

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

Writ Petition (Civil) No.13381/1984

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(NON CONVENTIONAL ENERGY MATTER AND AGRA HERITAGE MATTER)

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WITH

I.A.Nos.118-119 in WP (c) No.13381/84

MC Mehta Vs. UOI & Ors (for directions and impleadment on behalf of All India Jamiat-ul-Quresh, Agra, U.P.)

I.A.Nos.129-131, 331 & 336 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors.(for directions and exemption from filing O.T. and impleadment on behalf of Hind Agro Industries Ltd.)

I.A.No.125 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions) (Bah Int Utpadhak Sangh)

I.A.Nos.132-133 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions and impleadment on behalf of of Manoj Tarkan)

I.A.No.364 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions on behalf of M/s. Gehlot Brick Field)

I.A.Nos.366-369 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for impleadment, directions and exemption from filing O.T. on behalf of Bajrang Brick Field & Ors.)

I.A.No.376 in W.P.(c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions)

I.A.No.345 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions)

I.A.Nos.362-363 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors. (for directions and accepting English translations on behalf of Mahesh Brick Kiln)

I.A.No.371 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors.
(On behalf of Pooja Brick Field)

I.A.Nos.230-250 in WP (c) 13381/84

MC Mehta Vs. UOI & Ors.
(for compliance affidavit on behalf of U.P.Pollution Control Board)

I.A.Nos.163-165, 166-168 & 169-171 in WP (c) 13381/84
MC Mehta Vs. UOI & Ors.
(for directions and accepting English translation and stay
on behalf of Mahesh Brick Kiln)

I.A.Nos.172-173 & 174 in WP (c) 13381/84
MC Mehta Vs. UOI & Ors.
(For directions and accepting English translation on behalf
of Mahesh Brick Kiln)

I.A.Nos.306-310 in WP (c) 13381/84
MC Mehta Vs. UOI & Ors.
(For directions on behalf of Mahesh Brick Kiln)

Date : 01/05/2003 These Petitions were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

In person

For Respondent (s)

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

Mr.Altaf Ahmed, ASG
Mr.Hemant Sharma,Adv.,
Mr.A.D.N .Rao,Mr.P.Parmeswaran,Advs.

Mrs.Anil Katiyar,Adv.,
Ms.Sushma Suri,Adv.
Mr.B.V. Balram Das,Adv.

Mr. Vijay Panjwani,Adv.

Mrs.Suchitra Atul Chitale,Adv.

Mr.Ajay K. Agarwal,Adv.,
Ms.Sangeeta Sharma,Ms.Alka Agrawal,
Mr. C. Siddharth,Mr.Rajeev Sharma,
Mr.Gautam Awasthi,Advs.

Ms.Mridula Ray Bhardwaj,Adv.,
Dr.Sumant Bhardwaj,Advs.

Mr.Ashok K.Srivastava,Adv.

Mr.Parmanand Katara,Adv.,
Dr.Kailash Chand,Adv.

Mr.Sushil Kumar Jain, Adv.,
Mr.A.P.Dhamija,Mr.H.D.Thanvi,
Mr.Anil Vyas,Mr.Kumar Kartikay,
Ms.Ruchi Kohli,Ms.Anjali Doshi,Advs.

Mr.Pradeep Misra,Adv.,
Mr.T. Mahipal,Adv.

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Mr.Pravir K. Jain,Adv.,
Mrs.Archana Jain,Mr.M.A.Khan,Adv.

Mr.Sudhir Kulshreshtha,Adv.,
Mr.A. Chaudhary,Adv.

Ms. Shilpa Chohan,Adv.,
Mrs.Lalita Kaushik,Adv.

Mr.Rajendra Singhvi,Adv.,
Mr.S.K. Shukla,Mr.Ashok K.Singh,Adv.

Mr.P.K. Manohar,Adv.

Mr.Anis Suhrawardy,Adv.

Mr.Goodwill Indeevar,Adv.

Ms.Rachna Srivastava,Adv.

Ms.Sandhya Goswami,Adv.

UPON hearing counsel the Court made the following

O R D E R

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NON CONVENTIONAL ENERGY MATTER AND AGRA HERITAGE@@
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MATTER. At the request of the learned counsel for the@@
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parties matter is adjourned beyond summer vacation.

I.A.No.376. Heard the learned counsel for the@@
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parties. In the affidavit dated 29.4.2003 of Dr.(Mrs.)
Sunita V. Auluck, Additional Director, Ministry of
Environment and Forests, New Delhi (tendered in Court) the
area which is sought to be reclaimed is divided into four
parts as under:-

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Component A: On the right bank between upstream end@@
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of Taj Mahal to upstream end of Fort (near Railway Bridge).

Component B: On left bank between Ram Bagh and@@
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opposite Agra Fort and upstream of Ramabagh.

Component C: On the right bank upstream of Agra@@
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Fort upto the point opposite of Ram Bagh.

Component D: On the left bank from the point@@
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opposite the upstream of Agra Fort to near Mehtab Bagh and
right bank down stream of Taj.

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For Component A, learned counsel appearing for the
State Government states that at present no work of
reclamation of land is going on. For component, B on the
left bank between Ram Bagh and opposite Agra Fort, it is
stated that reclamation of 25 acres of land out of 40 acres

of land is over. With regard to Components C and D, no reclamation work is done. He further submits that henceforth the State Government would not carry out any further reclamation work except filling of sand. For the work done in the area of Components A and B, it would be open to the State Government to have temporary embankment by using the stones and clay. However, this would be subject to further directions and clearance by the Central Government under Section 3 of the Environment Protection Act, 1986.

Meantime, Central Water Power Research Station Khadakwasla would assess the behaviour of the river and impact of reclamation of river bed on the monuments in Agra and its protection thereof. The entire cost of this study would be borne by the Central Government.

I.A.No.345. At the request of the learned counsel@@
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for the parties adjourned to 7.5.2003.

I.A.No.362. Heard the learned counsel for the@@
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parties.

Admittedly, M/s. Mahesh Brick Kiln has complied with all the conditions of the NEERI Report and the guidelines of Central Pollution Control Board. Hence, the applicant - M/s.Mahesh Brick Kiln is permitted to restart its brick kiln on an usual undertaking that it would go on
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complying with all the necessary conditions. However, as stated in the affidavit applicant would start, as far as possible, use of the gas so that his brick kiln can be a model for other brick kiln owners by obtaining subsidies or bank loan. However, this trial would be at the cost of the Central Pollution Control Board or the Mission Management Board, if they agree to do so. The I.A. stands disposed of accordingly.

I.A.Nos.306-310. Heard the learned counsel for the@@
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parties.

Applicants - M/s. Durgesh Brick Works, Himayun Pur, Firozabad (U.P.), Shri Udaiveer Singh Diwan Singh Ent Udyog, Village Wazidpur, Firozabad (U.P.), Shri Sujan Singh Yadav, Kirti Gram Udyog Ent Bhatta, Datojhi, Village Waziadpur, Firozabad (U.P.), Shri Nathu Singh, M/s. N.S. Yadav Brick Field, Village Jakhai, Firozabad (U.P.) and Shri Mahipal Singh Yadav, R.K. Brick Field, Jakhai, Firozabad (U.P.) are permitted to start their brick kilns by using natural gas or CNG.

Adjourned beyond summer vacation.

Remaining I.As. on Board adjourned beyond summer vacation.

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(Vijay Kumar Sharma)
AR cum PS to Hon'ble Judge

(Janki Bhatia)
Court Master