

ITEM NOS.301

COURT NO.4

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. Nos.460, 467 & 468 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions on behalf of State of U.P., exemption from filing
O.T. and permission to file addl. documents)

WITH

I.A. Nos.470 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

WITH

I.A. Nos.471 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions on behalf of India Tourism Dev. Corpn.)

WITH

I.A. No.474 in I.A. NO. 444 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions on behalf of Indian Oil Corporation Ltd.)

WITH

I.A. Nos.475 & 484 in I.A. NO. 475 in W.P.(C) NO.13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions and for impleadment on behalf of Brick kilns)

WITH

I.A. Nos.478 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

WITH

I.A. Nos.479 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA
VERSUS
UNION OF INDIA & ORS.
(For directions)

Petitioner(s)
Respondent(s)

WITH
I.A. Nos.480 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA
VERSUS
UNION OF INDIA & ORS.
(For directions)

Petitioner(s)
Respondent(s)

WITH
I.A. Nos.481 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA
VERSUS
UNION OF INDIA & ORS.
(For directions)

Petitioner(s)
Respondent(s)

Date: 09/02/2009 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Krishan Mahajan,Adv. (A.C.)
Mr. M.C. Mehta, Petitioner-in-person.

For Respondent(s)/
Applicant(s) Mr. Dinesh Dwivedi, Sr.Adv.
Mr. S.W.A. Qadri,Adv.
Mr. Rajeev Dubey,Adv.
Mr. Kamalendra Mishra,Adv.

For CPCB Mr. Vijay Panjwani,Adv.

Mr. Anil Kr. Jha,Adv.

For Agra Development
Authority Mr. S. Wasim A. Qadri,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Kamalendra Mishra,Adv.

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For State of U.P. Mr. S. Wasim A. Qadri,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Kamalendra Mishra,Adv.

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

For Min. of
Environment Mr. S. Wasim A. Qadri,Adv.
Mrs. Kiran Bhardwaj,Adv.
Mr. S.N. Terdal,Adv.
Mr. D.S. Mahra,Adv.

Mr. Ravindra Shrivastava, Sr.Adv.
Mr. Sudhir Kulshreshtha,Adv.

Mr. Ashok Kr. Srivastava,Adv.

Mr. Pradeep Mishra, Adv.

Mr. Suryakant, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A.Nos.460:

By way of last indulgence, two weeks' time is granted so as to enable the Forest Advisory Committee to file an affidavit in terms of this Court's order dated 13.10.2008.

We make it clear that if no affidavit is filed within the aforesaid period, a strict view of the matter shall be taken.

List after three weeks.

I.A.Nos.475 & 484:

By this Court's order dated 22.8.2005, it was directed:
"All pending applications and applications to be made relating to brick kiln or challenging the decisions of the Special Committee set up by this Court are to be made before the Court having jurisdiction in these matters."

It is stated by Mr. Panjwani, learned counsel for C.P.C.B., that several suits have been filed in different courts, questioning the order of the said Special Committee and in that view of the matter the said order

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dated 22.8.2005 may be amended by inserting the word "High" after the words "are to be made before the" and before the words "Court having jurisdiction in these matters". We are not persuaded to pass this order as the Civil Courts having territorial jurisdiction will have jurisdiction to decide the said suits in terms of Section 9 of the Code of Civil Procedure. However, keeping in view the fact that the said suits and/or an interim order shall be disposed of for the purpose of giving effect to this Court's order dated 22.8.1985, we in exercise of our jurisdiction under Article 142 of the Constitution of India, direct that in the event an application is filed by the Special Committee as also the State Pollution Control Board, questioning the jurisdiction of the said courts, being barred under Section 46 of the Air (Prevention and Control of Pollution) Act, 1981, the same should be disposed of as expeditiously as possible and not later than four weeks from the date of filing of such applications.

These I.As. are disposed of accordingly.

I.A.Nos.470:

An affidavit in response to the I.A. has been filed on behalf of the State by the Secretary, Agra Development Authority. Rejoinder thereto, if any, may be filed within two weeks.

It is stated at the Bar that response to the Monitoring Committee's Report has not been filed as yet. Let it be filed within three weeks.

Put up after three weeks.

I.A.Nos.474:

Let this I.A. also be listed on the next date of hearing.

(A.S. BISHT)
BHARDWAJ
COURT MASTER

(PUSHAP LATA
COURT MASTER