

In Chambers

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Counsel for Petitioner :- Vijay Chandra Srivastava,A.K.

Gupta,A.K. Srivastava,Amit Negi,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K.

Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Tarun Agarwal,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

Counsel for Respondent :- C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani

Kumar Mishra,B.D. Shukla,C.L.Pandey,Chandan Sharma,Dr.

H.N.Tripathi,H.N. Singh,H.P. Dubey,Hem Pratap Singh,Iqbal

Ahmad,J.J.Munir,Jyotindra Misra, A.G.,Kashif Zaidi,M.C.

Chaturvedi,M.C. Tripathi,M.K.Alam,Mehboob

Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash

Yadav,P.S. Baghel,Pankaj Kumar Shukla,R.B. Shukla,Rajendra

Kumar Misra,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain,

Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Saumya

Misra,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udain

Nandan,Umesh Narain Sharma,Vivek Birla,Vivek Verma,W.A.

Hashmi

Hon'ble Ashok Bhushan,J.

Hon'ble Arun Tandon ,J.

On a request made by Sri S.P. Gupta, learned Advocate General, the Bench has assembled in chambers today to consider the application.

An application has been filed on behalf of District Magistrate, Allahabad supported by his affidavit seeking certain modification in our earlier orders passed on 30.9.2013, 7.10.2013 and 11.10.2013.

In paragraphs 7,8 and 9 of the affidavit, the District Magistrate has referred to the report of the Local Intelligence Unit dated 12.10.2013, which has been submitted after assessing the feelings of the peoples. It has been submitted that changing of routes of Barwaries for immersion may lead to certain law and order problems. The learned Advocate General, assisted by learned Chief

Standing Counsel has submitted that in pursuance of our earlier orders, the District Magistrate is making all efforts to carry out the prohibition regarding immersion of idols in rivers Yamuna/Ganga. He further submits that new site which has been located across the bridge at Phaphamau shall be utilised and certain nearby Barwaries be asked to immerse their idols at the said site. It has been further submitted that there is already an order passed by the District Magistrate dated 5.10.2013 directing nearby districts to immerse their idols in their own districts.

Sri Arun Kumar Gupta, learned Amicus Curiae submitted that with regard to city Barwaries, relaxation be granted and certain old routes be allowed for immersion of idols. District Magistrate, who is present before us has submitted that all necessary steps have been taken for compliance of the orders dated 30.9.2013, 7.10.2013 and 11.10.2013 and officers of the district administration, Allahabad Development Authority, Nagar Nigam, Chief Medical Officer and Jal Sansthan have been issued direction to ensure the immersion of idols under their supervision and make all arrangements at alternate place for immersion.

We have considered the submissions made by learned Advocate General and Amicus Curiae.

Looking to the reports submitted by Local Intelligence Unit, we are of the view that the district administration be permitted to carry out programme of routes for immersion of idols for different Barwaries and ensure that immersion may take place at new site as well as at old site also for this year only. Learned Advocate General who is present, submits that the State shall submit a detail proposal for project at Allahabad for developing the alternative site for

immersion of idols and shall also submit report pertaining to finding out suitable site and developing them in all other cities from which rivers in the State of U.P. pass through.

Let appropriate proposal for immersion at Allahabad be submitted first and thereafter detail project for other cities also to ensure that from 2014 the prohibition on immersion of idols of Goddess Durga and other idols in the river be implemented.

We further direct that the restrictions which were imposed in our earlier orders dated 9.10.2012 and 6.11.2012 regarding manner of immersion shall continue to apply and immersion be done accordingly. We further direct that district administration shall ensure that prohibition on use of polythene as per our earlier orders is implemented.

The application is disposed of accordingly.

List on 22.11.2013 at 2:00 p.m. for hearing of the matter.

Order Date :- 12.10.2013

LA/-