

Chief Justice's Court

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, Sanjay Kumar Om, Shambhu Chopra, Vivek Varma

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Dilip Gupta, J.

From a perusal of the records, it is clear to the Court that the manner in which illegal constructions are being raised in and around the ghats at Varanasi would not be possible but for the complicity of the Administration and, at the least, the failure of the Varanasi Development Authority to discharge its statutory obligation. For one thing, the Varanasi Development Authority is functioning without a Vice Chairman and the District Magistrate, the Court has been informed, is discharging the duties of the Vice Chairman. It is manifestly unfair to expect the District Magistrate, who is burdened with multifarious functions, to take control of the Varanasi Development Authority as its Vice Chairman. There is no reason or justification as to why the State Government is unable to appoint or depute a senior official to take charge of the affairs of the Varanasi Development Authority as its Vice Chairman. This state of indecision must come to an end forthwith. The State Government should be alive to the serious situation which has emerged on account of rampant illegal constructions that have taken place threatening the historic importance of the ghats at Varanasi.

By the next date of hearing, we direct that an affidavit be filed before this Court on behalf of the Varanasi Development Authority disclosing to the Court (i) a list of those buildings which, according to the Varanasi Development Authority, are illegal; (ii) the steps which have been taken in respect of these illegal buildings; (iii) a list of cases relating to those illegal buildings which are pending and the stage of the proceedings; (iv) whether any order of stay or injunction has been granted by the State or by any Civil Court in those proceedings and whether steps have been taken by the Development Authority for vacating the stay order/injunction order; and (v) what steps have been taken by the Development Authority for carrying out the demolition of those structures which have been held to be illegal where no stay or order of restraint has been passed. In particular, the Court should be apprised of the nature of the demolition that has been carried out because a serious grievance has been made on behalf of the petitioner that even the orders of demolition are complied with by merely puncturing the structure as a result of which the structure itself remains intact and becomes an eyesore for the public.

We have taken serious note of the abject failure of the Officers of the Varanasi Development Authority in discharging public duties and expect that serious efforts will now be made to comply with their obligations, particularly the diverse orders which have already been passed in these proceedings. It is needless to note that the process of law must be followed in each case.

The Court shall also be apprised of the steps which have been taken by the Officers of the Development Authority after being made aware of the fresh constructions which are being made without any authority of law and whether any action has been

taken on the basis thereof.

The affidavit shall be filed by the Vice-Chairman on behalf of the Varanasi Development Authority and shall make a comprehensive disclosure separately in respect of each of the aspects referred to above.

We direct that the further hearing shall be posted on 10 September 2014.

Having regard to the facts and circumstances, we deem it appropriate to appoint an amicus curiae to assist the Court in these proceedings. We, accordingly, appoint Mr. Manish Goyal, Advocate to act as amicus curiae. The registry shall supply a complete set of papers to amicus curiae.

Order Date :- 14.8.2014

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(Dr. D.Y. Chandrachud, C.J.)

(Dilip Gupta, J.)