

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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 NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA) (2) IA NO. 28613, 28614 AND 172340/2024 (APPLNS. FOR IMPLEADMENT AND PERMISSIONS ON B/O NATIONAL HIGHWAY AUTHORITY OF INDIA) (3) IA NO. 31946/2024 (APPLN. FOR PERMISSION ON B/O OF NORTH CENTRAL RAILWAY, AGRA) (4) IA NOS. 171142/2019 AND 74770, 74771/2024 (APPLNS. FOR DIRECTIONS, PERMISSION TO FILE REJOINER AND EXEMPTION FOR O.T. ON B/O AGRA DEVELOPMENT FOUNDATION) (5) IA NO. 176773/2024 (APPLN. FOR INTERVENTION ON B/O UTTAR PRADESH JAL NIGAM) (6) IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.) (7) IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.) (8) IA NO. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF ARUN KR. GUPTA) (9) IA NO. 376/2003 AND 389/2001 (APPLNS. FOR DIRECTIONS FILED BY AMICUS CURIAE) (10) IA NOS. 387/2000 (APPLN. FOR DIRECTIONS FILED BY AMICUS CURIAE) (11) IA NOS. 478 AND 479/2008 (APPLNS. FOR DIRECTIONS FILED BY PETITIONER-IN-PERSON) "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, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MR. SHISHIR DESHPANDE, M. V. KINI & ASSOCIATES MR. ANSHUL GUPTA, MR. KAMLENDRA MISHRA, MR. E. C. AGRAWALA, MR. N. VISAKAMURTHY, MR. PUSHKAR SHARMA, MR. MANOJ K MISHRA, MS. SUPRIYA JUNEJA, MR. N. L. GANAPATHI, MR. RAJKUMARI BANJU, ADVOCATES)

Date : 25-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

IA NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA)

IA NO. 28613, 28614 AND 172340/2024 (APPLNS. FOR IMPLEADMENT AND PERMISSIONS ON B/O NATIONAL HIGHWAY AUTHORITY OF INDIA)

IA NO. 31946/2024 (APPLN. FOR PERMISSION ON B/O OF NORTH CENTRAL RAILWAY, AGRA)

1. The learned Amicus Curiae states that the Central Empowered Committee (for short, "the CEC") wants time of six weeks to submit a report. Accordingly, we grant time of six weeks.

2. These applications shall be considered on 24th January, 2025 at the end of the cause list.

IA NOS. 171142/2019 AND 74770, 74771/2024 (APPLNS. FOR DIRECTIONS, PERMISSION TO FILE REJOINDER AND EXEMPTION FOR O.T. ON B/O AGRA DEVELOPMENT FOUNDATION)

IA NO. 176773/2024 (APPLN. FOR INTERVENTION ON B/O UTTAR PRADESH JAL NIGAM)

3. Our attention is invited to paragraph 27 of the order dated 11th July, 2024. As regards tapping of 38 uptapped drains and 5 partially tapped drains, the affidavit of the Uttar Pradesh Jal Nigam is completely silent. On the other hand, as regards 61 untapped drains and 6 partially tapped drains, there is an affidavit of the Municipal Corporation of Agra recording

in paragraph 5 thereof that the interim measures have been taken as stated therein.

4. We direct the Uttar Pradesh Jal Nigam to immediately take all interim measures as regards tapping of 38 untapped drains and 5 partially tapped drains and report compliance to this Court within a period of one month from today.

5. We direct all concerned authorities whose sanction is required for carrying out the work of interim measures to immediately issue sanctions.

6. As regards the final measures in respect of 61 untapped drains and 6 partially trapped drains referred in paragraph 7 of the above order, there is an assurance in paragraph 13 about the outer limit for completing the work.

7. On both the aspects, a compliance affidavit shall be filed by the Uttar Pradesh Jal Nigam on or before 17th January, 2025 which will be considered on 24th January, 2025.

8. As regards the removal of silt, sludge and garbage from the river bed of river Yamuna is concerned, the Indian Institute of Technology (IIT), Roorkee, Uttarakhand has given an opinion. For the reasons stated therein, IIT, Roorkee has opined that the removal of silt upto 5 to 6 meters is not viable. Though the applicant has raised an objection to that, the applicant is not an expert in the field. Therefore, unless some renowned

expert in the field opines to the contrary, there is no reason to go into the objections raised by the applicant.

9. However, we make it clear that all authorities concerned shall take a note of suggestions of IIT, Roorkee contained in paragraph 4 of the recommendations, The State of Uttar Pradesh and Uttar Pradesh Jal Nigam shall file an affidavit stating the measures which they propose for take for ensuring that the garbage is not thrown into the river bed. Those affidavits shall also be considered on 24th January, 2025.

IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.)

10. The order dated 5th August, 2024 makes it clear that the prayer for permission to fell and trans-locate the trees will be considered only after planting of 38,740 plants is completed.

11. List this application on 16th December, 2024 at the end of the cause list.

12. We make it clear that unless there is an evidence to show that plantation of all 38,740 plants has been completed, the permission to fell and trans-locate the trees will not be granted.

IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.)

13. The learned Additional Solicitor General states that the sectoral guidelines are being finalized by the National Environmental Engineering Research Institute (NEERI) and the work is likely to be completed within a period of two weeks from today.

14. List on 16th December, 2024 at the end of the cause list.

IA NO. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF ARUN KR. GUPTA)

15. NEERI has filed a report seeking time of three months for complying with the order dated 29th January, 2021.

16. We, therefore, grant time to the NEERI till 15th January, 2025 to submit a report.

17. Our attention is invited to paragraph 8 of the order dated 6th December, 2019. The contention of the applicant based on additional affidavit dated 9th November, 2024 is that two industries described on page 9 of the additional affidavit have been set up contrary to what is stated in paragraph 8 of the aforesaid order.

18. We direct the Taj Trapezium Zone (TTZ) Authority to file a response to this contention within a period of one month from today.

19. This application shall be listed on 24th January, 2025 at the end of the cause list.

IA NOS. 376/2003 AND 389/2001 (APPLNS. FOR DIRECTIONS FILED BY AMICUS CURIAE)

IA NO. 387/2000 (APPLN. FOR DIRECTIONS FILED BY AMICUS CURIAE)

IA NOS. 478 AND 479 of 2008 (APPLNS. FOR DIRECTIONS FILED BY PETITIONER-IN-PERSON)

20. These applications will be considered on 24th January, 2025 at the end of the cause list.

21. In the meanwhile, all concerned authorities will file an affidavit giving us up-to-date status.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER