

EMAIL

प्रेषक,

आनन्द प्रकाश,
अनु सचिव,
उत्तर प्रदेश शासन।

संख्या:-33जी/छ:-मा0-1-24-ई-61/24

सेवा में,

- ✓ 1. जिलाधिकारी,
गाजियाबाद
- ✓ 2. उपाध्यक्ष, गाजियाबाद विकास प्राधिकरण, गाजियाबाद
- ✓ 3. सचिव,
गाजियाबाद विकास प्राधिकरण गाजियाबाद।
- ✓ 4. पुलिस उपायुक्त,
गाजियाबाद

ग्रह (मानवाधिकार)अनु0-1

लखनऊ: दिनांक 03/04/2024

विषय:- जनपद गाजियाबाद के अंतर्गत एक आवासीय भवन में ओयो रुम के रूप में पांच होटल अनाधिकृत रूप से चलने के संबंध में।

महोदय,

उपर्युक्त विषयक राष्ट्रीय मानवाधिकार आयोग नई दिल्ली के केस संख्या- 9387/24/31/2023 दिनांक 09.04.24 (प्रति संलग्न) का अवलोकन करने का कष्ट करें, जिसके द्वारा अवगत कराया गया है कि जनपद गाजियाबाद के अंतर्गत एक आवासीय भवन में ओयो रुम के रूप में पांच होटल अनाधिकृत रूप से चल रहे हैं, जिसे बंद करने के आदेश मा0 राष्ट्रीय मानवाधिकार आयोग नई दिल्ली द्वारा दिये गये थे, परन्तु विगत 2 वर्षों से गाजियाबाद विकास प्राधिकरण द्वारा इस संबंध में कोई कार्यवाही नहीं की गई है। 2- अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया प्रकरण में त्वरित कार्यवाही करते हुए 04 सप्ताह में अपनी रिपोर्ट मा0 राष्ट्रीय मानवाधिकार आयोग, नई दिल्ली को व उसकी एक प्रति शासन को तत्काल उपलब्ध कराने का कष्ट करें।

संलग्नक:-यथोक्त।

भवदीय,

(आनन्द प्रकाश)

अनु सचिव

संख्या- 33 जी (1)/छ:-मा0-1/24 तदिनांक

प्रतिलिपि सहायक निबंधक (विधि) राष्ट्रीय मानवाधिकार आयोग, मानव अधिकार भवन प्लॉक-सी, जी0पी0ओ0 काम्पलेक्स, आई0एन0ए0, नई दिल्ली को सूचनार्थ प्रेषित।

आज्ञा से,

(आनन्द प्रकाश)

अनु सचिव

19/24, 4:32 PM File 23/4/24

Gmail - Fwd: Additional Information Called for(AIC) -9387/24/31/2023 Mail - DT-9-4-24



so Map1 <somanvadhikar1@gmail.com>

Fwd: Additional Information Called for(AIC) -9387/24/31/2023

shome <shome@nic.in>
To: Manvadhikar-1 <somanvadhikar1@gmail.com>

33 67/6270-224 Tue, Apr 9, 2024 at 2:31 PM

From: "CHIEF SECRETARY OFFICE GOVT OF UP" <csup@nic.in>
To: "shome" <shome@nic.in>, "District Magistrate, Ghaziabad" <dmgha@nic.in>, "Commissioner of Police, Ghaziabad" <cp-pol.gz@up.gov.in>, gdagzb@gmail.com
Sent: Tuesday, April 9, 2024 1:30:22 PM
Subject: Fwd: Additional Information Called for(AIC) -9387/24/31/2023

E-61/24
गानियाबाद

From: "nhrc india" <nhrc.india@nic.in>
To: dmgha@nic.in, "cp-pol gz" <cp-pol.gz@up.gov.in>, gdagzb@gmail.com, secgda@gmail.com, BHRASTACHSRPOLLHOLSANGATHAN@GMAIL.COM
Cc: cs-uttarpradesh@nic.in, csup@nic.in, dgp-control-up@nic.in, dyp@up.nic.in
Sent: Tuesday, April 9, 2024 1:18:20 PM
Subject: Additional Information Called for(AIC) -9387/24/31/2023

Case No.- 9387/24/31/2023
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
...
MANAV ADHIKAR BHAWAN, BLOCK-C,
G.P.O. COMPLEX, INA, NEW DELHI- 110023
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 09/04/2024

To,
THE DISTRICT MAGISTRATE
GHAZIABAD UTTAR PRADESH
Email- dmgha@nic.in

THE COMMISSIONER OF POLICE
Commissionerate, Hapur Road, Raj Nagar
GHAZIABAD UTTAR PRADESH
201002
Email- cp-pol.gz@up.gov.in

THE VICE CHAIRMAN
Ghaziabad Development Authority, Vikas Path, Near Old Bus Stand,
GHAZIABAD UTTAR PRADESH
Email- gdagzb@gmail.com

THE SECRETARY
GHAZIABAD DEVELOPMENT AUTHORITY Vikas Path, Near Old Bus Stand, Ghaziabad, Uttar Pradesh ,201001
GHAZIABAD UTTAR PRADESH
Email- secgda@gmail.com

Sub : Complaint/Intimation from

UNKNOWN
GOVINDPUR GHAZIABAD
GHAZIABAD , UTTAR PRADESH
0
Email- BHRASTACHSRPOLLHOLSANGATHAN@GMAIL.COM

Handwritten signature and date: 09/04/2024

Subject: Additional Information Called for(AIC) -9387/24/31/2023.

