

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 12106 of 2017

Petitioner :- Oudh Bar Association High Court Lucknow Bench

Respondent :- Superintendent Of Police Traffic Lucknow

Counsel for Petitioner :- Suo Motu, Sarvesh Kumar Dubey

Counsel for Respondent :- C.S.C., Brijesh Kumar Singh, H.P. Srivastava, Kumar Ayush, Raj Vikram Singh, Ramesh Chandra, Ratnesh Chandra, Shailendra Singh Chauhan

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

1. On 05.07.2017 we had passed the following orders:-

"Heard Sri Raj Vikram Singh learned counsel for the National Highways Authority of India (NHAI), Sri H.P. Srivastava learned Additional Chief Standing Counsel, Sri Ramesh Chandra learned counsel for the Lucknow Development Authority and U.P.S.R.T.C. and Sri Shailendra Singh Chauhan learned counsel for the Municipal Commissioner, Nagar Nigam, Lucknow.

The Officials of the departments are also present as had been directed by the order dated 30.05.2017.

Five affidavits have been filed in compliance of the order dated 30.05.2017. These affidavits are filed on behalf of the National Highways Authority of India represented by Sri Raj Vikram Sing Advocate bringing on record the steps that have been taken for rectifying traffic congestion falling within the control of National Highways Authority of India (NHAI). The next affidavit has been filed by the Uttar Pradesh Road Transport Corporation (UPSRTC) through its Managing director indicating that a Traffic Superintendent has been posted in order to check any unauthorized parking by vehicles particularly at the Polytechnic circle at Faizabad Road, Lucknow and a written instruction has been issued to that effect. The Lucknow Nagar Nigam has also filed affidavit indicating about the steps being taken and have been taken for removing any encroachment in order to ensure that the roads are cleared off for free flow of traffic. The affidavit of Lucknow Development Authority Lucknow has also been filed indicating about the steps being taken in order to ensure that the vehicles are parked at parking places and drive undertaken for removal of encroachment. An affidavit has been filed on behalf of the

Principal Secretary, Home Department, Government of U.P., by the Additional Chief Secretary, Public Works Department, Government of U.P., where indications have been given for consulting the Central Road Research, New Delhi, for the purpose of ensuring that the over-bridge near the Government Polytechnic, Lucknow is maintained and the traffic measures are undertaken so as to ensure that the traffic congestions are avoided.

The personal affidavit of Sri Arvind Kumar, Principal Secretary, Home Department, Government of U.P. has also been filed indicating therein that the police personnel have been deputed but on account of their shortage the control of traffic is being dealt with the staff available and additional Home Guards have also been deployed for the said purpose. However, further instructions have been issued to take care of the situation and further steps for completing the recruitment process has also been taken up by the Government.

Having gone through the affidavits we are not satisfied that any substantial progress has been made in the matter inasmuch as there does not appear to be complete coordination between the various departments of the State Government in order to rectify the deficiencies that continue to add to the existing traffic problem in the city of Lucknow.

Accordingly the State and its respective authorities shall now take up the matter area-wise. To illustrate the same, we may point out that the traffic congestion at Polytechnic Crossing on Faizabad Road has not been controlled. The same deserves to be attended immediately and measures for appropriate installation of signals and police personnel in order to avoid any unlawful parking as well as such other measures that may be required to clear roads in order to maintain the free flow of the traffic will have to be taken.

Similarly, the crossing where the Shaheed Path terminates near the New High Court Building also does not have proper signaling system even though the National Highways Authority of India has taken certain steps for rectification of connecting roads that are controlled by it. The situation is still grim and the huge traffic continues to cause inconvenience to the public at large. This is further aggravated by non-completion of pending construction of over-bridge and roads for example the Kukrail Bridge, the road near the Gomti Barrage which is under the control of Irrigation Department.

The over-bridge near the Polytechnic crossing is proposed to be repaired for which funds have been released and it has been

stated that the work has been commenced and shall be completed within a month.

The proposal for an elevated flyover by the National Highways Authority of India have been sent to the Public Works Department in the year 2015 itself but no further progress is reported in the matter.

Consequently, with the above illustrations which are only a tip of the iceberg we expect that the State Government will now act accordingly and take up all such projects in right earnest at the earliest particularly the installation of signals and for providing manpower in order to control the traffic at the places of traffic congestions that are referred to hereinabove as well as such other bottlenecks of the city that are identified in this regard.

The State Government is therefore directed to constitute a committee of Secretaries of such departments who may be concerned with the implementation of any such measures that are to be undertaken for rectifying these traffic bottlenecks for which the learned counsel for the State is directed to place a copy of this order before the Chief Secretary, Government of U.P. who may within a week constitute the said committee. The committee so formed shall within a week thereafter, identify these problems including the illustrations given hereinabove, and forthwith take immediate steps for getting the same rectified through the respective departments through different proposals that may be informed to this Court by way of an affidavit indicating the exact nature of steps that are to be taken and the measures to be channelized by the various agencies of the State Government in order to make the same effectively implementable at the earliest.

