

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)

[TO BE TAKEN UP AT 3.00 P.M.]

(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, PERMISSIONS AND ADD. DOCUMENTS 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 REJOINDER 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. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF ARUN KR. GUPTA)

(7) IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA) AND I.A. NO. 22551 OF 2025 (APPLN. FOR MODIFICATION)

(8) IA NO. 376/2003 AND 389/2001 (APPLNS. FOR DIRECTIONS FILED BY AMICUS CURIAE)

(9) IA NOS. 387/2000 (APPLN. FOR DIRECTIONS FILED BY AMICUS CURIAE)
(10) IA NOS. 478 AND 479/2008 (APPLNS. FOR DIRECTIONS FILED BY PETITIONER-IN-PERSON)

(11) IA NOS. 281016, 281017 AND 281019 OF 2024 (APPLNS FOR INTERVENTION, DIRECTIONS AND O.T. ON BEHALF OF SUPER GLASS WORK)

(12) CEC REPORT NO. 17 AND CEC REPORT NO. 34 OF 2024 IN CEC REPORT NO. 17

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

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

(15) IA NO. 237739 AND 237765/2024 (APPLN. FOR IMPEADMENT AND DIRECTIONS ON B/O RAM AUTAR)

(16) IA D NO. 262456 AND 262458/2024 (APPLN. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARD GUPTA)

(17) IA NO. 259776 AND 270196/2024 (APPLNS. FOR DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE)

(18) IA NO.72045, 72048 AND 72049 OF 2024 (APPLN. FOR IMPEADMENT, PERMISSION TO FELL TREES AND O.T.)

"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, KAMLENDRA MISHRA, ADVOCATES (1) MR. SHISHIR DESHPANDE, (2) M. V. KINI AND ASSOCIATES, (3) MR. AMRISH KUMAR, (4) MR. E. C. AGRAWALA, MR. N. VISAKAMURTHY, MR. PUSHKAR SHARMA, (5) MR. PUSHKAR SHARMA (6) MR. RAJKUMARI BANJU, MR. PRAVEEN SWARUP, (7) MS. RAJ KUMARI BANJU, MR. SATYA RAM SHARMA, MR. PRASHANT, MR. PRAVEEN SWARUP, MS. SHWETA SHARMA, MR. SHANTANU BANSAL, MR. SUDEEP KUMAR, (11) MS. ANJU THOMAS, (12) MR. KAMLENDRA MISHRA, MR. SAURABH MISRA, MR. M.K. MARORIA, MR. GUNTRUR PRAMOD KUMAR, MR. CHITRANSHUL A. SINHA MR. VIVEK NARAYAN SHARMA, MR. PUSHKAR SHARMA, M.V. KINI AND ASSOCIATES, MR. L.R. SINGH MS. RAJ KUMARI BANJU M/S. MEHARIA AND COMPANY (13) MR. MANOJ K. MISHRA, (14) MS. SUPRIYA JUNEJA, MR. N. L. GANAPATHI, (15) MR. AJIT SHARMA, (16) MR. ANSUL GUPTA, (17) MR. KAMLENDRA MISHRA, (18) MR. RACHIT MITTAL, ANKIT GOEL

Date : 11-02-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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Petitioner-in-person

Applicant-in-person

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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)

1. The Central Empowered Committee (CEC) has sought time of six weeks to submit a report.
2. We grant time to the CEC till 21st March, 2025 to submit a report. The report will be considered as and when the case is listed after 21st March, 2025.

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

3. In terms of the earlier order of this Court, Report No.1 of 2025 dated 21st January, 2025 has been submitted by the CEC. In the application, a prayer was made by the applicant-National Highway Authority of India seeking permission for felling of 805 trees in Taj Trapezium Zone (TTZ) for development of six-lane (Greenfield) Access-Controlled National Highway between Agra and Gwalior.
4. This is one more instance of several such instances which we have noticed. The public authorities seek permission to fell large number of trees, though actual felling of so many trees is not required. Practically, in case of every application made in Taj Trapezium area as well as in Delhi (in other Public Interest Litigation), we have noticed this tendency. Therefore, a direction was issued to the CEC to cause site visit to be made and to verify whether felling of so many trees is

really required. It is the constitutional duty of all public authorities to save and protect as many trees as possible. Therefore, when applications are made seeking permission for felling of trees, the public authorities have to be very meticulous and they should not apply for felling of more trees than necessary. Paragraph 7 of the report contains recommendations of the CEC where the CEC has recommended to grant permission for felling of 650 trees and translocation of 109 trees standing on the road side and falling in the TTZ subject to various conditions such as undertaking compensatory afforestation with indigenous species by planting 9000 trees of indigenous species on already identified non-forest land at the cost of the applicant-NHAI.

5. The learned Additional Solicitor General appearing for the applicant-NHAI fairly states that the conditions in paragraph 7 are acceptable to the authority.

6. In large number of cases, we have noticed that if permission to fell trees is granted before the compensatory afforestation is made, the order regarding compensatory afforestation is not implemented in its true letter and spirit. Therefore, in real sense, the loss to the environment is not compensated.

7. Therefore, we direct the applicant-NHAI to first comply with condition (a) incorporated in paragraph 7 and file an affidavit to that effect and a copy of which shall be supplied by the applicant to the CEC. The CEC

will examine the compliance and submit a report to this Court. Actual tree felling and translocation of trees will be permitted by this Court only after this Court is satisfied that a substantial compliance with the condition in clause (a) of paragraph 7 has been made.

8. The applications will remain pending only for that purpose.

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

9. The Central Empowered Committee (CEC) has sought time of six weeks to submit a report.

10. We grant time to the CEC till 21st March, 2025 to submit a report. The report will be considered as and when the case is listed after 21st March, 2025.

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)

11. After having perused this Court's order dated 25th November, 2024 and the affidavits dated 20th January, 2025 and 22nd January, 2025, we find that there is no compliance made with the aforesaid order dated 25th November, 2024.

12. A serious issue of removal of silt, sludge and garbage upto 5 to 6 meters in river Yamuna has been raised and after considering the report of the Indian Institute of Technology (IIT), Roorkee, Uttarakhand directions were issued on 25th November, 2024.

13. Place these applications on 18th March, 2025 at 3.00 p.m.

14. The Managing Director of the Uttar Pradesh Jal Nigam (UPJN) shall remain present before the Court on the next date through video conferencing. One week before the next date, he will file his personal affidavit reporting compliance with this Court's order dated 25th November, 2024. If according to the case of the UPJN, assistance of any other authority is required to comply with the order dated 25th November, 2024, we permit the UPJN to file an application and seek an appropriate direction in that behalf.

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

15. List on 18th March, 2025 at 3.00 p.m.

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

16. By letter dated 22nd January, 2025, the National Environmental Engineering Research Institute (NEERI) has sought time of three months to submit a report.

17. We accordingly grant time of three months from 22nd January, 2025. The NEERI be informed accordingly.

18. Our attention is invited to this Court's order dated 25th November, 2024 passed on this application and, in particular, what is directed in paragraph 18. If the TTZ has not complied with the said order, they shall comply with the same within a period of three weeks from today.

19. This application shall be listed on 18th March, 2025 for considering compliance with the order dated 25th November, 2024.

IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA) AND I.A. NO. 22551 OF 2025 (APPLN. FOR MODIFICATION)

20. Implementation/compliance with this Court's order dated 14th October, 2024 will have to be examined which shall be done on 18th March, 2025 at 3.00 p.m.

21. These applications have been filed seeking permission for permitting setting up of Micro, Small and Medium industries. Even these applications shall be considered on 18th March, 2025 at 3.00 p.m.

IA NO. 376/2003 AND 389/2001 (APPLNS. FOR DIRECTIONS FILED BY AMICUS CURIAE)

IA NOS. 387/2000 (APPLN. FOR DIRECTIONS FILED BY AMICUS CURIAE)

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

22. These applications shall be listed on 26th March, 2025 at 3.00 p.m.

23. If counter/reply/affidavits are not filed as yet, the same shall be filed one week before the next date. No further time shall be granted.

IA NOS. 281016, 281017 AND 281019 OF 2024 (APPLNS FOR INTERVENTION, DIRECTIONS AND O.T. ON BEHALF OF SUPER GLASS WORK)

24. Copies of these applications be provided to the CEC.

25. We grant time of eight weeks to the CEC to submit a report containing its recommendations on these applications. As soon as the report is received, appropriate date will be fixed for hearing of these applications.

CEC REPORT NO. 17 AND CEC REPORT NO. 34 OF 2024 IN CEC REPORT NO. 17

26. We have carefully perused the report and recommendations contained therein. As regards the first recommendation in paragraph 28, there is no difficulty in accepting the same and we accept the same. We are informed that the module prepared by the CEC is already functional. We accept the second recommendation. Details of instances of illegal felling in TTZ areas from 2015-2024 have been incorporated in Annexure R-1. To begin with, in the cases in which there is an illegal felling of 100 or more trees, the TTZ will issue notice to the persons responsible for illegal felling of trees and call upon them to show cause why penalty as indicated in paragraph 16 of this report should not be imposed. After giving them an opportunity of being heard, penalty shall be imposed in terms of paragraph 16 of the report. In the event any of the persons on whom penalty is imposed have any grievance, they are free to file application/s before this Court. After completion of exercise as regards the cases where more than 100 trees

are involved, the TTZ will take up the cases where illegal cutting of 50 or 100 is involved and follow the same procedure. We are conscious of the fact that this process will take time. However, the TTZ will have to comply with the directions at the earliest. The TTZ will file first compliance report regarding compliance with this direction by end of March, 2025 which will be considered on immediately next date.

27. As regards recommendation Nos. 3 and 4, the issue will have to be considered along with the issue of implementation of the provisions of the Uttar Pradesh Protection of Trees Act, 1976. These suggestion Nos. 2, 3 and 4 will be considered when we consider the provisions of the Uttar Pradesh Protection of Trees Act, 1976 on 5th March, 2025 at 3.00 p.m.

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

28. List on 5th March, 2025 at 3.00 p.m.

IA NO. 259776 AND 270196/2024 (APPLNS. FOR DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O SAROJINI NAIDU MEDICAL COLLEGE)

29. These applications will be considered along with Report No.32 on 5th March, 2025 at 3.00 p.m.

IA NO.72045, 72048 AND 72049 OF 2024 (APPLN. FOR IMPLEADMENT, PERMISSION TO FELL TREES AND O.T.)

30. These applications are referred to the CEC. Copies of these applications be provided to the CEC.

31. We grant time of eight weeks to the CEC to submit a report containing its recommendations on these applications. As soon as the report is received, appropriate date will be fixed for hearing of these applications.

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

32. List on 25th March, 2025 at 3.00 p.m.

IA NO. 237739 AND 237765/2024 (APPLN. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAM AUTAR)

33. List on 25th March, 2025 at 3.00 p.m.

IA D NO. 262456 AND 262458/2024 (APPLN. FOR INTERVENTION AND O.T. EXEMPTION ON B/O DR. SHARD GUPTA)

34. List on 25th March, 2025 at 3.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER