

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. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR) (2) IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA) (3) IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE) "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. AJIT SHARMA, MR. ANSHUL GUPTA, MR. KAMLENDRA MISHRA, ADVOCATES)

Date : 29-11-2024 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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Applicant-in-person

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

IA NOS. 237739 AND 237765/2024 (APPLNS. FOR IMPLEADMENT
AND DIRECTIONS ON B/O RAM AUTAR)

1. We have perused Report No.29 of 2024 of the Central Empowered Committee (CEC). The report discloses a shocking state of affairs. It records that 454 trees were illegally felled in the night of 18 and 19th September, 2024. Out of these 454 trees, 422 trees which were on the private land known as Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh. The remaining 32 trees were on the roadside strip adjoining this private land which is a protected forest. The details of the trees have been also mentioned in the Report. From the Report, it appears that this blatantly illegal action of felling as many as of 454 trees have been taken by the persons mentioned in paragraph 8 of the Report in violation of the orders of this Court dated 8th May, 2015 in IA 527 of 2014 as well as the order dated 8th December, 2021 passed in this petition.

2. *Prima facie*, we are of the view that the persons mentioned in paragraph 8 of the Report are guilty of a civil contempt. Hence, we issue notice to the following:

(i) Mr. Giriraj Agarwal
s/o Sri Raj Kumar Agarwal,
r/o Anand Krishan Van, Sunrakh Road,
Madhuvan Colony, Vrindavan Bangar,
Mathura, Uttar Pradesh; and

(ii) Sri Ashish Kaushik
s/o Sri Ramesh Chandra Kaushik
r/o 16C, Bank Colony, Arthara Krishna Nagar,
Mathura, Uttar Pradesh

The notice is made returnable on 16th December, 2024 calling upon them to show cause as to why action under the Contempt of Courts Act, 1971 should not be initiated against them.

3. In the meanwhile, we direct the persons to whom the notice is issued not to carry on any construction or any work whatsoever on Dalmia Farm including the work of felling trees and maintain *status quo* in all respects in respect of the property of Dalmia Farm situated at Vrindavan Chatikara Road, Tehsil Sadar, District Mathura, Uttar Pradesh.

4. The Registry to forward the notices for effecting service to the Superintendent of Police, District Mathura. The Superintendent of Police, District Mathura will direct the Station House Officer of the local police station to visit the site of Dalmia Farm with a view to ensure that no further construction or felling of trees is carried out.

5. Needless to add that all further actions including confiscation of timber etc. in accordance with law shall be taken.

6. We make it clear that whenever the permissions are granted by this Court for felling of the trees, the activity of felling of trees shall not be carried out after 6.00 p.m. till 8.00 a.m. of the immediately next day.

IA D.NOS. 262456 AND 262458/2024 (APPLNS. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARAD GUPTA)

7. We request the CEC to examine the allegations made in IA D.No.262456 of 2024 and submit a report on or before 15th December, 2024 which will be considered on 16th December, 2024.

IN RE:Uttar Pradesh Protection of Trees Act, 1976

8. Our attention is invited to the provisions of the Uttar Pradesh Protection of Trees Act, 1976 (for short, "the Act"). We find that the provisions regarding the penalty are inadequate and are not sufficient to deter the persons from illegally felling trees. Even the amount on the basis of which the offence can be compounded as mentioned in Section 15 of the Act is too low.

9. We request the State Government to have a re-look at the Sections 10 and 15 of the Act and consider of amending the same suitably for enhancing the amounts mentioned therein. We will consider the issue of the implementation of the said Act on 16th December, 2024 at the end of the cause list.

IA NOS. 259776 AND 270196/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE)

10. We request the CEC to examine the prayers made in IA No.259776 of 2024 and report at the earliest.

11. These applications to be considered on 16th December, 2024 at the end of the cause list.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER