

ITEM NO.301

Court No.3

Section PIL,XI

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.513-516 of 2014 in  
 Writ Petition(s)(Civil) No(s).13381 of 1984 ETC.

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(Office Report)

WITH

I.A.No.460 :

(Application for direction on behalf of State of Uttar Pradesh)

S.L.P.(C)...CC No. 12071/2005

(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 23/07/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. M.C. Mehta,Adv.  
(Petitioner-in-person)Ms. Shilpa Chopra,Adv.  
Mr. Rajesh Singh,Adv.

For Applicant(s)

Mr. Gaurav Bhatia,AAG  
Mr. Abhishek Chaudhary,Adv.  
Mr. Shantanu Bansal,Adv.

For Respondent(s)

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

Mr. Vijay Panjwani,Adv. (CPCB)  
Ms. Madhur Panjwani,Adv.

Signature Not Verified

UPON hearing the counsel the Court made the following

Digitally signed by

Mahabir Singh

Date: 2014.07.25

17:11:47 IST

Reason:

O R D E R

I.A.No(s).513-516 of 2014:

These interlocutory applications are filed by the State of

2

Uttar Pradesh with the following prayers:

"(a) Permit the applicant/State of U.P. and the  
 Divisional Director, Social Forestry Division,  
 Agra to fell/cut 697 trees (both sides of road  
 from chainage 7.650 to 20.525 and chainage 24.000  
 to 30.250) for widening/four lane construction of  
 Agra-Shamshabad road under Taj Trapezium Zone;

(b) Pass such other order and further order or orders as Your Lordships may deem fit and proper in the interest of justice".

Vide order dated 25th November, 2013, we had referred the matter to Central Empowered Committee (CEC) for it to examine the matter and submit its recommendations to this court within six weeks. CEC has accordingly examined the prayer made by the Government of Uttar Pradesh and submitted a report dated 5th February, 2014 in which the CEC has recommended that the prayer made in the above applications could be allowed, subject to the following three conditions:

- (i) For non-forest use of the forest land formal approval under the Forest (Conservation) Act, 1980 will be obtained and the NPC for the forest land involved will be deposited in the Compensatory Afforestation;
- (ii) The conditions prescribed by the Ministry of Environment and Forests while granting "In Principle Approval" will be strictly complied with; and
- (iii) The U.P. Forest Department will plant ten times the number of trees that would be felled at the project cost.

3

Mr. Gaurav Bhatia, learned Additional Advocate General appearing for the State of Uttar Pradesh, has no objection to the grant of permission prayed for subject to the conditions which the CEC has recommended.

In the circumstances and keeping in view the fact that the project in-question is in public interest and no viable alternative is found feasible by the CEC, as also the fact that the Ministry of Environment and Forest has granted "In Principle Approval" for the non-forestry use of forest land involved in the project, we see no reason to decline prayer (a) made in the applications. It is noteworthy that Taj Trapezium Zone Pollution (Prevention and Control) Authority has also given its N.O.C. for the said project.

We accordingly allow these applications (I.A.Nos.513-516 of 2014) and permit the State of Uttar Pradesh to fell 697 trees, referred to in the applications, in connection with the widening/four-laning/construction of Agra-Shamshabad-Rajakhera

Road falling in the Taj Trapezium Zone in the District Agra,  
subject to the conditions recommended by the Central Empowered  
Committee, extracted above.

We are informed by Mr. Bhatia that the Division Forest  
Officer has already determined the expenditure involved in the  
afforestation effort and that the requisite amount has already  
been deposited by the Public Works Department with the Forest  
Department. We would therefore direct the Forest Department to  
submit a report as to the progress made in the plantation work  
undertaken by it in terms of this Order along with the location of

4

the areas where such work has been carried out.

Needful shall be done within six months from the date the  
felling of trees takes place.

With the above directions, I.A.Nos.513-516 of 2014 are  
disposed of.

I.A.No(s).460:

At request of Mr. A.D.N.Rao, learned counsel appearing for  
the CEC, post in the next week.

SLP (C) No.....CC No.12071:

Post in the next week, showing the name of Mr. P.S.  
Narasimha, learned Additional Solicitor General, as amicus, in the  
cause list.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER