

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

(AGRA HERITAGE FUND MATTER)

Writ Petition (Civil) No.13381/1984

M.C. MEHTA Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

AGRA SLAUGHTER HOUSE MATTER

WITH
SUO MOTU CONT. PETITION (C) NO.176/1999
in W.P.(C) 13381/1984

RE: CHANDRA BHANU & CONTRACTOR

WITH
I.A. NOS.118-119 in W.P.(C) No.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

WITH
I.A. NOS.129-131 in W.P.(C) No.13381/1984

M.C. MEHTA Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(For directions & exemption from filing O.T. and impleadment on
behalf of Hind Agro Industries)

WITH
I.A. NOS.331 AND 336

WITH I.A. NOS.345 in W.P(C) No.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)
(For directions)

WITH
I.A. Nos.347 in W.P.(C) No.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)
(For impleadment/intervention on behalf of M/s. Oswal Traders (P)
Ltd.)

I.A. Nos.332-334 in W.P.(C) No.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions)

IN THE MATTER OF: M/S. JAI SHIV ENT UDYOG & ORS.

WITH

I.A. No. 335 in W.P.(C) nO.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions)

IN THE MATTER OF M/S. OM BRICK FIELD JALESSAR ROAD, DISTT. ETAH(UP)

WITH

I.A. Nos.337-343 in W.P.(C) nO.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions)

I.A. No. 125 in W.P.(C) nO.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions)

(Alongwith the report dated 19.06.2001 of the Supreme Court Monitoring Committee for consideration)

WITH

I.A. No.132 in W.P.(C) No.13381/1984

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions and impleadment on behalf of Manoj Tarkan)

Date : 02/05/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH
HON'BLE MR. JUSTICE H.K. SEMA

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For Petitioner (s) Mr. M.C. Mehta - in person

Mr. Naresh Kaushik, Adv.
Ms. Shilpa Chohan, Adv.
Mrs. Lalitha Kaushim, Adv.

In IA 347 Mr. K.K. Venugopal, Sr. Adv.
Mr. Archana Jain, Adv.
Mr. M.A. Khan, Adv.
Mr. Pravir K. Jain, Adv.

In I.A. 132 Mr. R.C. Srivastava, Sr. Adv.
Ms. Rachana Srivastava, Adv.

In IA 345 Mr. Irshad Ahmad, Adv.

For Respondent (s) Mr. Krishan Mahajan, Adv.
for CPCB Mr. Vijay Panjwani, Adv.

for UPSPCB Mr. Pradeep Mishra, Adv.,
Ms. Indu Misra, Adv.

For UP Jal Nigam/
State of UP Mr. Altaf Ahmed, ASG
Mr. Ajay K. Agrawal, Adv.,
Mr. Alka Agrawal, Adv.

For Agra Nagar Nigam Dr. Sumant Bhardwaj, Adv.
Mrs. Mridula Ray Bhardwaj, Adv.
Ms. Mona Rajvanshi, Adv.

For Applicant Mr. A. Sharan, Sr. Adv.
Mr. Sudhir Kulshreshtha, Adv.

Ashok K. Srivastava, Adv.

For M/o Railways Mr. P.P. Malhotra, Sr. Adv.
Mrs. Niranjana Singh, Adv.

Mr. B.V. Balram Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

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(A) NON-CONVENTIONAL ENERGY MATTER:

Office Report dated 1st May, 2002, to be complied with by summer vacation.

(B) AGRA HERITAGE FUND MATTER:

The affidavit filed by Mr. D.K. Burman, Joint Director, Tourism, Agra Division, is taken on record.

In the said affidavit it has been inter alia stated as under:

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"(a) That in compliance of the Hon'ble Supreme Court's order on 11.4.2002, Solar energy projects amounting to 439.50 lacs for the Tajganj and nearby areas of the Taj Mahal would be taken. The agency for execution would be NEDA (Non-conventional Energy Development Agency) and the upkeep/maintenance of the projects would be done by NEDA/ADA. The details of the proposed works is annexed as Annexure-I.

