

ITEM NO.301,302 & 16

COURT NO.3

SECTION PIL

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.No.376 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.No.431 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS

WITH

I.A.No.387 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS FILED BY A.C.

WITH

I.A.No.388 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS

WITH

I.A.No.389-390 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS FILED BY A.C.

WITH

I.A.No.304-305 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS AND EXEMPTION
FROM FILING O.T. ON BEHALF OF M/S TEGURIA BRICK FIELD & ORS.

WITH

I.A.No.325-326 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF
RAMESH CHANDRA & ANR.

WITH

I.A.No.328-330 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF

BHAGWAN ENT. UDYOG & ORS.

WITH

I.A.No.332-334 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF JAI SHIV ENT. UDYOG & ORS.

WITH

C.P.(CIVIL) NO. 45/2005 IN W.P.(C) NO. 13381/1984

WITH

I.A. NO. 430 IN CP(C)NO. 45/2005 - FOR EXEMPTION FROM FILING O.T.

WITH

I.A.No.335 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF OM BRICK FIELD

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WITH

I.A.No.337-343 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF M/S CHETAN INT. UDYOG & ORS.

I.A.No.302 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF M/S ENT NIRMATA SANGH

WITH

I.A.No.344 IN I.A. NO. 302 IN W.P.(C) NO. 13381/1984 - FOR CLARIFICATION OF THE ORDER DATED 19/3/2002

I.A.No.346 IN I.A. NO. 302 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS ON BEHALF OF M/S SUBODH BRICK FACTORY

WITH

I.A.No.433 IN W.P.(C) NO. 13381/1984 - FOR PERMISSION AND DIRECTIONS

WITH

I.A.No.434-435 IN W.P.(C) NO. 13381/1984 - FOR IMPLEADMENT, NECESSARY DIRECTION AND EXEMPTION FROM FILING O/T ON BEHALF OF MR. YUGAL KISHORE AGGARWAL

I.A.No.436-437 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS AND EXEMPTION
FROM FILING O/T ON BEHALF OF M/S RADHA KRISHNA BRICK FIELD

ITEM NO. 302

WITH

I.A.No.428 IN W.P.(C) NO. 13381/1984 - FOR DIRECTIONS

WITH

C.P.(CRL.) NO. 9/2005 IN I.A. NO. 376 IN WP(C) 13381/1984 - WITH APPLN.
FOR EXEMPTION FROM FILING O.T.

ITEM NO. 16

W.P.(C)NO. 361/2005 - WITH APPLN. FOR INTERIM RELIEF AND EXEMPTION FROM
FILING O.T. AND OFFICE REPORT (FOR PREL. HEARING)

Date: 22/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s) Mr. MC. Mehta, Adv.

For petitioner/ Mr. Ajay K. Agrawal, Adv.

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applicant Ms. Alka Agrawal, adv.

Ms. Anamika Agrawal, Adv.

For Ms. Mayawati: Mr. KK. Venugopal, Sr.Adv.

Mr. SC. Mishra, Sr.Adv.

Mr. Shail Kumar Dwivedi, Adv.

Mr. GV. Rao, Adv.

Mr. Sudhir Kulshrestha, Adv.

Mr. Santosh Kumar, adv.

Mr. Chandra Kant Nayak, Adv.

Mr. Atishi Dipankar, Adv.

Mr. Sushil Kumar Jain, Adv.

Mr. LR. Singh, Adv.

Amicus Curiae:

Mr. Krishan Mahajan, Adv.

For Respondent(s)

For CPCB:

Mr. Vijay Panjwani, Adv.

For CBI:

Mr. Mohan Parasaran, ASG.

Mr. RM. Sharma, Adv.

Mr. P. Parmeswaran, Adv.

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

Mr. MN. Rao, Sr.Adv.

Mr. Sanjay R. Hegde, Adv.

For State of U.P.:

Mr. Virendra Bhatia, Adv.Gen.

Mr. SWA. Qadri, Adv.

Ms. Savitri Pandey, Adv.

Mr. Rajeev Kumar Dubey, adv.

