

/
ITEM NO.47

COURT NO.6

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 No(s).522-524 in WRIT PETITION (CIVIL) NO(s). 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for impleadment and directions/permission and exemption from filing O.T.)
with I.A No.525-526 in WP(C) NO.13381 of 1984
(For Directions)

Date: 03/02/2014 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. P.S. Narasimha, Sr. Adv. (AC)
(W.P. (C) No.13381/84) Mr. M.C. Mehta (in-Person)

For Applicant (S) Mr. S. Wasim A. Qadri, Adv.
(I.A No(s) 522-524) Mr. Zaid Ali, Adv.
Mr. L.R. Singh, Adv.
Mr. Tamim Qadri, Adv.

(in I.A. 525) Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena E. Joseph, Adv.
Mr. Shivendra Singh, Adv.
Mr. Rahul Pandey, Adv.
For M/s Lawyer's Knit & Co.

(in I.A. 526) Mr. Ajay Kumar Chopra, Adv.
Mr. Marsook Bafaki, Adv.
Mr. Nikhil Goel, Adv.

For Respondent(s) Mr. Mohan Jain, ASG
Mr. Kiran Bhardwaj, Adv.
Mr. S.N. Terdal, Adv.

Mr. Rakesh Khanna, ASG (Min. Of Environment)
Ms. Priyanka Sinha, Adv.
Mr. Saroj Bala, Adv.
Mr. M. Mridul, Adv.
Mr. D.K. Thakur, Adv.
Mr. S.N. Terdal, Adv.

Mr. Annam D.N. Rao, Adv. (For CEC)
Ms. Neelam Jain, Adv.
Mr. A. Venkatesh, Adv.
Mr. Sudipto Sircar, Adv.

Ms. Vimla Sinha, Adv. (For Forest Dept. UP)
Mr. Utkarsh Sharma, Adv.
Mr. Abhishek Chowdhary, Adv.

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

Mr. Vijay Panjwani, Adv. (For CPCB)

Ms. Madhur Panjwani, Adv.

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

I.A.No(s).525:

In view of the letter, post again after two weeks.

I.A.No(s).526:

Post again after two weeks.

I.A.No(s).522-524:

Heard.

Learned counsel for the applicant-Tesildar (Sadar), Office of the Deputy Collector (Sadar), Agra submits that the Tehsil Building at Sadar, Agra, is being reconstructed as the existing building is in a dilapidated condition. In the process of such rebuilding/reconstruction as many as 28 trees, out of a total 350 trees standing in the compound surrounding the existing building, need to be removed to facilitate the proposed reconstruction. The applicant prays for permission to cut and remove the said 28 trees.

By our order dated 13th December, 2013, we had made a reference to C.E.C. of its views on the subject. Mr. A.D.N. Rao, learned counsel appearing on behalf of the C.E.C., has today submitted the observation/recommendation of the C.E.C. According to Mr. Rao, the C.E.C. does not have any objection to the proposed felling of 28 trees provided the competent authority under the U.P. Protection of Trees Act, 1976 is approached and the requisite permission obtained from it. Mr. Rao further states that at least three times the number of trees sought to be removed need to be planted by the applicant to compensate for the loss to environment on account of cutting of the trees-in- question.

Mr. S. Wasim A. Qadri, learned counsel for the applicant, submits that both the conditions, mentioned above, are acceptable to the applicant. In the circumstances and subject to the applicant obtaining permission under the U.P. Protection of Trees Act, 1976 for the proposed cutting of 28 trees, referred to in the applications, and subject further to the District Administration/Office Tahsildar (Sadar) Agra planting three times the number of trees, sought to be cut, in the existing compound of Tehsil Sadar Office, Agra or any other place considered suitable in consultation with the Department of Social Forestry, the permission prayed for in the applications is granted.

Our attention has been drawn by learned counsel for the parties to the status report filed by U.P. State Bridge Corporation Limited in I.A. No.508. Mr. Qadri, learned counsel appearing for the Corporation, submits that since the Corporation is not a land-owning agency it has got the amount involved in the proposed afforestation in terms of the previous order determined by the Social Forestry Department, Agra and deposited a sum of Rs.12,89,257/- in one case and Rs.2,93,000/- in the other by way of two different cheques.

Ms. Vimla Sinha, learned counsel appearing for Regional Director, Social Forestry Department, Agra, submits that while the amount has been deposited by U.P. State Bridge Corporation Ltd., the utilisation thereof has not yet been verified. She prays for and is granted four weeks' time to file a status report regarding the utilisation of the amount, deposited by the Corporation.

Post after four weeks.

|(Mahabir Singh)
| Court Master

|(Veena Khara)
| Court Master