(b) That safe drinking water at Taj Mahal, Agra Fort, Fatehpur Sikri, Sikandra and Etmad-Ud-Daulah would be

provided for the tourist visiting these monuments. The executing Agency would be ASI/ADA. The upkeep/maintenance of the project would be done by ADA. For providing 13 water stations approx cost would be Rs.88.66 lacs. The details of the project is annexed as Annexure-II.

(c) That the monkeys at Sikandra are a visitor hazard as well as they damage the monument. They would be relocated to the nearest forest. The executing Agency would be Department of Forests, through its officers at Agra. The details of the project is annexed as Annexure-III.

(d) That the toilets at Sikandra and Etmad-ud-daulah are not in confirmation with international tourists they attract. Hence, it is proposed to upgrade these toilets. Executing Agency would be ASI/Sulabh International, Agra. Approximate cost for this purpose would be 50.00 lacs.

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(e) That ASI would execute the following projects amounting to Rs.96.07 lacs:

1. Providing Tourist Facilities at Taj Mahal 26.05 lacs
 2. Providing cleaning equipments for monuments at Agra and Fateh Puri Sikri. 44.41 lacs
 3. Repairs to west side Saheli Burj at Taj Mahal 15.23 lacs
 4. Repairs of Fatehpuri Mosque Taj Mahal 10.38 lacs
- Details of the above projects are in Annexure IV.

(f) That for the tourist facilities and environmental protection near Taj Mahal 5 electra-vehicles would be provided at Shilpgram parking. Approximate cost would be Rs.40.00 lacs. Executing agency would be BHEL. The upkeep/maintenance would be done by Shilpgram Management/ADA."

The Commissioner, Agra Division is directed to see that the aforesaid projects are implemented at the earliest. Status report to be submitted on or before 15th August, 2002.

Fund to be released by the concerned authorities of the Agra Heritage Fund for the implementation of the aforesaid projects.

The matter is adjourned to 20th August, 2002.

I.A. No.347:@@
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Application for impleadment is granted.

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I.A. No.345:@@
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Heard the learned counsel for the parties. Learned counsel for the State of U.P. seeks 8 weeks' time for compliance of our order dated 11.4.2002.

In the meantime the authorities are directed to take action for removal of encroachment and to see that no further construction takes place in the area.

List the IA on 30th July, 2002.

I.A. Nos.332-334, 335 & 337-343:@@
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Heard learned counsel for the parties.

It has been pointed out in the report of the Joint Inspection Team that (1) M/s. Balaji Ent Udyog, Metai, Hathras, (2) M/s. Om Brick Field, Jalsar Road, Etah and (3)M/s Jawala Ent Udyog, Village Sadabad, Hathras, be permitted to re-start their brick kilns as it is stated that they have complied with the NEERI's recommendations, CPCB guidelines and they would comply with the relevant notifications under the Environment (Protection) Act, 1986.

It has been further pointed out that the following eight brick kilns may be permitted to operate after they comply with the NEERI's recommendations, CPCB guidelines and the relevant notifications under the Environment(Protection) Act, 1986 including use of flyash notifications, if applicable.

M/s. Jai Shiv Ent Udyog
M/s. Radha Brick Works, Nangala Shisham, Hathras
M/s. Chetan Ent Udyog, Village & PO Lakhnu
M/s. Jai Bhole Ent Udyog, Village Naglababu

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M/s. Dhangri Maharaj Sewa Sansthan
M/s. Vijay Ent Udyog, Village & PO Mursan
Shri Krishna Ent Udyog, Village & PO Bardwari
M/s. Shri Bihariji Ent Udyog, Village Jatoi
Out of these, Jai Shiv Ent Udyog and Radha Brick Works claim that flyash notification is not applicable to them because they are beyond 50 Kms. from Thermal Power Plant.

List these IAs on 20th of August, 2002.

I.A. Nos.125, 132 & 133:@@
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List IA No.125 on 20th August, 2002 and IA NOs.132 and 133 on 21st of August, 2002.

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(A.S. Bisht)
Court Master

(K.K. Chadha)
Court Master