

ITEM NO.1

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE(1) IA NOS. 3973, 3975, 3976/2018 (APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION)

(2) IA NOS. 576/2017 AND 184391/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES AND DIRECTIONS ON BEHALF OF NORTH CENTRAL RAILWAY)

(3) IA NO. 69657/2018 (APPLN. ARISING OUT OF NOTE SUBMITTED IN COURT BY PETITIONER-IN-PERSON)

(4) IA NOS. 118708, 118709 AND 118710/2019 (APPLNS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.)

(5) IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(6) IA NOS. 94794 AND 94795/2019 (APPLNS. FOR INTERVENTION AND MODIFICATION OF ORDER DATED 25.11.2004 ON B/O AGRA DEVELOPMENT FOUNDATION)

(7) IA NOS. 112182 AND 112185/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(8) IA NO. 134453 AND 134454/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(9) IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(10) I.A. No.183912/2019 (Appln. For intervention) and I.A. No.183918/2019 (Appln. For appropriate Orders/Directions)

WITH I.A. No.160194/2018 in W.P.(C) No.13381/1984 (mentioned today)

"ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED.

"ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST PETITIONER-IN-PERSON MR. A.D.N. RAO, MS. ANIL KATIYAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. KAMLENDRA MISHRA, MR. ANKUR PRAKASH, MR. RAVI PRAKASH MEHROTRA, MS. APARNA BHAT, MR. E.C. AGRAWALA, ADVOCATES)

Date : 11-12-2019 These matters were called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE SANJIV KHANNA**

Counsel for the parties

Petitioner-in-person

**Mr. ANS Nadkarni, ASG
Mr. R. Bala, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Ruchi Kohli, Adv.
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Applicant-in-person, AOR

Mr. A.D.N. Rao, AOR

**Mr. Arun Kumar Singh, Adv.
Ms. Anil Katiyar, AOR**

Mr. M.K. Maroria, AOR

**Mr. ANS Nadkarni, ASG
Mr. D.L. Chidanand, Adv.
Ms. Suhashini Sen, Adv.
Mr. Vijay Prakash, Adv.
Mr. Sudhakar Dwivedi, Adv.
Mr. G.S. Makker, AOR**

Mr. Vijay Panjwani, AOR

**Mr. Tushar Mehta, ASG
Ms. Aishwarya Bhati, AAG
Mr. Kamleendra Mishra, AOR
Mr. Siddharth Krishna Dwivedi, Adv.
Mr. Rajeev Kumar Dubey, Adv.**

**Mr. Ankur Prakash, AOR
Mr. Alok Kumar Pandey, Adv.**

Dr. Manish Singhvi, Sr. Adv.
Mr. Ravi Prakash Mehrotra, AOR
Mr. Ankit Agarwal, Adv.

Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.

Mr. Abhimanyu Mahajan, Adv.
Ms. Ambha Goel, Adv.
Mr. E.C. Agrawala, AOR

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, Adv.
Mr. Alok K. Singh, Adv.

Mr. Pradeep Misra, Adv.
Mr. Daleep Dhyani, Adv.
Mr. Manoj Kr. Sharma, Adv.

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

We are informed that there are several open drains and sewer lines in the Taj Trapezium Zone (TTZ) and the City of Agra in particular. It is said that the waste water from these drains/sewer lines overflows and spreads on the streets.

If this is correct, it is a clear threat to the sanitary and hygiene in the TTZ area and Agra City. It would result in breeding of mosquitoes and flies and spread of disease and cause ecological damage.

We therefore consider it appropriate to direct that Mr. M. C. Mehta, Petitioner-in-Person who is present before us, and NEERI would inspect the area of TTZ and Agra City and submit a detailed report to this Court.

Mr. Mehta and NEERI would, if the assertions are correct, highlight the remedial action and steps, both short term and long term, which the Commissioner of TTZ or the Agra Municipal

Corporation should take.

The Commissioner of TTZ shall provide access to NEERI and Mr. Mehta as and when they desire to visit the aforesaid TTZ area and the Agra City for the above purpose.

The report shall be submitted by Mr. Mehta and NEERI to this Court in eight weeks from today.

List the matter thereafter on receipt of the said Report.

I.A. No.160194/2018 in W.P.(C) No.13381/1984

On being mentioned by Mr. Ajit Kumar Sinha, learned Senior Counsel, the instant application for modification of this Court's order dated 04.12.2019, is taken on Board.

Having heard learned counsel for the parties, we add the following sentence at the end of second paragraph at page 5 of the order dated 04.12.2019 :

"However, the Airports Authority of India shall be entitled to construct an additional terminal at the existing Agra Airport."

We also add the following sentence at the end of first paragraph at page 6 of the aforesaid order :

"Accordingly, the Airports Authority of India and the Central Government shall not grant any permission to increase the airport traffic in the Agra air field until further orders."

IA NO. 69657/2018 (APPLN. ARISING OUT OF NOTE SUBMITTED IN COURT BY PETITIONER-IN-PERSON)

List the instant application along with the affidavit/Vision Document filed by the State of Uttar Pradesh on 30.01.2020.

IA NOS. 3973, 3975, 3976/2018 (APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION)

Heard.

Application for impleadment is allowed.

List the application for directions on 30.01.2020.

IA NOS. 576/2017 AND 184391/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES AND DIRECTIONS ON BEHALF OF NORTH CENTRAL RAILWAY)

Having heard learned counsel appearing for the parties, we are of the view that it is appropriate to grant permission to fell trees falling in Taj Trapezium Zone (TTZ) area over a distance of 30 Kms of the proposed railway line as there is no doubt about the importance and need of this additional line to the existing railway network. The permission will be subject to the following conditions:

(i) for felling of trees on non-forest Government land and non-forest private land requisite permission of the competent authority under the Uttar Pradesh Protection of Trees Act, 1976 will be obtained;

(ii) the felling of trees on the Right of Way identified for the project shall be limited to the bare minimum number and

which is absolutely unavoidable;

(iii) the 4 Ha of land in village Chatikara near Vrindavan Station identified for taking up of Compensatory Planting shall have chain link fenced with 2 feet high footwall and shall be handed over to the Forest Department of Uttar Pradesh for raising compensatory plantation;

(iv) the cost of planting of 5000 saplings, that is, ten times in lieu of 452 trees required to be felled and its maintenance for a period of 7 years as estimated by the Forest Department of U.P., shall be deposited with the Forest Department in a separate account before permission for felling of trees is granted;

(v) the Regional Office of MoEF&CC will monitor the implementation.

(vi) the Chairman, TTZ Authority shall take all the necessary measures to ensure that no felling of trees take place within the TTZ without first obtaining prior permission of this Court;

In addition, we direct the Member Secretary of National Legal Services Authority (NALSA) to appoint a suitable officer to inspect the trees/saplings to be planted by the Northern Railway/Forest Department and take note and report on the following :

- (a) whether the saplings are being watered and looked after;
- (b) whether a sapling that may have died has been replaced or not;
- (c) compliance with the conditions imposed above.

The Member Secretary, NALSA, may furnish a Status Report to this Court in every three months until further orders. Directions given by the Member Secretary to ensure compliance would be obeyed.

IA NOS. 118708, 118709 AND 118710/2019 (APPLNS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.)

Issue notice returnable on 30.01.2020.

As prayed for by Ms. Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh, reply affidavit be filed by the State in the meantime.

IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

Application for intervention is allowed only for the purpose of the instant application for directions.

For the reasons stated, prayers (a), (b) and (c) made in the instant application are allowed.

The applications stand disposed of accordingly.

IA NOS. 94794 AND 94795/2019 (APPLNS. FOR INTERVENTION AND MODIFICATION OF ORDER DATED 25.11.2004 ON B/O AGRA DEVELOPMENT FOUNDATION)

Issue notice returnable on 30.01.2020.

As prayed for by Ms. Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh, reply affidavit be filed by the State in the meantime.

IA NOS. 112182 AND 112185/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

Issue notice returnable on 30.01.2020.

Reply affidavit to the prayer made in the instant application for directions be filed by the respondents in the meantime.

IA NO. 134453 AND 134454/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

List these applications on 30.01.2020 to enable the applicant to suggest proposed Standard Operating Procedure (SoP).

IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

Issue notice returnable on 30.01.2020.

As prayed for by Ms. Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh and learned counsel appearing for the Union of India, reply affidavits be filed by the State and the Union of India by 23.01.2020.

I.A. No.183912/2019 (Appln. For intervention) and I.A. No.183918/2019 (Appln. For appropriate Orders/Directions)

As prayed for, we direct that NEERI be impleaded as a party respondent in these applications.

Issue notice to the respondents and NEERI.

As prayed for by Ms. Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh, reply affidavit be filed by the State by 23.01.2020.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER