

## **Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 51055 of 2014

**Petitioner :-** Madhu Singh

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Meenakshi Singh, Pradeep Kumar Tiwari, Tahir Husain

**Counsel for Respondent :-** C.S.C., Akhilesh Kumar Singh, Alok Kumar Yadav, Arun K. Singh Deshwal, Bharat Bhushan Paul, Nisheeth Yadav, S.P. Singh, Tarun Agarwal, Vivek Varma, Arun Kumar Singh

**Hon'ble Govind Mathur, Chief Justice**  
**Hon'ble Saurabh Shyam Shamsbery, J.**

Taking cognizance of a feature published in a leading national daily, the Hindustan Times, dated 8th September, 2014, a Division Bench of this Court, after noticing importance of Chandra Shekhar Azad Park (Company Bagh), by an order dated 19th September, 2014 has issued following directions:

*"(i) Proper initiative for security shall be put into place for ensuring the safety of the citizens who use the park including of senior citizens, women and children. The Senior Superintendent of Police is requested to cooperate in the matter by issuing necessary directions;*

*(ii) Necessary steps shall be taken to install proper lighting arrangements so as to obviate dangers, particularly in the early morning and late evening hours;*

*(iii) A survey shall be carried of the encroachments within and outside the park and action shall be initiated to remove such encroachments;*

*(iv) Steps shall be taken to restore the damaged railings and boundary walls;*

*(v) Necessary arrangements shall be put into place by providing basic civil amenities including dustbins, provision of clean drinking water and sunshades, particularly for senior citizens;*

*(vi) No commercial activity whatsoever shall be permitted within the park including in the form of marriages, social gatherings and public meetings;*

*(vii) No vehicles of any kind should be permitted to enter the park and alternative parking places shall be suggested outside the park premises;*

*(viii) Necessary arrangements shall be made to ensure that animals including stray dogs or pet dogs do not enter the park and;*

*(ix) Arrangements shall be put into place for the regular cleaning of the park, the maintenance of the park including proper care and maintenance of the trees, plants and lawns and other aspects of the flora in the park;"*

While issuing the directions as above, the Court also noticed movement of vehicles reaching to the other institutions situated in the Chandra Shekhar Azad Park (Company Bagh) and restrained their entry in the park premises from any of the gates. The District Administration was directed to consider the feasibility of providing alternative arrangement of parking of vehicles outside the park premises. In pursuance to the directions given, several development works took place and a new life has been given to the garden. A big number of people are visiting Company Bagh everyday for morning as well as evening walk. A letter dated 4th April, 2021 from Professor Radha Kant Varma, Former Chairman, Allahabad Museum Society, has now been received. Contents of that reads as under:

*"The applicant is a former Chairman of Allahabad Museum Society Allahabad. With profound respect, I am taking the liberty of apprising your Lordship that by the order dated 19.09.14 passed in Public Interest Litigation (PIL) No. 51055 of 2014 Madhu Singh Vs. State of U.P. and others, the entry of all vehicles in the Azad Park, Allahabad has been stopped. As a result of the said order, no vehicle can go into the Museum, thereby denying the senior citizens and the other persons who have difficulty in walking, to visit the museum and avail the benefit of the rich Museum Library and other research material related to Art and Archaeology.*

*I may apprise your Lordship that Allahabad Museum is one of the four National Museums of India and has rare collections of artifacts and other objects of artistic, cultural, historical, and scientific importance. The Allahabad Museum has been hosting distinguished visitors from across India and abroad, ever since it was opened. However, on account of order dated 19.09.14 passed in the aforesaid PIL, the entry of visitors to the Museum has also considerably reduced.*

*It is requested therefore that your lordship may kindly direct the office to list the aforesaid PIL as early as possible and to modify the order dated 19.09.14 passed in the said writ petition, so that vehicles of visitors may enter into the Allahabad Museum premises located in the Azad Park. It will facilitate distinguished National and International scholars of Indian Art and Indology to visit the Museum. The number of visitors is also likely to increase with the said modification of the order."*

