vice Chairman of Varanasi Development Authority by the next date in that regard.

List on 08th November, 2013 at 2.00 p.m. for hearing of the matter pertaining to Darbhanga Palace.

Order Date :- 9.10.2013

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