Ms. Rashmi Singh, Adv.

Mr. Kamlendra Mishra, Adv.

For Rajasthan:

Mr. Aruneshwar Guptpa, Addl.Adv.General

Mr. Naveen Kumar Singh, Adv.

For Union of India:

Mr. Hemant Sharma, Adv.

Ms. Anil Katiyar, Adv.

UP.Sunni Central Wakf

Mr. Anis Sushrawardy, Adv.

Board & Ors.:

Mr. Rakesh Dwivedi, Sr.Adv.

Mr. KK. Mohan, Adv.

Mr. Ashish Mohan, Adv.

For Haryana:

Mr. Ajay Siwach, Adv.

Mr. Pradeep Dahiya, Adv.

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Mr. TV. George, Adv.

Mr. Pradeep Mishra, Adv.

Mr. BV. Balramdas, Adv.

For Agra Dev.Authority:

Mr. Ashok Kumar Srivastava, Adv.

Mr. Shaiwal Srivastava, Adv.

Mr. Saurabh Trivedi, Adv.

Ms. Binu Tamta, Adv.

Mr. Vishwajit Singh, Adv.

For Min.of Environment: Mr. Amitava Poddar, Adv.

Ms. Anil Katiyar, Adv.

Ms. Mridula Ray Bhardwaj, Adv.

Ms. Suchitra A. Chitale, Adv.

UPON hearing counsel the Court made the following

O R D E R

W.P(C)No. 361/2005 (Item No.16)

Place this matter along with SLP(C).....D.No. 1732 of 2005.

Item No. 301 & 302

I.A.No. 428

State of U.P. and Archaeological Survey of India to file
reply affidavits within four

weeks.

I.A.No. 431

According to the C.V.C. Report, the recommendations of the C.B.I for no ac
tion to be

taken in respect of D.S. Bagga, P.L. Punia, V.K. Gupta, KC. Mishra, S.C. Bali and
A.K. Bose,

have been concurred with. As far as the others are concerned, prosecution was recommended.

Mr. KK. Venugopal, learned senior counsel appearing on behal
f of Ms. Mayawati,

seeks to intervene in the proceedings. The applicant is granted one we
ek's time to make the

necessary application also setting out the grounds on which, according to
the applicant, the

C.V.C. has no power to direct the manner in which the C.B.I will conclude the proceedings whic
h

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were pending against his client.

Similarly, Mr. Rakesh K. Khanna, learned counsel appearing fo
r Naseemuddin

Siddiqui is also granted one week's time to file an application.

M/s RK. Sharma, Rajendra Prasad, Kamal Radhu and M. Sharma are al
so granted

the liberty to file applications if they so desire regardign the powers of the C.V.C. withi
n one week.

Copies of the applications, to be so filed, to be circulated to all the parti
es, particularly

to C.V.C., C.B.I as well as amicus curiae.

Mr. Virendra Bhatia, learned Advocate General for State of U.P. wi
ll ensure that a

copy of this order is served on the officers, viz., R.K. Sharma, Rajendra Prasad, Kamal Radhu

and M. Sharma, in the course of 24 hours.

C.P.(Crl.)No.9/2005 in I.A.No.376 IN W.P.(C)No.13381/1984

Contempt Petition is dismissed.

I.A.Nos. 387,389-390

Ministry of Environment and Forests and State of U.P. have not complied with the

earlier order passed by this Court on 14th February, 2005 to file counter in response to the

allegations contained in I.A.Nos. 387,389 and 390. Further one week's time is granted to do the

needful. No further time will be granted.

I.A. No.388

Protection given to Mr. Aggrawal and his mother should not be withdrawn without the

leave of the Court.

Brick Kiln Matters

All pending applications and applications to be made relating to brick-kilns or

challenging the decision of the Special Committee set up by this Court are to be made before the

Court having jurisdiction in these matters.

The pending applications are dismissed as withdrawn.

(S. Thapar)

(Madhu Saxena)

PS to Registrar

Court Master

Copy of this order may be made available today.