

"BITEM NO.25

COURT NO.1

SECTION PIL

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

RECORD OF PROCEEDINGS

I.A.Nos.562, 555-557, 567-568, 569-570, 531, 565 IN

I.A.Nos.527 & 564 in Writ Petition (C) No.13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For impleadment, permission regarding cutting/felling of trees, exemption from filing O.T., directions & modification/directions on order dated 14.09.2015 and office report)

Date : 09/12/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)/Applicant(s)

Mr. M.C. Mehta, Adv. (I n-person)

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

CPCB Mr. Vijay Panjwani, Adv.

Ms. Savitri Pandey, Adv.

For Dr.(Mrs.) Vipin Gupta, Adv.

Mr. Abshishek Chaudhary, Adv.

For Respondent(s)

UOI Mr. P.S. Patwalia, ASG

Ms. Meenakshi Grover, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Jubair Ahmad Khan, Adv.

Mr. Vivek Singh, Adv.

Mr. Zaid Ali, Adv.

Mr. Tamim Qadri, Adv.

Mr. Mudasir Nabi, Adv.

Mr. G.S. Makker, Adv.

Mr. L.R. Singh, Adv.

Mr. S.N. Terdal, Adv.

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Railway Ms. V. Mohana, Sr. Adv.

Mr. N.K. Karhail, Adv.

Mr. Raj Bahadur, Adv.

ASI/CEC Mr. A.D.N. Rao, Adv.

Mr. A. Venkatesh, Adv.

Mr. Sudipto Sircar, Adv.

Mr. Rahul Mishra, Adv.

Mr. Kushank Sindhu, Adv.

State of UP Mr. S. Wasim A. Qadri, Adv.

Mr. M.R. Shamshad, Adv.

Mr. Zaki Ahmad Khan, Adv.

Mr. Aditya Samaddar, Adv.

UPPCB Mr. Pradeep Misra, Adv.

Mr. T. Mahipal, Adv.

Mr. Suraj Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A.No.562/2016 :

Heard.

This application has been filed by Dedicated Freight Corridor Corporation of India Ltd., New Delhi, for permission to fell 473 trees in connection with the construction of a transmission line for supply of power to the Eastern Dedicated Freight Corridor. The CEC has agreed to the felling of the trees aforementioned subject to certain conditions, set out in its report, which are in the following words :

i) for felling of trees on non-forest private land and non-forest government land the

requisite permission of the competent authority under the Uttar Pradesh Protection of Trees Act, 1976 will be obtained;

ii) compensatory plantation of 5,000 trees, that is ten times in lieu of 473 trees required to be felled, will be undertaken at the project cost;

iii) that at the time of actual felling of trees every effort will be made to ensure that the minimum number of trees are felled.

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iv) a scheme for Compensatory Planting for 5,000 trees will be prepared in consultation with the Forest Department of State of U.P. and which inter alia will include details of the 8 ha. land identified in Runakta Forest Block, District Agra for planting within the TTZ, species that will be planted, period of planting, provision for maintenance including for watering, watch and ward and casualty replacement and monitoring mechanism; and

v) the Additional PCCF, Regional Office MoEF & CC, Lucknow will be responsible to monitor the implementation of the compensatory planting of 5,000 trees.â- \235

Mr. A.D.N. Rao, learned counsel appearing for the CEC, submits that so long as the conditions indicated in the report are complied with, the permission prayed for can be granted by this Court.

In the circumstances, we allow the application and permit felling of 473 trees as prayed for in the application, subject to compliance with the conditions stipulated in the report submitted by the CEC. The applicant has filed a schedule for re-plantation/compensatory afforestation, according to which, it shall plant 5000 trees by way of compensatory afforestation in the area. We direct that the said plan shall be strictly adhered to. The felling of trees shall accordingly remain subject to compliance with the conditions imposed by CEC.

I.A.Nos.555-557/2016 :

These applications have been filed by the State of U.P., through State Bridge Corporation Ltd., seeking permission to fell 46 trees, in connection with the construction of a two-lane over-bridge at Rail Section Railway-349/8-9 in the Mathura District at Railway Crossing Number 356-A at â- STank Chaurahaâ- \235 on

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Mathura-Kasganj Road. The CEC has agreed to the proposed felling of trees, subject to re-plantation of 1500 trees. The CEC insists that the felling of the trees should be permitted only after the re-plantation work has been completed.

Mr. P.S. Patwalia, learned Additional Solicitor General, submits that while the Corporation is ready and willing to plant 1500 trees, as required by the CEC, the plantation work could be in terms of the schedule filed by it, according to which the re-plantation work would be completed between December 2016 to January 2017 in the first phase and between July 2017 to August 2017 in the second phase.

In the circumstances, therefore, we direct that felling of 46 trees, prayed for in the application, shall be subject to the condition that re-plantation exercise is completed by August 2017 in terms of the schedule filed by the Corporation.

I.A.No.567-568/2016 :

The State of U.P. has filed these applications seeking permission to fell 33 trees, in connection with the construction of a road at Masani Chaoraha. The matter was referred to the CEC, who has reported that the project being a significant one the trees could be felled, subject to re-plantation of 500 trees towards compensatory afforestation exercise.

In the circumstances, we allow the felling of 33 trees mentioned in the application, in terms of the proposed schedule filed by Mr. Patwalia, according to which the re-plantation work will be completed between January, 2017 to July, 2017 and subject to the fulfillment of conditions imposed by the CEC.

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I.A.No.564/2016 :

Heard.

The CEC has, in terms of its report dated 24 th November, 2016, agreed to the felling of 118 trees that need to be felled in connection with the laying of conduit pipeline for drinking water supply (Ganga Jal) project in Agra and Mathura Districts, subject to the conditions stipulated by it. Mr. A.D.N. Rao, learned counsel submits that so long as the conditions imposed by the CEC are complied with, including compensatory afforestation, the CEC has no objection to the applicant giving permission for felling of 118 trees.

We, accordingly, allow this application and permit for felling of 118 trees, subject to the conditions stipulated by the CEC.

I.A.Nos.569-570/2016 :

Mr. M.C. Mehta, the petitioner appearing in-person, seeks time to file his objections to these applications, a copy whereof has already been received by him. He may do so within four weeks.

Learned counsel for the applicant shall also serve upon Mr. Mehta a copy of the DPR-EIA & EMP, within two weeks.

A copy of the DPR-EIA & EMP shall also be furnished to the CEC. The CEC may look into the prayer made in the application and make its recommendations and submit a report.

List after four weeks.

(Sarita Purohit)
Court Master

(Suman Jain)
Court Master

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