
(2003) 07 AHC CK 0228
In the Allahabad High Court
Case No : C.M.W.P. No. 34957 of 2003

Smt. Mithlesh Jain

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-07-2003

Acts Referred:

Citation : (2003) 6 AWC 4742

Hon'ble Judges : R.S. Tripathi, J;M. Katju, J

Bench : Division Bench

Advocate : Dilip Gupta and Sunita Agarwal, for the Appellant; Pankaj Mittal and S.C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju and R.S. Tripathi, JJ.—Standing counsel and Sri Pankaj Mittal may file counter-affidavit within three weeks.

2. Issue notice to Respondent No. 4 returnable at an early date.

3. The point raised in this writ petition is of great importance throughout the State of U.P. and perhaps in many other States as well. The grievance of the Petitioner is that commercial activities are being permitted in the residential area of Agra.

4. We have had occasion to deal with such kinds of complaints in earlier petitions which came up before us. For example in R.K. Mittal and Others Vs. State of U.P. and Others, , we have held that no commercial and industrial activity can be carried out in the areas earmarked for residential purpose in the NOIDA Master Plan. We are informed that in a large number of cities, e.g., Lucknow, Agra, Kanpur, etc., commercial and industrial activities are being carried on in the areas earmarked for residential purposes in the Master Plan of that city. In our opinion, this is wholly illegal. The rules have to be followed, otherwise the rule of law will collapse in the country. If there are rules, they must be obeyed, otherwise the rule should be scrapped. We have held in R. K. Mittal v. State of

U.P. (supra) that there is a widespread malady which has infected our society, namely, that the people who are having money and power think that they are above the law. This notion is totally destructive of the Rule of the Law and can no longer be tolerated by this Court. Everyone is under the law.

5. In the present petition, it has been stated in paragraphs 5 and 6 that in the residential area, a shopping complex is being constructed and other commercial activities are proposed. In our opinion, this is clearly illegal. We, therefore, direct that no commercial or industrial activity will be allowed to be carried on in the area earmarked for residential purpose in the Master Plan of Agra or of in any other city in U.P. If commercial and industrial activities are being carried on in any city in U.P. in the areas earmarked for residential purposes in the Master Plan of that city, such activity must immediately be stopped by the authorities.

6. Although this petition was only regarding Agra city, we have decided to extend its scope suo motu to other cities in U.P. because we are informed that similar illegalities are being committed there too.

7. Let a copy of this order be sent by the Registrar General of this Court to the Chief Secretary, U.P. forthwith who will ensure compliance of this order. Learned standing counsel shall also send a copy of this order to the Chief Secretary, U.P.

8. Let a copy of this order be given to the learned standing counsel today free of charges.