

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO.284 OF 2012

COURT ON ITS OWN MOTION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for impleadment and office report)

Date: 11/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) By Courts Motion

For Respondent(s)

For UOI Mr. Siddhartha Luthra,ASG
Mr. B. Krishna Prasad ,Adv

For the State

Mr. M.I. Qadri,A.G., J & K
Mr. Gaurav Pachnanda,Sr.AAG
Mr. Sunil Fernandes ,Adv
Ms. Vernika Tomar,Adv.
Ms. Astha Sharma,Adv.
Mr. Rahul Sharma,Adv.
Mr. Rajiv Dalal, Adv.
Ms. Insha Mir, Adv.

(For Shrine Board)

Mr. Upinder K. Jalali,Sr.Adv.
Mr. Mishra Saurabh ,Adv

For Applicant
(Shiv Sewa Samiti)

Mr. M.N. Krishnamani, Sr. Adv.
Mr. D. Bharat Kumar,Adv.
Mr. Anish Kr.Gupta,Adv.
Mr. Rajeev Kr.Singh,Adv.
Mr. V. Pattabhiram,Adv.
Mr. Nchiketa Joshi,Adv.

For Applicant
(Piramal Healthcare)

Ms. Rekha Palli, Adv.
Mr. A.V. Palli, Adv.
Mr. Anupam Raina, Adv.

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

We have heard learned counsel appearing for the parties at some length.

2. An affidavit on behalf of the Respondent/State of Jammu and Kashmir sworn by Mr. Anal Kumar Gupta, I.A.S., Special Secretary, Tourism & Cultural Department, Government of Jammu and Kashmir, has been filed and taken on record.

3. We are happy to note that State of Jammu and Kashmir has, in principle, accepted all the recommendations made by the Special High Powered Committee and even ensures their compliance subject to other statutory clearance as prevalent in the State. It is further stated that other requests, made by private parties, can be made to Shri Amarnath Shrine Board (for short 'Shrine Board') for its consideration. The form in which such requests may or may not be accepted by the Board, should be left to the discretion of the Shrine Board. We find no reason not to accept the request of the State in this behalf.

4. The entire matter before us can be viewed in two different perspectives - long-term perspective and short-term perspective. Under the long-term perspective, the purpose is to ensure commencement and earliest completion of the work before, or in any case, simultaneously, with the commencement of the next yatra. The short-term perspectives are the ones which the Government and the Shrine Board should proceed forthwith. The State of Jammu and Kashmir in coordination with the Shrine Board should ensure providing of due facilities and conveniences and regulated yatra to the yatris with due regard to the need for healthcare facilities. All the learned counsel appearing for the parties are ad idem on this issue.

5. Before we take up this matter for final disposal and passing of the detailed judgment covering the entire spectrum of yatra and its various aspects, right from registration to return of the yatris from the yatra, healthcare, waste disposal and providing of basic necessities during the period of yatra, it is necessary for the Court to pass some interim directions. At present, the request of the learned counsel appearing for the Shrine Board also is that some of the following works, which can be executed before it becomes absolutely difficult for executing any work at Baltal or surrounding areas, may be commenced forthwith : (1) Sewage system of Baltal (STP) at Baltal, and (2) Widening of passage from Baltal to Shrine. Both these works shall commence forthwith. The state government, its departments and all the development authorities shall ensure full cooperation and expeditiously grant such permissions as may be necessary to execute these works at the earliest.

6. The learned Advocate General appearing for the State of Jammu and Kashmir has assured the Court that full cooperation shall be extended and the State would take full responsibility for execution of the works through the Shrine Board.

7. We also direct the Chief Secretary of the State of Jammu & Kashmir and the Shrine Board to immediately make the planning in relation to providing all medical facilities, registration and other ancillary works, including deployment of forces and ensuring one way passage at the Shrine during the next Yatra. This planning should be done in conformity with the recommendations made by the Special High Powered Committee and a tentative plan should be placed before the Court on the next date of hearing (i.e. 21.11.2012).

8. There are certain other matters which we shall deal with separately on the next date of hearing.

9. The private applicants may move the Shrine Board if they wish to tender any assistance, financial or otherwise including technical knowhow or health care. The Shrine Board shall consider the same and make a report to this Court on the next date of hearing.

10. List the matter on Wednesday, the 21st November, 2012 at 3.00 P.M.

| (Sanjay Kumar)

Court Master |

(M.S. Negi)

| Court Master |