

IT E M NOS. 3 0 1

COURT NO.4

SEC T IO N P I L

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.4 6 0 , 4 6 7 & 4 6 8 in W. P . (C) NO. 1 3 3 8 1 OF 1 9 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

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)

W I T H

I.A. Nos. 4 7 0 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

W I T H

I.A. Nos. 4 7 1 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

UNION OF INDIA & ORS.

Respondent(s)

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

W I T H

I.A. No.4 7 4 in I.A. NO. 4 4 4 in W. P . (C) NO. 1 3 3 8 1 OF 1 9 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

UNION OF INDIA & ORS.

Respondent(s)

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

W I T H

I.A. Nos. 4 7 5 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

W I T H

I.A. Nos.4 7 8 in W. P . (C) NO. 1 3 3 8 1 OF 1 9 8 4

M.C. MEH T A

Petitioner(s)

V E R S U S

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UNION OF INDIA & ORS.

Respondent(s)

(For directions)

W I T H

I.A. Nos. 4 7 9 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

M.C. MEH T A

Petitioner(s)

VE R S U S

UNION OF INDIA & ORS.
(For directions)

Respondent(s)

WI T H

I.A. Nos. 4 8 0 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

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Petitioner(s)

VE R S U S

UNION OF INDIA & ORS.
(For directions)

Respondent(s)

WI T H

I.A. Nos. 4 8 1 in W. P . (C) NO. 13 3 8 1 OF 19 8 4

M.C. MEH T A

Petitioner(s)

VE R S U S

UNION OF INDIA & ORS.
(For directions)

Respondent(s)

Date: 13/ 1 0 / 2 0 0 8 This matter was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E S.B. SINH A
HON' B L E MR. JUS T I C E S.H. KA P A D I A
HON' B L E MR. JUS T I C E D.K. JAI N

For Petitioner(s)

Mr. Krish an Mahajan,Adv. (A.C.)

Mr. M.C. Mehta, Petitioner- in-person.

For Respondent(s)/
Applicant(s)

Mr. Dinesh Dwivedi, Sr.Adv.
Mr. T.N. Singh,Adv.
Mr. Rajeev Dubey,Adv.
Mr. Ka mlendr a Mishr a,Adv.

For CPC B

Mr. Vijay P anjw ani,Adv.

Mr. Anil Kr. Jh a,Adv.

For Agra Development
Authority

Mr. S. Wasi m A. Qadri,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Ka m a le ndr a Mishr a,Adv.

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For State of U.P.

Mr. S. Wasi m A. Qadri,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Ka m a le ndr a Mishr a,Adv.

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

Mr. Ravindra Shrivastava, Sr.Adv.
Mr. Sudhir Kulshreshth a,Adv.

Mr. Ashok Kr. Srivastava,Adv.

Mr. Pr adeep Mishr a,Adv.

Mr. Suryak ant,Adv.

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

It is stated by the learned senior counsel Mr. Dwivedi that I.A. No. 460 has wrongly been mentioned in the letter circulated.

I.A.Nos. 460 :

An additional affidavit has been filed in compliance of our order dated 15.9.2008 by the Public Works Department, State Government of U.P. annexing therewith: (a) a true typed copy of the Certificate No. 1473 dated 11.9.2008 granted by the State Level Environmental Impact Assessment Authority, Uttar Pradesh; and (b) true translated copy of the Application dated 23.4.2008 filed by the Chief Engineer, Uttar Pradesh Public Works Department, Agra Zone, Agra, Uttar Pradesh.

It appears that an Environment Impact Assessment study was undertaken and in the report, inter alia, it was stated:

"An Environment Impact Assessment (EIA) study is a pre-requisite for getting Environmental Clearance from the said authorities of the State or Central Government. The purpose of Environmental Impact Assessment (EIA) Report is to assist in the decision-making process and to ensure that the project options under consideration are environmentally sound and sustainable. EIA identifies ways of improving project environmentally by prevention and amelioration of the adverse impacts. The findings of EIA study will be incorporated in the road design. The approach adopted

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in the EIA study is to ensure that positive environmental impacts are maximized and the negative ones are minimized to the extent possible. The steps taken generally consist of incorporation of appropriate mitigation measures in engineering designs, construction schedules and techniques, as well as in operational and management practices outlined as a part of Environmental Management Plan (EMP)."

Based on the report of the Environment Impact Assessment Committee, a clearance has been given by the State Level Environment Impact Assessment Authority of U.P. by a letter dated 11.9.2008 addressed to the Chief Engineer of the U.P. Public Works Department, Agra Division, Agra, subject to the conditions mentioned therein.

We are, however, of the opinion that having regard to the peculiar features of this case, as cutting of a large number of trees is involved, it will be appropriate if the question of grant of the clearance having regard to the environmental impact, is examined by the Forest Advisory Committee constituted by the Ministry of Environment and Forest, Union of India.

Let copies of the relevant documents be filed before the appropriate authority within one week from date. The concerned authority of the Ministry of Environment and Forest is hereby requested to consider the matter and file a report before this Court within four

weeks thereafter.

It is made clear that the question as to whether the State of U.P. has indeed cut any trees or not shall be considered after the report is obtained.

Mr. A.D.N. Rao, learned counsel prays and is granted four weeks' time to file response to the report of the learned amicus curiae. Put up after four weeks.

I.A.No.4 7 5 :

Mr. Pa nj wa ni, learned counsel appearing on behalf of Central Pollution Control Board states that an application for impleading some parties, who are running the brick kilns, shall be filed within two weeks. List after four weeks.

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I.A.Nos. 4 7 8 to 48 1 :

List after four weeks in view of the letter circulated.

(A.S. BI S H T)
COURT MAS T E R

(VIJ A Y DHA W A N)
COURT MAS T E R