

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 NOS. 35656 AND 35659/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SHRI RAMAN) (2) IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.) (3) IA NOS. 158707 AND 158709/2023 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF DR. SHARAD GUPTA) (4) IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.) (5) IA NOS. 20616, 20617/2020 AND 64225/2022 (APPLNS. FOR INTERVENTION, DIRECTIONS AND CLARIFICATION ON BEHALF OF ARUN KR. GUPTA) (6) IA NOS. 118708, 118709 AND 118710/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.) (7) 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) (8) IA NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA) (9) IA NOS. 130769 AND 130771/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O GOVT. OF U.P) "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. N.L. GANAPATHI, MS. SUPRIYA JUNEJA, MS. APARNA BHAT, MS. MAYURI RAGHUVANSHI, MR. E.C. AGRAWALA, MR. ARVIND KUMAR SHARMA, MS. APARNA BHAT, MS. SAROJ TRIPATHI, MR. GAURAV GOEL, MR. M.C. DHINGRA, MR. SHISHIR DESHPANDE, ADVOCATES)

Date : 05-08-2024 This petition was called on for hearing today.

CORAM :

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

Mr. A.D.N.Rao, Sr. Adv. (Amicus Curiae)

For the appearing parties:

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Petitioner-in-person

Applicant-in-person

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Ms. Karishma Maria, Adv.

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

IA Nos.35656 and 35659 of 2019

1. We direct that a copy of the vision document, comments of the State and affidavit of the Archaeological Survey of India (ASI) dealing with the vision plan be forwarded to the Central Empowered Committee (CEC).

2. We grant time of two months to the CEC to respond and give its suggestions. As soon as the CEC submits its response, we will hear the parties.

3. The parties to the applications are free to give their suggestions to the CEC on the aspect of the vision document within a period of ten days from today.

IA Nos.164278 and 168030 of 2024

4. Abatement, if any, is set aside. The application for substitution to bring on record the legal representative of the deceased applicant is allowed.

IA No.108684 of 2023

5. We have perused the Report No.8 of 2024 of the CEC dated 8th July, 2024. Now, the requirement of felling trees has come down to 2818 and there is a requirement of trans-location of 229 trees. Before we consider granting permission in terms of the recommendation of the CEC, several steps will have to be taken by the State Government and by the applicant(s) including commencing the work of planting 38,740 plants as suggested by the CEC.

6. A copy of this application and a copy of the Report No.8 of 2024 be provided to the learned Additional Solicitor General who is representing the State of Uttar Pradesh in some other cases.

7. To enable the State of Uttar Pradesh to respond, this application shall be listed on 6th September, 2024.

IA Nos.158707 and 158709 of 2023

8. We permit the applicant to file a rejoinder affidavit to the affidavit filed by the State of Uttar Pradesh within a period of three weeks from today.

9. List these applications on 13th September, 2024.

IA No.116768 of 2018

10. We direct the State of Uttar Pradesh to file an affidavit stating its own stand as well as the stand of the Taj Trapezium Zone authority. The affidavit to be filed by 2nd September, 2024.

11. List on 6th September, 2024.

IA No.64225 of 2022

12. We have perused the order dated 29th January, 2021 passed on IA No.42482 of 2020. Clause (b) of the said order permits this Court to pass a suitable order to clarify the meaning of "non-polluting industries".

13. We call upon the applicant(s) and the other parties to suggest the names of expert agencies which will be able to guide us in doing the exercise.

14. For that purpose, the application shall be listed on 6th September, 2024.

IA Nos.20616 and 20617 of 2020

15. The learned counsel appearing for the applicant(s) has submitted a note of her submissions and suggestions.

16. We direct the State of Uttar Pradesh to respond by the end of this month. The response will be by filing a counter affidavit which will also deal with the note submitted by the learned counsel appearing for the applicant(s). The State will also furnish along with the counter affidavit, a list of industries which have been permitted expansion.

17. List on 6th September, 2024.

IA Nos.118708, 118709 and 118710 of 2018

18. The learned counsel appearing for the applicant(s) seeks permission to withdraw these applications. the applications are accordingly disposed of as withdrawn.

IA Nos.171142 of 2019, 74770 and 74771 of 2024.

19. We grant time to the Indian Institute of Technology (IIT), Roorkee, Uttarakhand till the end of September, 2024 to complete the task assigned by the State Government.

20. Needless to add that the IIT, Roorkee can always hold consultation with all Government Agencies including ASI. The applicant(s) may give its own suggestions in writing to the IIT, Roorkee.

21. For considering the report of the IIT, Roorkee, list on 4th October, 2024.

IA No.99054 of 2024

22. This application is referred to the CEC to make a comprehensive study and submit its suggestions. The CEC is granted time till 13th September, 2024 to submit a report which shall be considered by the Court on 20th September, 2024.

IA Nos.130769 and 130771 of 2024

23. Keeping in view the spirit of Article 51A of the Constitution of India and right of citizens to a healthy environment, every public authority which makes an application before this Court seeking permission for felling the trees must make the best endeavour to reduce the number of trees which are required to be cut by re-examining the alignment of the public project. The applicant(s) will re-do the exercise and will file an additional affidavit before 6th September, 2024.

24. List on 6th September, 2024.

IA Nos.28613 and 28614 of 2024

25. These applications are referred to the CEC.

26. We grant time to the CEC to submit a report till 13th September, 2024.

27. The Report will be considered by this Court on 20th September, 2024.

IA Nos.376/2003, 387/2000, 389/2001, 478/2008 and 479/2008

28. List on 6th September, 2024.

**(ANITA MALHOTRA)
AR-CUM-PS**

**(AVGV RAMU)
COURT MASTER**