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## **HIGH COURT OF JUDICATURE AT ALLAHABAD**

Hon'ble Ajoy Nath Ray,CJ  
Hon'ble Ashok Bhushan,J

Heard Sri R.N. Singh, learned Sr. Counsel appearing for the applicants and Sri Amar Nath Tiwari, learned Counsel appearing for the Varanasi Development Authority, Varanasi.

It is clarified that if there is any restraint order against demolition already passed by competent court or authority, then our general observation for grant of police help will not be invoked in the face of such restraint orders.

List on 12th of July, 2006.

We clarify that this order will cover the impleadment applications filed by Mr. Singh's clients as well as all other parties like guest houses.

It is clarified that our order will authorise the Varanasi Development Authority to remove the encroachers within the area of 200 meters on both sides of the river Ganges. They will proceed in accordance with their usual practice and procedure. In case, any party is aggrieved and has sufficient papers, documents and title in regard to the said party's possession or property they will be at liberty to approach an appropriate authority in law and obtain appropriate restraint orders; mere possession, even long possession will not be a defence as against the Varanasi Development Authority from clearing the encroachments, as mere possession is never a good defence against government or governmental authority clearing up its own land.

The Varanasi Development Authority will be at liberty to take all steps allowed to them in law to go against all unauthorised constructions and demolish the same after giving the usual notice, if any. Excepting for this order, the said applications are rejected.

Dated:24.5.2006  
RK(31229-05)