

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 / 8 4

M.C. Mehta

Petitioner

V E R S U S

Union of India & Ors.

Respondent

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

I.A.Nos. 4 7 0- 4 7 1

(Application for directions)

Date: 9.1. 2 0 0 8 :This matter was mentioned today.

CORAM :

HON'BLE MR. JUS T I C E S.B. SINHA

HON'BLE MR. JUS T I C E S.H. K A P A D I A

HON'BLE MR. JUS T I C E D.K. JAI N

For applicant(s)/
Petitioner(s)/
Respondent(s)

Mr. M.C. Mehta, In- person

Mr. Krishna n Mahaja n, A.C.

State of U.P.

Mr.Dinesh Dwivedi, Sr.Adv.

Mr.S. K. D wivedi, Add;A.G.

Mr. S. Wasi m Q. Qadri, Adv.

Mr.Anuvrat Sharm a, Adv.

Mr.Anil Kuma r Jha,Adv.

Mr.Surya Kant,Adv.

Mr. Ritesh Singh, Adv.

Mr. Pra n av Vyas, Adv.

U.P. Pollution
Board

Mr. P r adeep Misra,Adv.

CPC B

Mr.Vijay Pa njwa ni, Adv.

ASI

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

Mr. Ashok Kr.S rivastava,Adv.(N P)

UPON being mentioned the Court made the following
O R D E R

I.A.No. 4 6 0

An application has been filed by the State of Uttar Prades h seeking permission of this Court to remove the trees standing on the banks of the roads specified therein. In the said application it is stated that for the purpose of widening the road from Keria Airport to the Eastern Gate of Taj Mahal, 2 3 3 2 trees are required to be removed.

Mr. Kris ha n Mahaja n, learned Amicus- Curiae, however, submits that there are other materials available on record to show that about 5,0 0 0 trees would be required to be removed for the said purpose.

It, however, stands admitted that for the purpose of widening the said road, the State of U.P. has not yet approached the competent authority for obtaining an Environment Impact Assessment Certificate.

Mr. Dwivedi, learned senior counsel appearing for the State of U.P. submitted that such a certificate may not be necessary. We without going into the said question keeping in view the fact that a large number of trees would be required to be removed, direct the State of U.P. to file an appropriate application for grant of Environment Impact

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Assessment Certificate before the competent authorities i.e. Central Government as also the Taj Trpezium Development Scheme Authority.

The competent authorities are requested to examine the matter in details and pass appropriate order(s) thereupon within a period of four weeks from the date of receipt of such an application. It would, however, be open to the said authorities to ask for any other or further information or documents from the State of U.P. or any other agency.

Put up after six weeks.

I.A.No. 470

This I.A. is confined to only prayer (b).

Leave is granted to Mr.M.C. Mehta, learned petitioner appearing in person to file separate applications in respect of other prayers impleading therein respondents who would be concerned therewith.

Issue notice to respondent Nos. 2,3, 4 and 5. Mr. S.W.A.Qadri, learned counsel accepts notice on behalf of respondent Nos. 2 and 3. Counter affidavit, if any, be filed within four weeks. Rejoinder, if any, be filed within one week thereafter.

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 No.4 and 5 within the prohibited zone and in violation of

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the order of this Court.

Mr. Krishna Mahajan, learned Amicus-Curiae states that the Monitoring Committee shall also visit the place and file response to the application filed by Mr. Mahajan.

I.A.No. 471

Issue notice.

Mr.A.D.N. Rao, learned counsel states that response shall be filed within four weeks and there will be proper consideration of the offer made by the I.T.D.C.

[Meenu Sethi]
Court Master

[P.S. Tyagi]
Court Master

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