

ITEM NO.1+11 Court 1 (Video Conferencing) SECTION PIL-W/XVII  
 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. 3975 AND 3976/2018 (APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION)

(2) IA NO. 35972/2020 (APPLN. FOR IMPLEADMENT IN IA NO. 3975/2018)

(3) IA NOS. 54455 AND 54459/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPEMENT CORPORATION LTD.)

(4) IA NOS. 15724/2019, 43243/2019 AND 43237/2019 IN I.A. NO. 54455/18 (APPLNS. FOR SUBSTITUTION, CONDONATION OF DELAY IN FILING THE APPL. FOR SUBSTITUTION AND SETTING ASIDE ABATEMENT ON B/O SHABI HAIDER JAFRI)

(5) IA NO. 42482/2020 (APPLN. FOR MODIFICATION OF ORDER DT. 06.12.2019 ON BEHALF OF STATE OF U.P.)

(6) IA NOS. 72769 AND 72770/2020 (APPLNS. FOR PERMISSION AND EXEMPTION FROM AFFIXATION OF COURT FEE ON BEHALF OF STATE OF U.P.)

(7) IA NO D. NO. 31832/2020 (APPLN. FOR DIRECTIONS/PERMISSION ON BEHALF OF STATE OF U.P.)

(8) IA NO. 577/2017 FOR PERMISSION REGARDING CUTTING OF TREES ON BEHALF OF PUBLIC WORKS DEPTT, STATE OF U.P.)

(9) IA No. 46595/2017 (APPLN. FOR DIRECTIONS TO CUT/FELL TREES ON B/O POWER GRID CORPN. INDIA LTD.)

(10) I.A. NO. 51269/2017 FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(11) IA NO. 19749/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(12) IA NO. 97081 AND 97085/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF U.P. PUBLIC WORKS DEPTT.)

(13) IA No. 136682 AND 136683/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAIL

VIKAS NIGAM LTD.)

(14) IA D. NO. 102976 AND 102977/2019 (APPLNS FOR PERMISSION REGARDING FELLING OF TREES ON B/O SANWARIYA GAS LTD.)

(15) IA NOS. 94794 AND 94795/2019 (APPLNS. FOR INTERVENTION AND MODIFICATION OF ORDER DATED 25.11.2004 ON B/O AGRA DEVELOPMENT FOUNDATION)

(16) IA NOS. 112182 AND 112185/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(17) IA NO. 134453, 134454/2019 AND 3186/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND TO BRING ON RECORD STANDARD OPERATION PROCEDURE (SOP) ON B/O AGRA DEVELOPMENT FOUNDATION)

(18) IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(19) IA NOS. 3419, 3420 AND 3424/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(20) IA NOS. 4115, 4118 AND 4119/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(21) IA NOS. 15274, 15276 AND 15277/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(22) IA NOS. 107645, 107646 AND 107647/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

"ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED.

CIVIL APPEAL No. 782 of 2020

(EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND STAY APPLICATION AND EXEMPTION FROM FILING O.T.)

Date : 02-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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Petitioner-in-person

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Dr. Monika Gusain, AOR

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

I.A. NOS. 3975/2018, 3976/2018, 35972 OF 2020

I.A. NOS. 54455 & 54459 OF 2018

I.A. NOS. 15724, 43243 AND 43237 OF 2019 IN I.A NO. 54455 OF 2018

I.A. NOS. 94794 AND 94795 OF 2019

I.A. NOS. 112182 AND 112185 OF 2019

I.A. NOS. 134453, 134454/2019 AND 3186 OF 2020

I.A. NOS. 171139 AND 171142 OF 2019

I.A. NOS. 3419, 3420 AND 3424 OF 2020

I.A. NOS. 4115, 4118 AND 4119 OF 2020

I.A. NOS. 15274, 15276 AND 15277 OF 2020

CIVIL APPEAL NO. 782 OF 2020

At the request of Mr. M.C. Mehta, petitioner-in-person, we grant three months' time to undertake further visits and carry out sampling and analysis of major drains/water bodies and the proposed leather parks and also discuss with the local authorities so that the final report may be submitted before this Court.

List the matter(s) after three months along with the report.

I.A. NOS. 107645, 107646 AND 107647 OF 2020

Issue notice returnable in January, 2021

I.A. NO. 42482 OF 2020

I.A. NOS. 72769 AND 72770 OF 2020

I.A. D.NO. 31832 OF 2020

Put up in the month of January, 2021.

I.A. NO. 577 OF 2017, I.A. NO. 46595 OF 2017, I.A. NO. 51269 OF 2017, I.A. NO. 19749 OF 2018, I.A. NOS. 97081 & 97085 OF 2018, I.A. NOS. 136682 & 136683 OF 2018 AND I.A.D.NO. 102976 AND 102977 OF 2019

These are the applications for permission to fell thousands of trees. The Public Works Department (PWD), Uttar Pradesh, assured that they will compensate by planting the same type of trees in another area so that there is no loss to the environment in general.

It is not possible for us to accept a compensation in merely arithmetical terms particularly since there is no statement forthcoming from the State of Uttar Pradesh or the PWD as to the nature of the trees that is to say whether they are classified as shrubs or large trees. Moreover, there is no information available to us regarding the age of the trees since it is obvious that there cannot be compensatory reforestation if a sapling is planted after one hundred year old tree is cut down.

Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the respondent - State of Uttar Pradesh, is not in a position to make a statement as to how the Forest Department of Uttar Pradesh intends to evaluate the trees in question. Clearly

they cannot do so in terms of the timber but must adopt a method of evaluation which takes into account the oxygen producing capacity of a particular tree over its remaining life span, assuming that it may be cut now.

Mr. A.D.N. Rao, learned counsel, makes a statement that there is a system of evaluation called Net Present Value (NPV). The State of Uttar Pradesh is expected to look at the NPV method of evaluation also. In any case, at the request of Ms. Aishwarya Bhati, learned ASG, we adjourn the matter(s) for a period of four weeks so that the State of Uttar Pradesh may inform the Court about the method of evaluation it intends to adopt. The State of Uttar Pradesh may also consider the reduction in the number of trees proposed to be fell for the stated purposes of building road etc.

It is to be kept in mind that the only effect that is likely to arise if the trees are retained would be that the roads may not be straight and therefore, not capable of accommodating high speed traffic. Such an effect may not necessary be deleterious particularly since high speed on the highways is known to cause serious accidents and cause of innumerable deaths on Indian roads.

List the matter(s) after four weeks along with Writ Petition (C) No.295/2012.

(MADHU BALA)  
AR-CUM-PS

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR