

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

IA No. 376 in WP(C) No. 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions)

With

IA No.395-397 in W.P.(C) No. 13381/1984

(for impleadment, exemption from filing and permission to file additional documents on behalf of

NPCC)

With

SLP(C)....CC..12071/2005

(With appln(s) for c/delay in filing SLP and office report)

With

I.A.No.387 in W.P.(C) No. 13381/1984

(For directions)

I.A.No.389 in W.P.(C) No. 13381/1984

(For exemption from filing O.T.)

I.A.No.390 in W.P.(C) No. 13381/1984

(For exemption from filing O.T.)

I.A. No.444 in W.P.(C) No.13381/1984

(For direction)

In the matter of: Archaeological Survey of India

I.A.No.453 in W.P.(C) No. 13381/1984

(Re: News Item dated 6.8.2006)

Date: 28/08/2006 These Petitions were 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, A.C.

Applicant (s)/

Respondent(s)

Mr. M.C. Mehta, Adv.

Mr.G.E.Vahanvati, Solicitor General

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

Mr. P. Parmeswaran, Adv.

State of U.P.

Dr. R.G. Padia, Sr. Adv.

Mr.Rajeev Dubey, Adv.

Mr. Kamendra Mishra, Adv.

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Mr.Santosh Kumar, Adv.

Mr.Atishi Dipankar, Adv.

Mr.Chandra Kant Nayak, Adv.

Ms.Shilpa Chohan, Adv.

Mrs. Lalita Kaushik, Adv.

CPCB

Mr.Vijay Panjwani, Adv.

Mr. Pradeep Mishra, Adv.

Mrs.Rekha Pandey, Adv.

Mr. B.K. Prasad, Adv.

Mr.B.V. Balramdas, Adv.

Mr. Ashok Dipankar, Adv.

Agra Development Authority

Mr.Ashok Kumar Srivastvava, Adv.

Mr.Saurabh Trivedi, Adv.

Mr.Ajay Kumar Aggarwal, Adv.

Ms.Binu Tamta, Adv.

Mr.Sanjay R. Hegde, Adv.

Mr. K.K. Mohan, Adv.

Mr. Vishwajit Singh, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Mridula Ray Bhardwaj, Adv.

Mr.Ajay Siwach, Adv.

Mr. Sandeep Sharma, Adv.

Mr.T.V.George,Adv.

UPON hearing counsel the Court made the following

O R D E R

Re: Security of Taj: I.A. No.453/2006

In continuation of our order dated 7.8.2006, we may notice that this Court in its order

dated 21.11.2001 observed that the State of U.P. had already prepared a contingency plan qua Security

of Taj. The said

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contingency plan seeks to take within its fold inter alia the sudden influx of visitors to the monument

which may result in vandalism or damage thereto.

We may also place on record the submissions of Mr. Krishan Mahajan, learned Amicus

Curiae that the said contingency plan has not been

implemented in any manner whatsoever. Let the Home Secretary, State of Uttar Pradesh affirm on

affidavit as to what steps have been taken for implementation of the said contingency plan. Such

affidavit may be filed within two weeks from date. An advance copy of the said affidavit be given to Mr.

Krishan Mahajan, learned Amicus-Curiae and to Mr. M.C. Mehta, the writ petitioner.

A proposal has been mooted at the Bar that if some land can be allotted by the Agra

Development Authority beyond/around the periphery of 500 mts. which can be utilised by the CISF

personnel as a Checking Counter -cum- Facilitation Centre, much of the problems which are being

faced today in regard to security of the monument may not occur in future. We, therefore, direct that on

2.9.2006 the Superintendent of ASI, a high ranking officer of CISF, the Vice Chairman of Agra

Development Authority as also the Commissioner of Agra Division shall meet in the Chambers of

Chairman, Agra Development Authority for taking an appropriate decision in the matter. In the said

meeting, location of the vendors shall also be discussed and resolved apart from the question of installing

the Checking Counter-cum-Facilitation Centre. In this connection the said authorities or the officers

nominated by them shall visit the spot and select a vacant place which may be available for the

aforementioned purposes.

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A suitable plan may also be prepared by the Officers of the Agra Development Authority,

in the event a suitable place is found out

as an outcome of the said meeting and visit to the spot by the officers

concerned, be arranged so that necessary directions can be issued by this Court for allotment of the said

land by the Agra Development Authority in favour of the ASI. We also direct the authorities of the ASI

to consider the desirability of issuing the tickets of entering into the monument to limited number of

visitors for a limited duration.

Put up this matter on 18.9.2006 together with I.A.No.No.444/2006.

RE: Heritage City

Heard learned Solicitor General at some length. It is stated at the Bar that the questions

shall be considered in depth, particularly having regard to the fact that three monuments are located

within the town of Agra City as also other monuments in or around the same.

RE: News item dated 25.8.2006 published in Dainik Jagran(Agra Samachar)

We may also place on record that our attention has been drawn by learned Amicus-Curiae

to a report published on 25.8.2006 in Dainik Jagaran(Agra Samachar). Let the said report be kept on

record. Xerox copy of the same be handed over to the learned Counsel appearing on behalf of State of

Uttar Pradesh.

Photographs given by Mr. Krishan Mahajan, learned Amicus-Curiae be also kept on

record.

List all the I.As on 18.9.2006.

(MEENU SETHI)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER

ITEM NO.301(B)

COURT NO.8

SECTION PIL/XI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Writ Petition(C)No. 193/2004

Ajay Kumar Agrawal

Petitioner(s)

VERSUS

Union of India & Ors.

Respondent(s)

(with office report)

Date: 28.8.2006: This petition 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 the petitioner:

Petitioner-in-person

For the respondent:

UPON hearing petitioner-in-person the Court made the following

O R D E R

The petitioner who is an advocate practising in this Court has filed this application under

Article 32 of the Constitution praying for the following reliefs:

(i) issue an appropriate writ, order or direction in the nature of mandamus directing the respondent

(Central Government, State Governments and the Union Territories) to place before this Hon'ble

Court the Policy/Govt. Orders/notifications which authorizes Governments to award work to PSUs

without tender & competitive bidding, and

(ii) issue appropriate direction to each of the State Governments to amend such policy, to the effect that if

the work is of such a nature that it could be awarded to a PSU only, then it must be widely advertised

and tenders should be invited and Contract should be awarded after competitive bidding among the

PSUs ; and.....

In the body of the writ petition as also in the annexures, the petitioner had referred to

certain contracts purported to have been granted

...2/-

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by the State of Uttar Pradesh to NPCC, a public sector undertaking. It is the case of the petitioner that

the State should be directed to award contracts to PSUs after wide publicity. This writ petition covers all

contracts.

Having regard to the nature of the reliefs prayed for by the petitioner, as noticed

hereinbefore, we are of the opinion that this case has no direct nexus with the Taj Corridor with which

this Bench is concerned. We are, therefore, of the opinion that this writ petition be placed before an

appropriate Bench dealing with the subject.

(MEENU SETHI)

Court Master

(PUSHAP LATA BHARDWAJ)

Court Master