

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[AT 3.00 P.M.]

(1) CEC REPORT NO. 17 AND CEC REPORT NO. 34 OF 2024 IN CEC REPORT NO. 17 (2) IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.) (3) IA NO. 259776 AND 270196/2024 (APPLNS. FOR DIRECTION 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, KAMLENDRA MISHRA, ADVOCATES (1) 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 (2)MR. MANOJ K. MISHRA, (3) MR. KAMLENDRA MISHRA,

Date : 05-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGHMr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)
Mr. Siddhartha Chowdhury, Adv.

For Petitioner(s): Petitioner-in-person

Applicant-in-person, AOR

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Mrs. Rajeshwari Shankar, Adv.
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Mr. Zoheb Hossain, AOR

Mr. Shishir Deshpande, AOR

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Mr. Rakesh Chander, Adv.

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Mr. Abhishek Chauhan, Adv.

Mr. H.B. Dubey, Adv.

Mr. Amit P. Shahi, Adv.

Mr. Amit Kumar, Adv.

Mr. Rahul Sethi, Adv.

Mr. Shashi Bhushan Nagar, Adv.

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Mr. Sumant Akram Khan, Adv.

Mr. Rajendra Anbhule, Adv.

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Mr. Alok Kumar, Adv.

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Mr. Gaurav Dhingra, AOR

Mr. Surendara Gautam, Adv.

Mr. Shashank Singh, Adv.

Ms. Rubeena Rizvi, Adv.

Mr. Vivek Pathak, Adv.

Mr. Shashank Singh, Adv.

Mr. Dheeraj Singh, Adv.

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Mr. Gaurang Bhushan, Adv.
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Mr. Abhinav Shrivastava, AOR

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Ms. Shweta Sharma, AOR
Mr. Diggaj Pathak, Adv.
Ms. Vaibhavi Pathak, Adv.

Mr. Abhishek Chaudhary, AOR

Mr. Syed Abdul Haseeb, AOR

Mr. Anshul Gupta, AOR

Mr. Satya Kam Sharma , AOR

Mr. Karan Prakash, Adv.
Mr. Shalen Bhardwaj, Adv.
Ms. Garima Kumar, Adv.
Mr. Virender Kumar, Adv.
Ms. Lakshmi, Adv.
Mr. Ashok Kumar Panigrahi, Adv.
Mr. Nischal Kumar Neeraj, AOR

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Mr. Nipun Saxena, Adv.
Ms. Anju Thomas, AOR
Ms. Muskan Surana, Adv.
Mr. Tushar Srivastava, Adv.
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Mr. Anurag Kishore, AOR

Mr. Rachit Mittal, AOR
Mr. Anup Kumar, Adv.
Mr. Parish Mishra, Adv.
Mr. Kanishk Raj, Adv.
Mr. Adarsh Srivastava, Adv.

Mr. Abhishek Sinha, Adv.

Mr. Nishit Agrawal, AOR

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

CEC Report No.31/2024

1. List on 18th March, 2025.

IN RE: UTTAR PRADESH PROTECTION OF TREES ACT, 1976

2. As regards paragraph 9 of the order dated 29th November, 2024, the State has filed IA No.58065/2025 for extension of time. We grant time of four weeks to the State of Uttar Pradesh to comply with the direction contained in paragraph 9 of the said order. The compliance will be considered on 8th April, 2025 at 3:00 p.m.

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

3. We have perused the order dated 11th December, 2019 passed on these Applications. Prayer clauses 'a' to 'c' of IA No.104097/2018, which are granted, read thus:

"a) Pass appropriate orders and directions etc. for promoting Agroforestry on the non-forest/private land situated in the Taj Trapezium Zone (TTZ) area to increase its green-cover to curb air pollution and improve ambient air quality;

b) Modify the order dated 8.5.2015, passed by this Hon'ble Court in IA No.527 (and also similar order dated 9.5.2018 in IA 109556 of 2017) by doing away with the condition of first obtaining permission of this Court to fell trees on the non-forest/private lands within the TTZ area.

c) Issue necessary directions to the respondents to take effective steps for promoting Agro-farming in the TTZ area including providing technical guidance/assistance to the land owners."

4. While we issue notice for recall of the order dated 11th December, 2019 to the applicant in the said Application, it is necessary for us to clarify for the time being that prayer clause 'b' will apply only to the agroforestry on non-forest/private lands in prayer clause 'a' of the said Application. We, therefore, clarify that the order dated 8th May, 2015 and 9th May, 2018 will continue to apply with full force. We also clarify that even as regards the agroforestry which is covered by prayer clause 'a', the provisions of the U.P. Protection of Trees Act, 1976 (for short, "the 1976 Act") will continue to apply in full force and, therefore, notwithstanding grant of prayer clause 'a', if permission for tree felling under the 1976 Act is required, the same shall be obtained before cutting or before felling any tree as regards the agroforestry covered by prayer clause 'a'.
5. The notice is made returnable on 25th March, 2025.
6. List on 25th March, 2025 at 3:00 p.m.

IN RE: TREE CENSUS

7. Now, we come to the issue of census of trees. As can be seen from the provisions of the 1976 Act, the object of the 1976 Act is to protect the trees, and not to encourage felling of trees. Sections 4 and 5 of the 1976 Act provide for grant of permission to fell or remove the trees. If trees are felled without permission, there are penal provisions starting from Section 10 onwards. The penal provisions cannot be implemented unless the data of existing trees is available. The data can be made available only if there is a proper tree census carried out. Without tree census, there

cannot be any effective implementation of the provisions of the 1976 Act. We, therefore, direct the Taj Trapezium Zone Authority (for short, "the TTZ Authority") to appoint the Forest Research Institute (for short, "FRI"), Kaulagarh Road, PO I.P.E.-248195, Dehradun, Uttarakhand, as an Authority to carry out the tree census of all the existing trees within the area of TTZ. We may clarify here that the census will be of the trees covered within clause (xi) of Section 3 of the 1976 Act. A formal order appointing the FRI shall be passed by the TTZ Authority within a period of one week from today.

8. A notice be issued to the FRI calling upon the FRI to file an affidavit setting out the manner and mode in which the census of the trees shall be carried out. If the FRI needs assistance of any experts, it is free to submit the names of the experts so that this Court can pass appropriate order of appointment. While filing an affidavit, necessary timelines shall be indicated by the FRI.

9. We make it clear that all the local Authorities, the State Government and the TTZ Authority shall render every possible cooperation to the FRI while carrying out the tree census.

10. The affidavit by the FRI to be filed by the end of March 2025. It is not necessary for the FRI to engage any Advocate. The affidavit shall be filed through the TTZ Authority.

11. A copy of this order shall be provided to the FRI by the TTZ Authority.

12. The affidavit of the FRI shall be considered on 8th April, 2025 at 3:00 p.m.

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

13. In the sixth line from the top in paragraph 26 of the order dated 11th February, 2025, the words "second recommendation" shall be replaced by "fifth recommendation".

14. As far as recommendation nos.3 and 4 are concerned, we will consider the same while dealing with the notice for recall issued on IA Nos. 104091/2018, 104097/2018 and 112177/2019 on 25th 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)

15. We have perused the Report No.32/2024 and in particular, recommendations of the Central Empowered Committee (for short, "the CEC") in paragraph 8 thereof. The CEC has recommended grant of permission for felling and removal of 28 trees for expansion plan for the Lady Lyall Women's Hospital Campus of S.N. Medical College at Agra District, Uttar Pradesh. It is reported that 300 plants have been already planted as a compensatory plantation in lieu of 28 trees. By filing an additional affidavit, the applicant is seeking modification of the Recommendations 'b', 'c', 'd' and 'e'. It is pointed out that out of total peripheral boundary of 3128 meters, only 1524 meters is available for plantation of the trees. The reasons are set out in paragraph 5 of the additional affidavit. Therefore, modification is sought for planting 508 trees on the available peripheral boundary length of 1524 meters.

16. It is stated in the additional affidavit that plantation of 508 trees shall be made only after the boundary wall construction is completed.

17. Considering the fact that 300 plants have been already planted, we accept the Recommendations of the CEC in paragraph 8 of the Report No.32/2024 with modification of Recommendations 'b', 'c', 'd' and 'e'. The modifications will be as under:

- (i) Recommendation 'b' stands modified by directing plantation of 508 trees on the total peripheral boundary of 1524 meters. The work of planting 508 trees shall be commenced immediately after construction of boundary wall is completed.
- (ii) To the above extent, Recommendation 'c' also stands modified;
- (iii) As regards Recommendations 'd' and 'e', modification is made by directing that plantation shall be made only after the boundary wall construction is completed.
- (iv) As regards Recommendation 'e', the work of plantation of 2400 saplings shall be commenced only after reconstruction of the road network as stated in the affidavit of the applicant.

18. After reconstruction of the road network is made, if the applicant finds that it is not possible to plant 2400 saplings in

terms of Recommendation 'e', we permit the applicant to apply for modification of this order.

19. In the above terms, both the Applications stand disposed of.

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

20. The learned counsel appearing for the applicant to provide a copy of the compliance affidavit dated 14th December, 2024 to the CEC. The CEC to verify the correctness of what is stated in the compliance affidavit and submit a report to this Court within a period of three weeks from today. The report will be considered on 8th April, 2025 at 3:00 p.m.

IA NO.60618/2025/2025 (FOR APPROPRIATE ORDERS/DIRECTION)

21. List on 18th March, 2025.

WRIT PETITION (CIVIL) NO(S). 13381/1984

22. We must record our appreciation for Shri A.D.N. Rao, learned Senior Advocate appointed as *Amicus Curiae*, who has been assisting the Court for such a long time. His assistance has helped this Court to pass several important orders. However, the scope of adjudication is being expanded from time to time. Therefore, we appoint Ms. Liz Mathew, learned Senior Advocate as *Amicus Curiae* along with Shri A.D.N. Rao, learned Senior Advocate appointed as *Amicus Curiae*.

23. We permit Shri A.D.N. Rao, learned Senior Advocate appointed as *Amicus Curiae* to seek assistance of Mr. Siddhartha Chowdhury, learned Advocate-on-Record.

24. A copy of this order shall be forwarded to Ms. Liz Mathew, learned Senior Advocate appointed as *Amicus Curiae*. The Registry to provide a soft copy of the case files to her. She can appoint an Advocate-on-Record to assist her.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)