It is brought to our notice that the Allahabad Museum is one among the four national museums established by the Government of India. The museum is centrally located in the Civil Lines area of the city in the lush green Chandra Shekhar Azad Park (Company Bagh). At the museum guided gallery tours, free participation in lectures, seminars and other educational activities are available. The museum is also opened for researchers and students and is also having several publications. Plastercast & Fiberglass replicas of stone and terracotta objects other souvenirs are also sold at the sale counter of the museum. The museum remains open from 10.00 am to 5.00 pm. As per the brochure, published by the Ministry of Culture, Government of India in the year 2016 relating to Allahabad Museum, in 1863, the Board of Revenue requested the Government of North-Western Provinces for the establishment of a public library and a museum. With donations from the provincial government, the famous Orientalist Sir William Muir and the Maharaja of Vijaynagaram, a superintendent of library and museum was appointed and an ornate building was inaugurated in 1878 to house the collection. For unforeseen reasons the museum closed down in 1881. The initiative to reopen the museum was taken by Pandit Jawaharlal Nehru, the President of the Allahabad Municipal Board in 1923-24. Under the operational direction of Pandit Brij Mohan Vyas, the executive officer of the board, a museum was opened in the Municipal Building in 1931. Under the tutelage of Pandit Vyas, the museum acquired important collections, including ancient sculptures from Bharhut and Bhumra. In 1942, S.C. Kala the first curator gave the much needed impetus to enriching the collections of the museum, especially adding the Nehru Personalia Collection and the Bengal School Paintings. As space became a constraint, it was decided that the museum

should be shifted from the Municipal Board building to new premises. The foundation stone of the present museum building was laid on 14th December 1947 by Pandit Jawaharlal Nehru and the museum was opened to the public in 1954.

Allahabad Museum is not simply a repository of material culture. Rather it is a centre for education and dissemination of knowledge. The Museum has endeavored to engage with the public on enhancing better visitor experience and offering opportunity to scholars through colloquium, symposia, lectures for dialogue and research in the field of art, archaeology, culture and history.

The Sculptural Art collection comprises of an abacus of an Ashokan pillar (3rd century B.C.E.), 58 fragments of the Bharhut stupa (2nd century B.C.E.) including scenes from the Jataka stories, pillars, crossbars and coping stones. The Museum has a rich collection of Miniature Paintings and Modern Art. The Miniature paintings belong to the Rajasthani, Pahari, Mughal and Company schools. Paintings of Anagrika Govinda and those of the Russian Artists Nicholas and Svetoslav Roenich occupy a pride of place in the Modern Art Gallery. The Bengal School collection comprising the works of Asit Kumar Haldar, Abanindranath Tagore, Gagendranath Tagore, Nadalal Bose, Jamini Roy, Sudhir Ranjan Khastgir are the exquisite pieces in the collection of Allahabad Museum.

The museum has an important personalia collection, of manuscripts and letters of literary luminaries like Sumitranandan Pant, Mahadevi Verma, Suryakant Tripathi 'Nirala', Maithili Saran Gupta, Ram Kumar Verma and others.

The Arms and Armour Collection of the Allahabad Museum has unique pistols, rifles, guns, swords and body armour from the

18th century C.E. onwards. The textile and decorative arts collection displays fine gold zari work and wooden screen.

The facts stated above indicates importance and significance of the Allahabad Museum in Archaeological and Anthropological studies of a big part of our land as stated by Professor Radha Kant Varma, Former Chairman of the museum. The footfall of visitors has been materially reduced due to non-availability of the gate that was earlier opened close to the museum. On verifying, it is brought to our notice that the national museum is having footfall of not more than 30 to 40 persons per day which is otherwise required to be not less than three to four hundred persons per day.

We have considered all relevant facts and aspects of the matter. True it is, Chandra Shekhar Azad Park (Company Bagh) is having its own importance and glory. It is required to be maintained. The garden is also extending lungs to the city of Prayagraj being having number of old trees. It is also the biggest place in the city of Allahabad available to the morning and evening walkers of every age. Our anxiety is only that while enriching, protecting and preserving Chandra Shekhar Azad Park (Company Bagh), it is also important to ensure complete use and promotion of national museum. Non-availability of a gate closed is getting the museum off from good number of visitors. Museum, the national reputé as such, cannot be permitted to die merely on the count that it is not having adequate opening. Having considered the same, we deem it appropriate to modify earlier orders passed by this Court to the extent that an opening shall be allowed for entry to the national museum as that was earlier available from 9.30 am to 5.30 pm. Such opening, however, has to remain close except the period aforesaid. The respondents shall also consider

viability to have a parking place in a close vicinity to the opening aforesaid.

**Order Date :- 7.4.2021**  
VMA

**(Saurabh Shyam Shamsbery, J.)      (Govind Mathur, C.J.)**