

ITEM NO.304

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

I.A.Nos.544-546/2015 & I.A.No.555-557/2016 in Writ Petition(Civil)
No.13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for impleadment, permission regarding felling of tree and
exemption from filing O.T. and office report)

Date : 05/04/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Petitioner-in-Person, Adv.

Mr.A.Venkatesh Rao, Adv.

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

Ms.Madhvi Diwan, Adv.

Mr.R.K. Rathore, Adv.

Ms.Sunita Sharma, Adv.

Mr.W.A.Qadri, Adv.

Mr.D.S.Mahra, Adv.

For Respondent(s)

(For CPCB)

Mr. Vijay Panjwani, Adv.

(I.A. No.544-546
& 555-57)

Mr. S.Wasim A.Qadri, Adv.

Mr. Jubair Ahmad Khan, Adv.

Mr. Zaid Ali, Adv.

Mr. Tamim Qadri, Adv.

Mr. Saurabh Chopra, Adv.

Mr. L.R. Singh, Adv.

(Union of India)

Mr. R. Balasbramanian, Adv.

Mr. Ajay Singh, Adv.

Mr. B.V. Balramdas, Adv.

Mr. N.K. Karhail, Adv.

Mr. S.N. Terdal, Adv.

(State of U.P.)	Mr. M.R. Shamshad, Adv. Mr. Kabir Dixit, Adv. Mr. I.P. Singh, Adv.
(U.P. Pollution Control Board)	Mr. Pradeep Misra, Adv. Mr. T. Mahipal, Adv.
(State of Tamil- Nadu)	Mr. B. Balaji, Adv. Mr. Muthuvel Palani, Adv. Mr. Abhishek Chaudhary, Adv. Mr. Ajit Sharma, Adv. Ms. Rachna Joshi Issar, Adv.

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

I.A. No.555-557/2016

Learned counsel appearing for Mr.A.D.N.Rao prays for four weeks' time to file a reply to the report received from the Central Empowered Committee.

List after the needful is done.

I.A. No.544-546/2015

By our order dated 14.12.2015, we had in these applications directed Mr.Wasim Qadri, learned counsel appearing for the applicants to file a detailed Scheme for compensatory plantation in terms of the conditions stipulated by the Central Empowered Committee. He has in compliance with the said direction filed a Scheme according to which the plantation process is scheduled to be completed by February/March, 2017. Mr. A.D.N.Rao, learned counsel for the Central Empowered Committee is not present today.

Mr.A.Venkatesh Rao, learned counsel appearing on his behalf states that this Court could subject to proper verification by the Central Empowered Committee permit the felling of trees on the condition that the applicants shall take appropriate steps for compensatory afforestation in terms of the Scheme enclosed with the affidavit.

We accordingly allow these applications and permit the applicants to fell 950 trees in connection with the projects mentioned in para 7 of the applications. The applicants shall however undertake compensatory afforestation in terms of the Scheme filed along with the affidavit dated 06.02.2016. The plantation work shall be completed within the time schedule given in the said affidavit. We further direct that upon completion of the plantation work the applicants shall inform the Central Empowered Committee of the same and in which event the Central Empowered Committee shall by itself or through any other agency considered credible have the plantation work duly verified and in case there is any shortfall or neglect on the part of the applicants the Committee shall submit a suitable report to this Court for appropriate orders on the subject.

With the above directions I.A. No.544-546 of 2015 are disposed off.

At this stage, Mr.Wasim Quadri submits that saplings for afforestation work have to be provided by the State of U.P. and that the State Government could be directed to cooperate in the

matter. We see no reason to decline that prayer. Learned counsel for the State of U.P. also has no objection to a direction to that effect being issued to the State Government to ensure that the demand for saplings is suitably met as and when the same is raised. Should there be any difficulty, the applicants shall be free to approach this Court for further directions.

I.A. No.426

Mr. M.C.Mehta, the petitioner in person, submits that reports from the District Magistrate, Agra in this applications have been received. He prays for a copy of the same. Registry is directed to furnish copies of the said reports to learned counsel for the parties including Mr.M.C.Mehta who shall have four weeks' time to file their response to the same.

(Ashok Raj Singh)
Court Master

(Veena Khera)
Court Master