

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

I.A.Nos.460, 470, 478-481, 486 & 517-518

in

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for Directions, permission to file rejoinder affidavit and exemption from filing O.T. and office report)

Date : 26/11/2014 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

Mr. P.S. Narashima, Sr. Adv. (A.C.) (N.P.)

For Petitioner(s) Petitioner-in-person

Applicant-in-person

For Applicant(s) Mr. Gaurav Bhatia, AAG
Mr. Amit Singh, Adv.
Mr. Abhishek Chaudhary, Adv.

For Respondent(s) Mr. Maninder Singh, ASG
(For U.O.I.) Ms. Revathy Raghavan, Adv.
Mr. S.N. Terdal, Adv.
Mr. D.S. Mahara, Adv.

(For CPCB) Mr. Vijay Panjwani, Adv.

(For UPPCB) Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.
Mr. Daleep Kr. Dhayani, Adv.

(For CEC) Mr. A.D.N. Rao, Adv.

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

Heard.

By our order dated 4th August, 2014, we had directed Government of Uttar Pradesh to file a status report setting out the information in regard to matters enumerated in the said order. We had also asked the Registrar (Judicial) to put up a comprehensive note indicating the interlocutory applications that have been filed from time to time for permission to fell trees, number of trees allowed to be felled and the number of trees directed to be planted by way of compulsory or compensatory afforestation effort.

An affidavit has been pursuant to the said order filed by the Divisional Director, Social Forestry Division, Agra, on behalf of the State, from a reading whereof it appears that the State Government claims to have planted 15,360 trees only so far, out of which 15,000 saplings are said to have been planted at Taj Van Block, 300 on the M.G. Road II, Agra. The affidavit also encloses certain photographs in order to demonstrate that the plantation work has indeed been done. Some of these photographs however show certain thorny bushes and shrubs that grow wild in this part of the country.

Be that as it may, the number of saplings planted calls for a proper verification by the authorities concerned. We also find from the note put up by the Registrar (Judicial) that as many as 76,080 trees have been allowed to be felled by us in terms of several orders passed in different interlocutory applications,

filed from time to time. The chart prepared by the Registrar (Judicial) indicates the number of trees directed to be planted as a part of the afforestation effort as 2,43,402 trees. Apart from the fact that as against over 2,43,403 trees required to be planted, the State claims to have planted only about 15,360 trees which is just a fraction of the total number that they were required to plant, the plantation work itself appears to be somewhat doubtful. The assertion made in the affidavit therefore requires proper verification by an independent agency.

We are told by Mr. A.D.N.Rao, learned counsel, that C.E.C. has two Indian Forest Officers as its members one of whom is the Member Secretary of C.E.C. In the circumstances, we deem it proper to request Member Secretary of C.E.C. and Mr. S.K. Patnaik, also an I.F.S., to verify the claim made by the State Government in the compliance affidavit filed before us and also to report whether any plantation work has indeed taken place at the location indicated in the affidavit.

From a reading of the compliance affidavit, filed by the State Government, it further appears that the rest of the plantation work has not been undertaken because the trees have not been actually felled, meaning thereby that no obligation to undertake compulsory afforestation has arisen. Whether or not trees that were permitted to be felled by this Court have actually been felled is again a matter to be verified by the Member Secretary of C.E.C. and his colleague-Mr.S.K. Patnaik. To enable them to undertake the exercise, we direct the Registrar (Judicial) to furnish to them a copy of our Order dated 4th August, 2014, a

copy of the note/report estimating the number of trees allowed to be felled and those directed to be planted by way of compulsory/compensatory afforestation as also a copy of the compliance affidavit filed by the State of Uttar Pradesh in response to our order dated 4th August, 2014.

Mr. Gaurav Bhatia, learned Additional Advocate General, undertakes to furnish three sets of compliance affidavit filed by him within ten days to the Registry so that the same can be forwarded to the Member Secretary of C.E.C. and his colleague-Mr.S.K. Patnaik.

The Office may also furnish to Mr. Bhatia a copy of the note/statement setting out the details of the I.As, the date of the orders by which trees were permitted to be felled and those directed to be planted.

Mr. Bhatia shall, in the meantime, file an additional affidavit giving the details of expenditure so far incurred for the plantation work by the State Government on 15360 saplings, allegedly planted by it. The additional affidavit to be filed by Mr. Bhatia shall also give particulars of the permissions issued by the Ministry of Environment and Forest (MoEF), Government of India, for the TTZ. A copy of the affidavit along with the permission so obtained shall be furnished to Mr. A.D.N.Rao, counsel appearing for C.E.C.

Post after four weeks. Needful be done in the meantime by the Member Secretary of C.E.C. and his colleague-Mr.S.K. Patnaik.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER