

ITEM NOS.301 & 302

COURT NO.6

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.470-471 in W.P. (C) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

I.A. No.472 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. 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 permission to amend and replace I.A.No.444)

Date: 12/05/2008 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

2

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. Sail K. Dwivedi,AAG
Mr. Rajeev Dubey,Adv.
Mr. Anuvrat Sharma,Adv.

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

For CPCB

Mr. Vijay Panjwani,Adv.

Mr. Anil Kr. Jha,Adv.

Mr. Pradeep Mishra,Adv.

Mr. Surya Kant,Adv.

For Agra Development
Authority

Mr. S. Wasim A. Qadri,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Jubair Ahmad Khan,Adv.
Mr. Kamalendra Mishra,Adv.

For NCT of Delhi

Mr. S. Wasim A. Qadri,Adv.
Mr. Jubair Ahmad Khan,Adv.
Mr. D.S. Mahra,Adv.

For Min. of Environ.

Mr. T.S. Doabia, Sr.Adv.
Mr. Wasim A. Qadri,Adv.
Mr. Jubaine Ahmad Khan,Adv.
Mr. D.S. Mahra,Adv.

Mr. Ashok Kr. Shrivastava,Adv.

for Ms. Bina Madhavan,Adv.
Mr. S. Udaya Kumar Sagar,Adv.
M/s. Lawyers Knit & Co.,Advs.

UPON hearing counsel the Court made the following
ORDER

I.A.No.474:

3

Issue notice.

In the meantime, it is accepted that the learned amicus Mr. Krishan Mahajan and Mr. M.C. Mehta appearing in-person would visit the place and submit their response.

Put up in the second week of July, 2008.

I.A.No.472:

By our order dated 3rd March, 2008 Naujhil Integrated Rural Project for Health and Development (NIRPHAD) was directed to continue to run the hospital in question. Learned counsel today, on instructions, states that it has no objection to continue to run the same. Until further orders, NIRPHAD would continue to run the hospital in question. The I.A. is disposed of.

I.A. No. 470:

By our order dated 9.1.2008, we inter alia directed the respondent Nos. 2, 3, 4 & 5 to file counter affidavit. It was furthermore directed:

"In the meantime, we direct the Chairman of the Agra Development Authority as also the Commissioner, Agra Municipal Corporation to submit a report before us within the aforesaid period as to whether permission for raising any construction had been granted by the respondent Nos.4 and 5 within the prohibited zone and in violation of the order of this Court.

Mr. Krishan Mahajan, learned amicus curiae states that the Monitoring Committee shall also visit the place and file response to the application filed by Mr. Mahajan."

No counter affidavit has been filed by the State. Learned amicus has also not responded to the said application. The Commissioner, Agra Division, Agra by an affidavit merely stated that

4

except in two cases, no permission has been granted by the Authority to raise any construction within the prohibited zone of the Monument area. The main issue involved has not been traversed, namely, as to whether the Master Plan is going to be given effect to and whether a large number of constructions have come up without any sanction.

It is, therefore, directed that both the State as also the Agra Development Authority shall file a detailed counter affidavit by the next date fixed. However, copies of the said counter affidavits shall be supplied to the learned amicus as also to Mr. Mehta, within six weeks.

Put up in the second week of July, 2008.

I.A. No. 460:

We are not satisfied with the affidavit affirmed by Shri Pramod Kumar Jain, Chief Engineer, Agra Zone, Public Works Department, Agra, that no tree in fact has been cut on all the four segments to which reference has been made in paragraph 7 of the said affidavit.

Let an affidavit be affirmed to that effect specifically, before the next date fixed. In the said affidavit, it may also be stated as to when the construction of the said road started and when completed, if any.

Put up in the second week of July, 2008.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER