

ITEM NO.20

COURT NO.2

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No(s). 6531/2024

(Arising out of impugned final judgment and order dated 06-03-2024 in WRITC No. 1210/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SHAKEEL AHMAD & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.67021/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67022/2024-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 7383/2024 (XI)

(IA No.73466/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.73468/2024-EXEMPTION FROM FILING O.T.)

SLP(C) No. 7426/2024 (XI)

(IA No.74146/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.74148/2024-EXEMPTION FROM FILING O.T.)

Date : 10-05-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s)

Mr. M.R. Shanshad, Adv.
Mr. Manish Sharma, AOR
Ms. Nisha Tiwari, Adv.
Ms. Jyoti Rajpoot, Adv.
Mr. Anurag Tiwary, Adv.
Mr. Debadutta Kanungo, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Prasanna S., AOR
Mr. Talha Abdul Rahman, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Amrit Khare, Adv.

Mr. Kazim Ibrahim, Adv.
Ms. Rashmi Singh, Adv.
Ms. Swati Arya, Adv.

Mr. Prashant Bhushan, Adv.
Mr. M.R. Shamshad, Adv.
Ms. Nabeela Jamil, Adv.
Mr. Arijit Sarkar, Adv.
Mr. Ausaf Ahmad Khan, Adv.
Ms. Jyoti Rajpoot, Adv.
Ms. Nisha Tiwari, Adv.
Mr. Shashank Singh, AOR

For Respondent(s)

Mr. Shaurya Sahay, AOR
Mr. Shobhit Dwivedi, Adv.

Mr. K.M. Nataraj, A.S.G.
Mr. Sharan Dev Singh Thakur, Adv.
Ms. Ruchira Goel, AOR
Mr. Siddharth Thakur, Adv.
Ms. Indira Bhakar, Adv.
Mr. Sharanya Sinha, Adv.
Mr. Adit Jayeshbhai Shah, Adv.
Mr. Mustafa Sajad, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

By order dated 22.03.2024, we had asked the Lucknow Development Authority¹/State of Uttar Pradesh to file an affidavit alongwith photographs, satellite images and material to show the catchment area and further, the riverlet is perennial and not a city or rain-water drain. The affidavit has been filed enclosing therewith relevant documents and details, including Google maps/satellite images, topographic sheet(s) and drone images.

As per the affidavit, Kukrail Nala/River originates from Asti village from an artesian well (natural spring) near Mahona, Lucknow, Uttar Pradesh and flows about 4.47 km before entering

1 "LDA", for short.

Kukrail Reserve Forest. There, it flows for 19.23 km, after which it enters the urban area of Lucknow. Reference is made to the District Gazetteers, which record the existence of Kukrail Nala/River. It is pointed out that the Kukrail Nala/River has a basin of approximately 178 sq. km. The rate of discharge and flood level etc. has also been mentioned.

Our attention is also drawn to the 2013 report of the Department of Civil Engineering, Indian Institute of Technology, Roorkee, titled "Hydrological Study for Gomti River Front Development". Kukrail Nala/River has been described as major Nala, which joins Gomti River. Details of the maximum flood etc. has been indicated. The report refers to a Sewage Treatment Plant, which has been constructed on the right bank of the Kukrail Nala/River.

In view of the aforesaid documents and reports, we are in agreement with the findings recorded by the High Court in the impugned judgment in respect of the Kukrail Nala/River, which has relied on the order passed by the National Green Tribunal. It is also clear that the colony in question has been constructed on the floodplain area.

It is an accepted and admitted position that the petitioners do not have any document or title. In fact, their claim is based upon adverse possession etc.

In view of the aforesaid position, we are not inclined to interfere with the impugned judgment, insofar as it directs eviction of the petitioners and demolition of the unauthorized

construction made in the floodplain areas.

On a pointed question, learned Additional Solicitor General has stated that in terms of the earlier orders passed by this Court, 1818 applications for rehabilitation and allotment of alternative accommodation have been received. 1032 applications have been scrutinized and found to be eligible. 706 applications are still under scrutiny.

The applications must be scrutinized and all eligible persons will be offered accommodation. The petitioners/dwellers will not be removed without alternative accommodation with possession being offered to them. Once alternative accommodation with physical possession and occupation of alternative accommodation is possible, the petitioners/dwellers should offer vacant possession to the LDA. In case the petitioners/dwellers fail to do so, the LDA will be entitled to take appropriate action as per law.

The issue with regard to the amount payable by the petitioners/dwellers has been raised. It has been stated and explained by the learned Additional Solicitor General that the petitioners/dwellers will have to pay Rs.4,79,000/- (Rupees four lakhs seventy nine thousand only), which payment is to be made over a period of fifteen years in terms of the directions issued by the High Court. It is stated that substantial subsidy has been provided to reduce the amount payable by the petitioners/dwellers. The respondents would be bound by the statement.

Recording the aforesaid, the special leave petitions are

disposed of.

Pending application(s), if any, shall stand disposed of.

**(DEEPAK GUGLANI)
AR-cum-PS**

**(R.S. NARAYANAN)
ASSISTANT REGISTRAR**