

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 18445 of 2020

**Petitioner :-** Rajiv Agarwal

**Respondent :-** State Of U.P. Thru. Prin. Secy. Urban Devpt. Lko.And Ors.

**Counsel for Petitioner :-** Amrendra Nath Tripathi

**Counsel for Respondent :-** C.S.C.,Daya Shankar Tripathi,Namit Sharma,Ratnesh Chandra,Shailendra Singh Chauhan

**Hon'ble Devendra Kumar Upadhyaya,J.**

**Hon'ble Om Prakash Shukla,J.**

Heard Sri Amrendra Nath Tripathi, learned counsel for petitioner, learned State counsel and Sri Daya Shankar Tripathi, learned counsel representing Lucknow Municipal Corporation and Sri Abhiram Misra, holding brief of Sri Shailendra Singh Chauhan, learned counsel representing Lucknow Development Authority.

This petition has been filed with the following prayers:-

*"I. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to 5 to remove the encroachment in the form of parking allotted by the Nagar Nigam, Lucknow over the 30 meter wide road in front of the respondent No.6 shopping mall situated on plot number TC/G-11, Vibhuti Khand, Gomti Nagar, Lucknow 226010 and remove/shift any parking it had allotted and not to allot any parking over the said public road.*

*II. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to 5 to allow parking only for places specifically earmarked for parking under the Lucknow Master Plan 2031 in terms of clause 9-2-6-1 of the same."*

Learned State Counsel has furnished a Government Order dated 25.08.2021 whereby the direction has been given to all concerned that the illegal parking being run in the urban areas as also the parking being run on the roads be closed. It also provides that those parking areas where the civil amenities like

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shed, draining water and toilets are not available, shall also be cancelled. The State Government order dated 25.08.2021 is taken on record.

The Lucknow Municipal Corporation is directed to conduct a survey within the municipal limits of Lucknow and submit a report to the Court as to at what places such illegal parkings are being organized and run either by the shop keepers or mall owners or by anyone else, unauthorizedly. We also call upon the learned counsel representing the Lucknow Development Authority to file an affidavit as to whether the big commercial buildings such as multiplexes, cinema halls, theaters, auditorium and shopping malls are providing the parking facilities and as to whether they are charging from the general public for providing such facilities. We also direct the Lucknow Development Authority that they shall also indicate as to under which provision the private owners of these buildings are levying the parking charges.

The survey as directed above by Nagar Nigam shall be conducted within a period of five weeks from today and thereafter a report shall be filed. The Lucknow Development Authority, as observed above shall also file its affidavit by the next date of listing.

List this case on **25.05.2023** as fresh.

**Order Date :- 17.4.2023**

Shubhankar