

ITEM NO.301

COURT NO.2

SECTION PIL

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 (Civil)No.13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

With

I.A.Nos.544-546/2015, I.A.Nos.548-549/2015 & I.A. Nos.553-554/2015
(Appln.(s) for impleadment and permission regarding felling of trees and exemption from filing O.T. and direction and office report)

Date : 16/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Petitioner-in-person, Adv.
Mr. A.D. N. Rao, Adv.
Mr. Vijay Panjwani, Adv.
Mr. Abshishek Chaudhary, Adv.
Mr. B.V. Balramdas, Adv.

Mr. S. Wasim A. Qadri, Adv.
Ms. Madhvi Diwan, Adv.
Ms. Sunita Sharma, Adv.
Mr. D.C. Mahra, Adv.
Mr. Jubair Ahmad Khan, Adv.
Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saurabh Chopra, Adv.

Mr. Gunjan S. Jain, Adv.
Mr. Vivek Oriel, Adv.
Mr. Vikas Soni, Adv.
For M.V. Kini S.Associates

For Respondent(s)

Mr. Vijay Bahadur Singh, AG (State of UP)
Mr. M.R. Shamshad, Adv.
Mr. Shashank Singh, Adv.
Mr. Aditya Samaddar, Adv.

Mr. Gaurav Bhatia, AAG (State of UP)
Mr. Utkarsh Jaiswal, Adv.
Mr. Abhishek Chaudhary, Adv.

Mr. Vijay Panjwani, Adv.

Mr. A.D.N. Rao, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Vaishali R., Adv.
Ms. Ankita Chadha, Adv.
Ms. Annam Venkatesh, Adv.
Ms. Nelam Jain, Adv.

Mr. M. Singh, ASG
Mr. R. Bala, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. B.V. Balramdas, Adv.

Mr. S.W.A. Qadri, Adv.
Mr. Vivek Singh, Adv.
Mr. L.R. Singh, Adv.
M/s. M.V. Kini & Associates, Adv.

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

I.A.No.544-546 of 2015 & I.A.No.553-554 of 2015

Mr. A.D.N. Rao, learned counsel appearing for the Central Empowered Committee seeks four weeks' time for the Committee to examine the request and make its recommendations. A copy of these applications has been handed over to Mr. Rao for doing the needful.

I.A. No.547 of 2015

Issue notice.

Mr. A.D.N. Rao, learned counsel appearing for the Archeology Survey of India accepts notice and seeks three weeks' time to take instructions and file a reply to the application.

I.A. No.548-549 of 2015

Issue notice.

Mr. A.D.N. Rao, learned counsel accepts notice on behalf of Central Empowered Committee and seeks time for the Committee to examine the prayer made by the applicant and make its recommendations within three weeks' time.

A letter dated 01.10.2015 has been received from Hon'ble Kurian Joseph, J. pointing out that a cremation ground located within a distance of just above 500 meters from the Taj Mahal at Agra and maintained by the Agra Nagar Nigam receives nearly 25 dead bodies for cremation every day. The cremation is undertaken with the help of firewood and other traditional fuels. The presence of the cremation ground so close to the monument is according to the letter prone to cause damage to the monument on account of the smoke and ash generated from the cremation ground, especially the physical lustre of the building a threat to the stability of the structure itself. The letter therefore proposes that the authorities be directed to consider the possibility of relocation of the cremation ground or providing an electric crematorium in order to avoid any damage to the monument.

Our attention has also been drawn by learned counsel for the parties to order dated 07.12.1998 in which this Court had even earlier taken note of the presence of the cremation ground

near the monument and issued notice to the Agra Nagar Nigam and Agra Development Authority to show cause why an order for removal of the cremation ground from the existing site be not passed. In another order dated 12.04.1999 this Court had noted that Mukhya Nagar Adhikari had not responded to the show cause notice who was then directed to explain what steps had been taken for shifting the cremation ground to some other suitable site.

Nothing meaningful appears to have been done by the Agra Nagar Nigam or the Agra Development Authority since the passing of the two orders mentioned above with the result that the public crematorium continues to be at its present location resulting in possible damage to the monument. Learned Advocate General appearing for the State of Uttar Pradesh appears to take instructions from the Agra Nagar Nigam as also the Agra Development Authority and respond to the suggestions made in the letter received from the Hon'ble Judge. A copy of letter dated 01.10.2015 referred to above along with a copy of the report submitted by Mr. Krishan Mahajan, Advocate who was appointed as amicus curiae by this Court shall therefore be supplied to the learned Advocate General to do the needful who may on behalf of State and the Agra Development Authority and Agra Municipal Corporation file a response to the suggestions made in the letter dated 01.10.2015 and the report submitted by the amicus curiae. We also direct copies of the above documents to be furnished to Mr. Vijay Panjwani, learned

counsel appearing for the Central Pollution Control Board who may alongwith experts from the Board examine the matter and if necessary inspect the site conditions and submit their suggestions and proposals to this Court. Mr. M.C. Mehta, petitioner who appear in person shall also be free to make suggestions if any in this regard in writing.

List on 14th December, 2015.

(ASHOK RAJ SINGH)
Court Master

(SAROJ SAINI)
Court Master