

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**INTERLOCUTORY APPLICATION NO. 103908 OF 2019**

**IN**

**WRIT PETITION (CIVIL) NO. 13381 OF 1984**

M.C. MEHTA

.....PETITIONER

VERSUS

UNION OF INDIA & OTHERS

.....RESPONDENT(S)

**WITH**

**INTERLOCUTORY APPLICATION NOS. 87792 AND 105655 OF 2019**

**IN**

**WRIT PETITION (CIVIL) NO. 13381 OF 1984**

**AND**

**INTERLOCUTORY APPLICATION NOS. 87790 AND 105652 OF 2019**

**IN**

**WRIT PETITION (CIVIL) NO. 13381 OF 1984**

**ORDER**

**I.A. NO. 103908 OF 2019 :**

This Interlocutory Application has been moved by the State of Uttar Pradesh seeking clarification of this Court's order of 22 March 2018 directing Status Quo. We have heard Ms. Aishwarya Bhati, Additional

Advocate General and Mr. M.C. Mehta, the petitioner-in-person. We have also perused our earlier Orders and the affidavit filed by the Commissioner, Agra Division and Chairman, Taj Trapezium Zone Pollution (Prevention and Control) Authority, Agra.

2. On 08 December 2017, this Court identified an urgent public interest in preparing a future-oriented comprehensive Vision Plan to preserve the Taj and its environs, being the Taj Trapezium Zone (for short, "TTZ") which is spread over six districts of Uttar Pradesh and one district (Bharatpur) in Rajasthan. Directions were issued to undertake such exercise with consultation of all stake holders as well as experts in heritage (both cultural and historical), environment, wildlife and pollution-prevention. Consultation with civil society was also mandated, including with Mr. M.C. Mehta who has dedicated numerous decades to protecting the Taj.

3. Thereafter on 22 March 2018, learned counsel for Uttar Pradesh submitted that a vision document was likely to be prepared in consultation with the School of Planning and Architecture and that a Project Committee had been constituted for such purpose. This information was directed to be conveyed to Mr. Mehta along with the terms of reference of the Committee so that he could suggest requisite modifications and solutions.

4. Since learned counsel for Uttar Pradesh informed that a first draft of the vision document would take approximately four months, this Court directed that “***Until then, there will be a status quo in the Taj Trapezium Zone (TTZ).***”

5. While seeking clarification of the above reproduced status quo order, it has been stated by the State of U.P. that the first draft of the vision document prepared by the School of Planning and Architecture, New Delhi was filed with the Registry on 24 July 2018. Thereafter, the matter was heard on 13 February 2019 when the State Government was allowed to give its suggestions within four weeks, which were so submitted on 03 April 2019. It has been further explained to us how various authorities are facing difficulties in deciding such environmental clearances, causing hardship to both the State Government and the public.

6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the ‘conditional’ status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for

securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be set-up within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22<sup>nd</sup> March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions

laid down by this Court (including those in the main judgment of 30<sup>th</sup> December 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission.

10. There shall, however, be an embargo on granting clearances to and/or shifting of any heavy industry until a final decision is taken on the vision document. The interlocutory application is accordingly disposed in above terms.

**I.A. NOS. 87790, 87792, 105655 & 105652 OF 2019 :**

11. In view of the order passed by us separately in IA No. 103908 of 2019, the instant interlocutory applications are disposed with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

..... CJI.  
(S. A. BOBDE)

..... J.  
(B.R. GAVAI)

..... J.  
(SURYA KANT)

NEW DELHI  
DATED : 06.12.2019

ITEM NO.1501  
( For orders)

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 87790/2019,87792/2019,103908/2019,105652/2019,105655/2019, in Writ  
Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

( [ HEARD BY : HON. THE CHIEF JUSTICE, HON. B.R. GAVAI AND HON. SURYA  
KANT, JJ. ]

IA No. 87792/2019 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 103908/2019 - CLARIFICATION/DIRECTION  
IA No. 105652/2019 - EXEMPTION FROM FILING O.T.  
IA No. 105655/2019 - EXEMPTION FROM FILING O.T.  
IA No. 87790/2019 - INTERVENTION/IMPLEADMENT)

Date : 06-12-2019 These matters were called on for  
pronouncement of judgment today.

Counsel for the parties :

Mr. M.C. Mehta, In Person (NP)

Mr. A.D.N. Rao, Adv.

Ms. Aiswarya Bhati, Sr. Adv.  
Mr. Rajeev Kufmar Dubey, Adv.  
Mr. Kamendra Mishra, Adv.

Mr. Praveen Swarup, Adv.

Mr. Vijay Panjawani, Adv.

Mr. G.S. Makker, Adv.

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Order in the aforementioned applications was  
pronounced.

I.A. No. 103908/2019

I.A. No. 103908/2019 is disposed of in terms  
of the signed order.

I.A. No. 87790, 87792, 105655 & 105652/2019

In view of the order passed in IA No.  
103908/2019, the instant applications are disposed of

with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

[ CHARANJEET KAUR ]  
A.R.-CUM-P.S.

[ INDU KUMARI POKHRIYAL ]  
ASSTT. REGISTRAR

[ Signed order is placed on the file ]

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