

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 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) (2) IA NO. 176773/2024 (APPLN. FOR INTERVENTION ON B/O UTTAR PRADESH JAL NIGAM) (3) IA NO. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF ARUN KR. GUPTA) (4) 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) "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. E. C. AGRAWALA, MR. N. VISAKAMURTHY, MR. PUSHKAR SHARMA, (2) MR. PUSHKAR SHARMA (3) MR. RAJKUMARI BANJU, MR. PRAVEEN SWARUP, (4) MS. RAJ KUMARI BANJU, MR. SATYA RAM SHARMA, MR. PRASHANT, MR. PRAVEEN SWARUP, MS. SHWETA SHARMA, MR. SHANTANU BANSAL, MR. SUDEEP KUMAR,

Date : 18-03-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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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.32568 AND 33549 OF 2025 (APPLNS. FOR IMPLEADMENT
AND DIRECTIONS ON BEHALF OF ASHOK)

1. The contention of the learned counsel appearing for the applicant is that the land mentioned in the letter dated 24th March, 2022 for grant of Environmental Clearance at Annexure A-4 is part of the Taj Trapezium Zone (TTZ) area on which tree felling activity has been done.

2. We direct the third respondent-TTZ Authority to immediately depute its officers to the site with a view to ascertain whether the tree felling has been done and whether any tree felling activity continues. Necessary police protection shall be provided by the police machinery of the State of Rajasthan to the officers of the TTZ Authority.

3. We make it clear that the TTZ Authority with the help of the police will ensure that no tree felling activity takes place on the land subject matter of Annexure A-4. A compliance report shall be filed by the third respondent within a period of three weeks from today which shall be considered on 22nd April, 2025 at 12 noon.

4. At this stage, our attention is invited by Mr. A.D.Rao, the learned Amicus Curiae to the Notification dated 23rd March, 2021 which records that the area of 27.855 square kilometers has been de-notified which was earlier forming part of Badh Baraitha Wildlife Sanctuary. He pointed out that this is in violation of the orders passed by this Court in Writ Petition (Civil) No.202 of 1995 and in particular the order dated 5th October, 2015 of this Court.

5. We direct the Registrar (Judicial) of this Court to bring this part of the order to the notice of the Bench seized of Writ Petition (Civil) No.202 of 1995.

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)

6. We have perused the affidavit filed by the Managing Director of the Uttar Pradesh Jal Nigam (for short, "the UPJN") dated 10th March, 2025.

7. As regards compliance with the directions contained in paragraphs 4 and 5 of the order dated 25th November, 2024 regarding tapping of 38 untapped drains and 5 partially tapped drains, compliance was to be reported within a period of one month. Now, a stand has been taken by the UPJN by filing IA No.60618 of 2025 that certain part of the work will have to be done by the Agra Municipal Corporation (for short, "the AMC"). The said Municipal Corporation is before this Court.

8. We direct both the UPJN and the AMC to fully comply with the direction contained in paragraph 4 of the order dated 25th November, 2024 and report compliance to this Court by 15th April, 2025. The affidavits to be filed by both the entities reporting compliance by 21st April, 2025. The affidavits shall be considered on 1st May, 2025 at 12 noon.

9. At this stage, Mr. K.M. Natraj, the learned Additional Solicitor General appearing for the UPJN pointed out that IA No.63524 of 2025 has been filed by the UPJN in which it is pointed out that the UPJN needs clearance from the National Mission for Clean Ganga for expeditious approval so that the order of this Court dated 25th November, 2024 can be complied with.

10. We direct the National Mission for Clean Ganga to consider the application made by the UPJN and immediately grant necessary approvals to enable the UPJN to implement the order of this Court dated 25th November, 2024. Accordingly, IA No.63524 of 2025 is disposed of.

11. The presence of the Managing Director of the UPJN is dispensed with for the time being.

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

12. The issue flagged in prayer clause (A) will have to be considered after a report is submitted by the National Environmental Engineering Research Institute (NEERI). As regards the prayer clause (B), a direction was issued in paragraph 17 of this Court's order dated 25th November, 2024. Now, we are informed that the State of Uttar Pradesh has filed an affidavit dated 23rd January, 2025 dealing with what is observed in paragraph 17 of the said order.

13. For considering the affidavit of the State of Uttar Pradesh, list on 22nd April, 2025 at 12 noon.

IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA)

14. Our attention is invited to the order dated 14th October, 2024 and, in particular, the direction contained in paragraph 26. We are informed across the Bar that the State Government had issued notices to all 60 industries mentioned in Annexure A-4 to file their counter affidavits and some of the industries have filed the affidavits/counter affidavits.

15. We direct all the industries which have filed the affidavits/counter affidavits to supply copies thereof to the office of Ms. Liz Mathew, the learned senior counsel appointed as Amicus Curiae or send it by e-mail (aakashilodha.25@gmail.com or mail@lmchambers.in) so that she can look into those affidavits/counter affidavits and file a common compilation to assist the Court.

16. Those industries which have not filed the affidavits/counter affidavits shall file the same within a maximum period of 10 days from today.

17. We will hear these applications on 22nd April, 2025 at 12 noon.

I.A. NO. 22551 OF 2025 (APPLN. FOR MODIFICATION)

18. A blanket modification is sought by the TTZ-Authority of the directions contained in paragraph 27 of this Court's order dated 14th October, 2024. Unless the TTZ Authority makes out a case for granting approval to a particular industry, such a blanket permission cannot be considered. Unless the Court is made aware whether the industry sought to be permitted is not going to create pollution, we cannot grant blanket permission. Therefore, the application shall remain pending which shall be heard along with IA Nos.20616-20617 of 2020.

REPORT NO.31/2024 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE

19. We have perused Report No. 31 of 2024.

20. As regards IA No.1566 of 2023, we approve the observations made by the Central Empowered Committee (CEC) in paragraph 4 (i) of the Report. As and when the proposal for widening of the road connecting the proposed bridge to the main road i.e., Kendriya Hindi Sansthan Road is considered by the relevant department and the issue is properly resolved, this application can be considered.

21. We permit the applicant to move this application at an appropriate stage in the light of the recommendations of the CEC.

22. As regards IA No.1572 of 2023 filed by the U.P. State Bridge Corporation Limited, the CEC has recommended felling of 98 trees and translocation of 17 trees on conditions which are proposed in paragraph 10 of the report. We approve the recommendation of the CEC subject to the compliance with the conditions which are specified in paragraph 10 of the report.

23. However, we make it clear that the actual felling and translocation of trees shall not be undertaken without completing the plantation of saplings, as provided in clauses (b) and (c) of paragraph 10. After making compliance, the applicant shall file an affidavit to this Court and only thereafter will this Court consider of grant of permission of felling of 98 trees and translocation of 17 trees.

24. As regards IA No.1573 of 2023, the applicant-Uttar Pradesh State Bridge Corporation Limited is a public Corporation which is all along aware of the orders of this Court. Even before this Court could grant permission for felling of trees, the work on the project of bridge has been commenced by the applicant. That is what is noted by the CEC in their report. The photographs indicate that substantial work has been completed. A public sector corporation ought not to have taken this liberty.

25. We, therefore, direct the applicant to pay costs quantified at Rs.5,00,000/- (Rupees Five Lakhs) to the NEERI within a period of one month from today.

26. We approve the recommendation of the CEC for grant of permission for felling of 198 trees subject to the compliance with the conditions specified in paragraph 10 of the report and payment of costs as directed aforesaid, .

27. We make it clear that unless an affidavit is filed by the applicant reporting compliance with the conditions in clauses (b) and (c) of paragraph 10, actual permission for felling of 198 trees shall not be granted. After the aforesaid affidavits are filed, this Court will pass further orders.

IA No.40499 of 2025

28. List on 22nd April, 2025 at 12 noon.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER