

W.P(C)No. 13381 OF 1984
ITEM No.301

Court No. 5

SECTION PIL

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

I.A.NO.376 IN W.P.(CIVIL) NO.13381/1984

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(for directions)

WITH I.A.NO.415 IN WP (C)13381/84 MC. MEHTA VS. UOI & ORS.
(for directions)

I.A.NO.416 IN WP (C)13381/84 MC. MEHTA VS. UOI & ORS.
(for directions filed by A.C.)

Date : 07/05/2004 These Petitions were 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.M.C. Mehta in person (N/P)

Mr.Krishan Mahajan,Adv. (A.C.)

Mr.Ajay K. Aggarwal,Adv.

For Respondent (s)

for the State of U.P. Mr.Ashok H. Desai,Sr.Adv.,
Mr.P.P. Rao,Sr.Adv.,
Mr.Virendra K. Bhatia,Sr.Adv.,
Mr.Kamlendra Mishra,Adv.,
Mr.Rajeev Kumar Dubey,Adv.

For CPCBMr.Vijay Panjwani,Adv.

Mr.Santosh Kumar,Adv.,
Mr.Atishi Dipankar,Adv.

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For the CBI &
Union of IndiaMr.K.N. Raval,SG
Mr.A.Mariarputam,Adv.,
Mrs.Aruna Mathur,Adv.,
Mr.P. Parmeswaran,Adv.

For ADAAshok K. Srivastava,Adv.

For MoEMr.Hemant Sharma,Adv.,
Mr.P. Parmeswaran,Adv.

For UPPCBMr.Pradeep Mishra,Adv.

For UOIMr.B.V. Balramdas,Adv.

Mr.Ajay K. Aggarwal,Adv.

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

Mr.Ashok H. Desai, the learned senior counsel appearing for the State of U.P. states of the three officers concerned Shri D.S. Bagga has retired on 31st March, 2004. He further states that after the last hearing before this Court on 28th April, 2004, Shri P.L. Punia proceeded on leave and handed over charge on 1st May, 2004 and Shri V.K. Gupta proceeded on leave and handed over charge on 5th May 2004. The State Government has taken a decision that in the light of the CBI investigation if the said officers return to duty from leave, the Government would transfer them from their respective posts and place them on compulsory waiting until the completion of the said investigation.

On the basis of the aforesaid statement the matters are adjourned till after the summer vacation.

As far as the Note which was prepared by the learned A.C. is concerned relating to the alleged action taken by in connection with the orders passed by this Court, it is stated that copy of the note was handed over this afternoon to the State. Instructions will be taken in the meanwhile.

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The Central Water Power Research Station is stated to be under the control of the Ministry of Water Resources. By an order dated 1.5.2003 of this Court the Central Water Power Research Station Khadakwasla was to assess the behaviour of the river and the impact of reclamation of the river bed on the monuments in Agra and its protection thereof. This was reiterated in a subsequent order of this Court dated 18.9.2003. No assessment appears to have been made. At least none appears from the record. We accordingly direct the Central Water Power Research Station, Khadakwasla to submit an interim report as directed by this Court within one week after reopening.

(Vijay Kumar Sharma) (Madhu Saxena)
AR cum PS to Hon.Judge Court Master