Sir/Madam,

I am directed to say that the matter was considered by the Commission on 09/04/2024 and the Commission has directed as follows:-

These proceedings shall be read in continuation of earlier proceedings of the Commission.

The complainant alleged that there were 5 Hotels running as Oyo Rooms in a residential building and there were orders to seal one hotel but, for the last two years, no action was taken by the Ghaziabad Development Authority.

Pursuant to the directions of the Commission, a report dated 27.06.2023, received from the Secretary, Ghaziabad Development Authority, Ghaziabad. As per the report, a Show Cause Notice dated 18.10.2021 u/s 16 and 26(2) of the UP Nagar Yojana Avom Vikas Adhiniyam, 1973, had been issued against the Hotel Operator. Despite receiving the notice, the Hotel Operator continued to run the hotel. Therefore, seal order dated 22.10.2021 was passed u/s 28A(1) of UP Nagar Yojana Avom Vikas Adhiniyam, 1973. A letter was issued to the Hotel Operator to vacate the hotel before sealing on 18.04.2022 and 24.08.2022. It was further reported that the said hotel is running since last 10 years. The hotel will be sealed after vacating it whenever Police Force and Magistrate are made available.

Vide proceeding dated 25.09.2023 the Commission directed as under:-

"The delay by GDA in implementation of its order is manifest. The first notice was issued on 18.10.2021 to the Hotel Operator and Seal order on 22.10.2021, i.e. one year and nine months back; yet, the GDA had been unable to take action against the Hotel Operator. GDA issued to the Hotel Operator to vacate the hotel before sealing on 18.04.2022 and 24.08.2022, i.e., over one year back; yet, no sealing took place and the GDA had been unable to take action against the Hotel Operator. Thus, the Hotel Operator appears to be running the Hotel since last 10 years in a residential building against the law. This is gross negligence, if not interpreted otherwise. Let the VC and Secretary, Ghaziabad Development Authority, Ghaziabad, DM, and Commissioner of Police, Ghaziabad, UP, be directed to submit supplementary report in the matter in the light of above observation of the Commission, within six weeks."

In response, the Secretary, Ghaziabad Development Authority, Ghaziabad, vide supplementary report dated 10.11.2023, submitted that, due to non-availability of Police Force/ Magistrate, action could not be taken. It was further submitted that a PIL was filed in the Hon'ble High Court of Allahabad vide PIL No. 2026/2023 and Manager, Hotel Royal Inn, was made Respondent in the PIL. The case was disposed of by the Hon'ble High Court on 15.09.2023 and directed as under :-

"We dispose of this petition with a direction upon the forth respondent to conclude the proceedings already initiated, after notice to the petitioner and the fifth respondent, by following the procedure laid down in law, expeditiously, preferably within a period of four months from the date of presentation of a certified copy of this order."

It was further submitted that owner of the hotel had closed down the hotel.

The report revealed that, after direction of the Hon'ble High Court of Allahabad, the hotel had been closed down. Although the complaint mentioned about five hotels which were running in the residential building, the report of GDA pertained to only one hotel.

Therefore, the Commission vide proceedings dated 17.01.2024 directed the VC and Secretary, Ghaziabad Development Authority, Ghaziabad, District Magistrate, Ghaziabad, and Commissioner of Police, Ghaziabad, Uttar Pradesh, to submit supplementary report in respect of the remaining four hotels allegedly running unauthorisedly in the said residential building, within four weeks.

Requisite report was awaited. Therefore, the Commission vide proceedings dated 01.03.2024 issued reminder to the concerned authorities.

Pursuant to the directions of the Commission, a communication dated 02.03.2024 of the office of the DGP, UP, was received, addressed to the Police Commissioner, Ghaziabad and DM, Ghaziabad, for action in the matter. However, the requisite report is still awaited.

The Commission again directs the VC and Secretary, Ghaziabad Development Authority, Ghaziabad, the District Magistrate, Ghaziabad, and the Commissioner of Police, Ghaziabad, Uttar Pradesh, to submit supplementary report in respect of the remaining four hotels allegedly running unauthorisedly in the said residential building, within four weeks, failing which the Commission shall be constrained to issue coercive process u/s 13 of the Protection of Human Rights Act, 1993.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 17/05/2024, for further consideration by the Commission.

3. **Any communication by public authorities in this matter may please be sent to the Commission through the HRCNet Portal (<https://hrcnet.nic.in>) by using id and password already provided to the public authorities (click Authority Login). Any Audio/ Video CDs/ pen drives etc. may be sent through Speed Post/ per bearer. The reports/ responses sent through email may not be entertained**

Your's faithfully
Sd/-
Brijvir Singh
ASSISTANT REGISTRAR (LAW)
M-6 Section
Ph. No. 011-24663368

CC to
THE CHIEF SECRETARY
GOVT. OF UTTAR PRADESH
UTTAR PRADESH UTTAR PRADESH
Email- cs-uttarpradesh@nic.in,csup@nlc.in

THE DIRECTOR GENERAL OF POLICE
OFFICE OF D.G.P., POLICE HEADQUARTERS, 9TH FLOOR, TOWER 2, GOMTINAGAR EXT., SHAHID PATH,
LUCKNOW UTTAR PRADESH
Email- dgp-control-up@nic.in,dgp@up.nic.in

Brijvir Singh
ASSISTANT REGISTRAR (LAW)
M-6 Section
Ph. No. 011-24663368

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4. For general information, follow us at twitter handle (https://twitter.com/India_NHRC) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission>.

.....Previous Proceeding(s).....

Case No.: 9387/24/31/2023

Action Name: Additional Information Called for(AIC)

Action Date: 01/03/2024

Action Due Date: 08/04/2024

These proceedings shall be read in continuation of earlier proceedings of the Commission.

The complainant alleged that there were 5 Hotels running as Oyo Rooms in a residential building and there were orders to seal one hotel but, for the last two years, no action was taken by the Ghaziabad Development Authority.

Pursuant to the directions of the Commission, a report dated 27.06.2023, received from the Secretary, Ghaziabad Development Authority, Ghaziabad. As per the report, a Show Cause Notice dated 18.10.2021 u/s 16 and 26(2) of the UP Nagar Yojana Avam Vikas Adhiniyam, 1973, had been issued against the Hotel Operator. Despite receiving the notice, the Hotel Operator continued to run the hotel. Therefore, seal order dated 22.10.2021 was passed u/s 28A(1) of UP Nagar Yojana Avam Vikas Adhiniyam, 1973. A letter was issued to the Hotel Operator to vacate the hotel before sealing on 18.04.2022 and 24.08.2022. It was further reported that the said hotel is running since last 10 years. The hotel will be sealed after vacating it whenever Police Force and Magistrate are made available.

Vide proceeding dated 25.09.2023 the Commission directed as under:-

"The delay by GDA in implementation of its order is manifest. The first notice was issued on 18.10.2021 to the Hotel Operator and Seal order on 22.10.2021, i.e. one year and nine months back; yet, the GDA had been unable to take action against the Hotel Operator. GDA issued to the Hotel Operator to vacate the hotel before sealing on 18.04.2022 and 24.08.2022, i.e., over one year back; yet, no sealing took place and the GDA had been unable to take action against the Hotel Operator. Thus, the Hotel Operator appears to be running the Hotel since last 10 years in a residential building against the law. This is gross negligence, if not interpreted otherwise. Let the VC and Secretary, Ghaziabad Development Authority, Ghaziabad, DM, and Commissioner of Police, Ghaziabad, UP, be directed to submit supplementary report in the matter in the light of above observation of the Commission, within six weeks."

In response, the Secretary, Ghaziabad Development Authority, Ghaziabad, vide supplementary report dated 10.11.2023, submitted that, due to non-availability of Police Force/ Magistrate, action could not be taken. It was further submitted that a PIL was filed in the Hon'ble High Court of Allahabad vide PIL No. 2026/2023 and Manager, Hotel Royal Inn, was made Respondent in the PIL. The case was disposed of by the Hon'ble High Court on 15.09.2023 and directed as under :-

"We dispose of this petition with a direction upon the forth respondent to conclude the proceedings already initiated, after notice to the

State of presentation of a certified copy of this order.

It was further submitted that owner of the hotel had closed down the hotel.

The report stated that a declaration of the Hon'ble High Court of Allahabad that the hotel had closed down. All hotels in the complex

District Magistrate, Ghaziabad, and Commissioner of Police, Ghaziabad, Uttar Pradesh, to submit supplementary report in respect of the remaining four hotels allegedly running unauthorisedly in the said residential building, within four weeks.

Requisite report is still awaited from the concerned authorities.

The Commission again directs the W. and Secretary, Ghaziabad Development Authority, Ghaziabad, District Magistrate, Ghaziabad, and Commissioner of Police, Ghaziabad, Uttar Pradesh, to submit supplementary report in respect of the remaining four hotels allegedly running unauthorisedly in the said residential building, within four weeks, failing which the Commission shall be constrained to issue coercive process u/s 13 of the Protection of Human Rights Act, 1993.

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