This exercise may be done within six weeks and the resolution and the directions passed by the said committee through the respective agencies to be nominated by the committee itself including their particular duties that are to be carried out as a measure and be also informed. In between it is directed that the Polytechnic crossing shall be immediately taken up as a pilot project by the respondents forthwith deploying ample traffic police personnel in order to ensure that the traffic does not get congested and the concerned agency as directed by the State Government will also take steps for installation of proper signaling system that may be feasible keeping in view the traffic congestion as well as the flow of the said traffic. The same exercise shall also be done at the crossing where the Shaheed Path terminates near the New High Court Building. These steps shall be taken up immediately by the next date fixed and the interim report shall also be submitted in this regard. In the

event of any failure on the part of the concerned authorities to comply with these directions, it will be presumed that the Court is being compelled to take action against the authorities on account of their failure on their part to implement the obligations that are to be discharged for dealing with the over-increasing problem in the city of Lucknow.

The Irrigation Department shall forthwith take up the issue relating to the road which has to be made pliable on the Gomti Barrage which has remained unpliant for the past six months as per the statement given at the Bar. Learned standing counsel shall inform the Principal Secretary of the Irrigation Department who in turn shall instruct a particular officer to take up this project and accordingly report the matter to the Court by the next date fixed.

The matter shall come up after three weeks on 27.07.2017. The names of the respective counsel for the parties shall be shown in the cause list."

2. Thereafter on 20.11.2023 the following orders have been passed:-

"1. Affidavit filed by Shri Ratnesh Chandra, learned counsel representing the U.P. State Road Transport Corporation is taken on record.

2. This is a suo moto petition. Shri V. P. Nag, learned Additional Chief Standing Counsel representing the State-respondents, Shri Namit Sharma, learned counsel appearing for Nagar Nigam and Shri Ratnesh Chandra, learned counsel who has put in appearance for U.P.S.R.T.C. were heard.

3. Pursuant to the order dated 05.10.2023 passed by this Court, Shri Masoom Ali Sarwar, Managing Director, U. P. State Road Transport Corporation, Lucknow and Shri Hridesh Kumar, Deputy Commissioner of Police (Traffic), Lucknow are present in person.

4. The PIL has raised an issue as regards the relocation of bus station situated in the vicinity of this Court. The members of the Bar contend that the heavy vehicular traffic around the area of High Court is creating public inconvenience which has also added to the pollution in the area and it is for this reason, the Traffic Police of the Government of U.P. has made a proposal for re-sitement of the bus stand to some other well-connected place on the outskirts of the city. On the proposal forwarded by the Police Commissioner, Lucknow to the State Government on 24.06.2023, we hope and trust that the State Government shall

consider and take a decision expeditiously at the appropriate level, for which the U.P.S.R.T.C. may also be consulted before allotting the place for carrying out the road transport service.

5. Let necessary decision be taken by the State Government at the earliest so that the issue raised before this Court is brought to its logical end.

6. The presence of the officers, who are present before the Court, is dispensed with, unless called for.

7. List this case in the month of January, 2024.

8. It is clarified that U.P.S.R.T.C. shall not ply the buses through the service lanes near the High Court campus.

9. The Managing Director, U.P.S.R.T.C., Lucknow shall also place necessary data of identified places where the local passengers shall board and alight from the buses plied by U.P.S.R.T.C. Publicity in this regard shall also be made in the city so that the traffic rules may not be violated for incurring any other inconvenience"

3. An affidavit has been filed in response to the earlier orders on behalf of Managing Director, U.P. State Road Transport Corporation, Lucknow. The same is taken on record.

4. Let the State Counsel seek instructions or file an affidavit as regards the construction of an elevated Flyover from Indira Canal to Polytechnic as was mooted in the order dated 05.07.2017. The proposal for an elevated flyover by the National Highway Authority was sent to the Public Works Department in 2015, but, as per the order dated 05.07.2017 no progress was made in the matter. The State Counsel shall seek instructions from the Public Works Department. So will Shri Sarvesh Kumar Dubey, learned counsel for the National Highway Authority.

5. The State Counsel shall also seek instructions or file affidavit in terms of order dated 20.11.2023 positively before the next date.

6. List/ put up on **21.05.2024** amongst first ten cases of the day.

7. We expect the concerned Authorities of the State Government and the District Administration to put their heads together and find out solutions to the problems noticed by us in our earlier orders and come back with some effective remedial measures, as, these proceedings have remained pending for quite

sometime without any effective solution having been found.

8. The Public Interest Litigation (PIL) No. 23618 of 2018 is delinked from this bunch of writ petitions.

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 3.5.2024

R.K.P.