

ITEM NO.10

COURT NO.4

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

Writ Petition(s) (Civil) No(s).13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

MINISTRY OF ENVIRONMENT AND FORESTS & ORS.

Respondent(s)

(1) 569/2016 AND 57183/2017 (APPLNS. FOR DIRECTIONS AND DIRECTIONS/PERMISSION ON BEHALF OF STATE OF U.P.

(2) 531/2014 FOR DIRECTIONS ON B/O NORTH EASTERN RAILWAY RE.: FELLING OF TREES IN THE AREA OF TAJ TRAPEZIUM ZONE

Date : 24-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

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

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Maninder Singh, ASG
Mr. R. Bala, Adv.
Mr. Amit Sharma, Adv.
Mr. W.A. Qadri, Adv.
Mr. Zaid Ali, Adv.
Mr. Raj Bahadur, Adv.
Mr. S.N. Terdal, AOR
Mr. M.K. Maroria, AOR

Mr. Samir Ali Khan, AOR (NP)

Mr. Abhishek Choudhary, AOR (NP)

Mr. Vijay Panjwani, AOR

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

I.A. No.531

This is an application filed by the North Eastern Railway seeking permission to fell 72 trees between Mursan and Mathura Cantt Railway Station.

It is stated that the felling of trees is necessary since they are quite close to the railway line and can possibly endanger the safety of the passengers.

The CEC has given a report to the effect that the site visit shows that actually 237 trees need to be felled. Out of these, 186 trees are on protected forest land and the Railways has given an assurance that after these 186 trees are felled the land will not be used for non-forest purposes. The balance 51 trees are on private land. There is no indication of the quantum of compensation that will be paid to the owners of these trees.

We may also note at this stage that by way of compensatory afforestation, the Railways have assured that 1200 saplings will be planted on the Bareilly-Mathura road and 1300 saplings will be planted on the Mathura-Sadabad road. This was required to be done during monsoon season of 2017. The monsoon season of 2017 is now over and we have no information whether

the necessary plantations have been carried out.

Learned Additional Solicitor General says that he will file an affidavit in this regard within four weeks.

List the application on 23rd November, 2017.

I.A. No.569 (Application for directions) & I.A. No.57183

There is no appearance on behalf of the State of U.P. today in I.A. No.569 and I.A. No.57183.

Accordingly, the applications are dismissed for non-prosecution.

These applications have been filed by Department of Tourism, State of U.P. for construction of Taj Orientation Centre and multi level parking. When the matter was taken up yesterday, we had required the Department of Tourism to inform us when the construction had actually started, particularly since penal compensatory afforestation is one of the issues that has been taken into consideration by the CEC.

We may note that Mr. M.C. Mehta, petitioner-in-person informs us that no Environment Impact Assessment has been carried out by the Department of Tourism for construction of the multi-level parking. Nobody from the State of U.P. is present to deny this.

In view of the above, the construction in the parking should be demolished within a period of four weeks from today. The demolition will be carried out by the Commissioner, Agra who should file a compliance report within four weeks.

List the applications for compliance after 6th
December, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER