

W.P(C)No. 13381 OF 1984  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
ITEM No.1A1 Court No. 5 SECTION PIL  
A/N MATTER

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

Writ Petition(Civil) No.13381/1984

M.C. MEHTA Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(for compliance reports filed by Commissioner, Agra Division,  
Agra (UP) and other compliance reports)

WITH

I.A.NOS.163-165 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(appln. for direction on behalf of Durgesh Brick Works)

I.A.NOS.166-168 (for accepting English translation)

IA 169-171 (for stay)

I.A.NOS.120 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(on behalf of Emkay Glass Works (P) Ltd.)

I.A.NOS.121 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(on behalf of Akhileshwar Glass Works )

I.A.NOS.122 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(on behalf of Girdhari Lal Manohar Lal Glass Works)

I.A.NOS.123 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(on behalf of Novelties Glass Industries)

WITH I.A.NOS.134-136 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(on behalf of Shivam Glass Industries)

WITH I.A.NOS.139-141

(on behalf of Sri Guru Nande Glass Works)

WITH

AGRA SLAUGHTER HOUSE MATTER

WITH

SUO MOTU CONT. PETN.(C) 176/99 IN WP (C) 13381/1984

IN RE: CHANDER BHANU & CONTRACTOR

I.A.NOS.118-119 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(For directions & impleadment on behalf of All  
India Jamait-Ul-Qureshi)

WITH

I.A.NOS.129-131 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(For directions & exemption from filing OT &  
impleadment on behalf of Hind Agro Industries Ltd.)

1A2

I.A.NOS.331 & 336

I.A.NOS.302 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(For directions on behalf of M/s ENT Nirmata Sangh & Ors)

WITH I.A.NOS.304-305 IN WP (C) 13381/1984

MC MEHTA VS. UNION OF INDIA & ORS

(For Directions on behalf of M/s Teguria Brick-Field  
& 6 Ors. & exemption from filing OT)

WITH I.A.NOS.306-310 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions on behalf of Durgeh Brick Works & Ors.)

WITH I.A.NOS. 311-324 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions on behalf of M/s. Gajanan Udyog Sansthan & Ors.)

WITH I.A.NOS.325-326 IN WP (C) 13381/84 MC MEHTA VS. UOI & ORS.

(for directions on behalf of M/s. Rameshchandra Maheshchandra & Anr.)

WITH I.A.NOS. 328-330 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(on behalf of Bhagwal Ent. Udyog & Ors.)

WITH I.A.NOS.332-334 IN WP (C)( 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions) In the matter of M/s. Jai Shiv Ent. Udyog & Ors.

WITH I.A.NO.335 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions) In the matter of M/s.Om Brick Field Jalesar Road  
Agra, Distt. Etah (U.P.)

I.A. NOS.337-343 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions) In the matter of M/s. Chetan Int.Udyog & Ors.

WITH I.A.NOS.172-174 IN WP (C) 13381/84 MC. MEHTA VS. UOI & ORS.

(for directions)

In the matter of M/s. Chetan Int. Udyog & Ors.

AGRA HERITAGE FUND MATTER

Date : 19/03/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH

HON'BLE MR. JUSTICE BRIJESH KUMAR

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)

M.C.Mehta in person

Mr.Krishan Mahajan,Adv.

for the Applicant

Mr.A Sharan, Sr. Adv.

Mr.Sudhir Kulshreshtha,Adv.

Mr.Sushil Kumar Jain,Adv.

Mr.K.C. Dua,Adv.

Mr.P.K. Manohar,Adv.

Mr.Amitesh Kumar,Adv.for

Mr.L.R. Singh,Adv.

Mr.Anis Suhrawardy,Adv.(N/P)

For Respondent (s)  
for CPCB Mr.Vijay Panjwani,Adv.  
for UPSPCB Mr.Pradeep Mishra,Adv.,  
Ms.Indu Mishra,Adv.  
for UP Jal Nigam/  
State of U.P. Mr.Ajay K. Agrawal,Adv.,  
Ms.Alka Agrawal,Mr.C. Siddharth,  
Mr.Abhishek Chowdhary,Ms.Anamika Agrawal,  
Mr.Mahesh Chandra,Advs.  
For ASI Mr.Mukul Rohtagi, ASG  
Mr.R.N. Poddar,Adv.for  
Mr.Hemant Sharma, Adv.  
CV Subba Rao,Adv.,  
Mr.B.V.Balram Das,Adv.  
For UOI Mr.PP Malhotra, Sr. Adv.  
Ms.Niranjana Singh, Adv.,  
Ms.Anil Katiyar,Adv.  
For Agra Nagar Nigam Dr.Sumant Bharadwaj, Adv.  
Mrs.Mridula Ray Bharadwaj, Adv.  
Ms.Mona Rajvanshi,Adv.,  
Mr.Praveen Chaturvedi,Adv.  
For GAIL Ms. Suchitra A Chitale, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

AGRA SLAUGHTER HOUSE MATTER: List after 15 days.@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

Personal presence of the Secretary, Ministry of  
Environment for the time being is dispensed with.

IAS 302, 304-305. Heard the learned counsel for the@@  
CCCCCCCCCCCCCCCC

parties. Considering the report dated 11.3.2002 submitted  
by the Joint Inspection Committee and observations made  
therein the following brick kiln owners are permitted to  
operate temporarily their brick kilns on a specific  
condition that they would comply with the recommendations  
made by the Joint Inspection Committee within two weeks from  
today :-

.SP1

i) M/s. Chiranjilal Gautam Ent Udyog, Naugava,  
Shadabad (S.No.11)

ii) M/s. Sohan Singh Jaidev Singh Ent Udyog,  
Naugava, Shadabad (S.No.12)

iii) M/s. Bharat Ent Udyog, Susayan, Shadabad  
(S.No.14).

iv) M/s. Shadabad Brick Works, Kunjalpur, Shadabad  
(S.No.15)

v) M/s. Agarwal Brick Factory, Badhar,  
Shadabad, (S.No.17)

vi) M/s. Fool Brick Field, Kupa Road, Shadabad  
(S.No.20)

vii) M/s. Shukla Brick Field, Nagla Khanjma, Sehapau, Shadabad, (S.No.22)

viii) M/s. Tyagi Brick Works, Nagla Brahman, Shadabad (S.No.23)

ix) M/s.Tenguria Brick Field, Kutakpur Rohai, Samshabad Agra (S.No.25)

x) M/s. Sharma Brick Field, Gari Gushai, Badwara Kalan, Samshabad, Agra (S.No.27)

xi) M/s.Shiv Lal & Co. Brick Field, Khander Fetehabad, Agra (S.No.28)

xii) M/s. Shankar Brick Field, Gidron, Fatehabad, Agra (S.No.29)

xiii) M/s. Om Brick Field, Dharra, Fatehabad, Agra (S.No.30)

xiv) M/s. Jai Bhawani Brick Field, Toola Sahpur, Samshabad, Agra (S.No.31).

Following applicant brick kilns may be permitted to operate after compliance of provisions of recommendation no.3 and the provisions of the notification dated 14th September, 1999 under the Environment (Protection) Rules, 1986, regarding use of fly ash:-

i) M/s. Kishan Swaroop & Sons, Murshan, Hathras (S.No.1)

ii) M/s. Bihari Jee Ent Udyog, Rohai, Korna Road, Hathras (S.No.2)

iii) M/s. Giriraj Ent Udyog, Rohai, Hathras (S.No.3)

iv) M/s. Bhagwan Ent Udyog, Bamoli, Hathras, (S.No.4)

v) M/s. Rawat Brick Field, Loheta, Hathras (S.No.7)

vi) M/s. Baldev Brick Field, Khora Hazari, Hathras (S.No.8)

vii) M/s. Swami Ent Udyog, Penkwara, Hathras (S.No.9)

Based on the observation no.18, following brick kilns may not be allowed to operate beyond three seasons

even after compliance of provisions mentioned under recommendations No.3 :-

i) M/s. Shanti Brick Works, Bishana, Hathras (S.No.5)

ii) M/s. Kiran Ent Udyog, Bishana, Hathras (S.No.6)

iii) M/s. Pushp Brick Works, Sherpur, Shadabad, Hathras (S.No.16)

iv) M/s. Prakash Ent Udyog, Badhar, Shadbad, Hathras (S.No.18)

v) M/s. Ram Ent Bhandar, Nagla Shalem, Sadabad, Hathras (S.No.24)

vi) M/s. Kanta Prasad & Bros. Brick Kiln, Fatehabad, Agra (S.No.26)

.SP2

On failure to comply with any of the recommendations, they would not only be liable to be punished in accordance with law but their licence to run brick kiln would be cancelled permanently.

Learned Addl. Solicitor General submits that with regard to the radial distance, Surveyor General of India would submit his report with regard to the distance of brick kilns from the significant monuments within four weeks from today. If finally it is found that any of the brick kiln/s is/are within 20 KM of the radial distance then they would be directed to close down the said brick kiln/s and/or to relocate at some other place. With regard to the distance of Kasimpur Thermal Power Station also necessary radial distance brick kilns would be stated, if necessary, necessary, with the assistance of ISRO.

Stand over for four weeks.

IAS 306-310, 311-324, 325-326, 328-330. Heard the@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

learned counsel for the parties. With regard to the following 19 industries:-

.SP1

i. M/s. Gajanan Udyog Sansthan, Badanpur Kotla, Jaserana, Firozabad (S.No.6).

ii. M/s. Shankar Ent Udyog, Biltigarh, Firozabad (s.No.7).

iii. M/s. Laxmi Brick Field Aklabad, Hasanpur, Firozabad (S.No.8).

iv. M/s. Mahaveer Ent Batta, Ranukhera, Shikohabad, Firozabad (S.No.9).

v. M/s. Yadav Ent Bhatta Udyog, Aklabad, Hasanpur, Firozabad (S.No.10).

vi. M/s. Ram Sahai Gramodhyog Seva Sansthan, Gonch, Firozabad (S.No.12).

vii. M/s. Chemeli Ent Udyog, Hathawant, Jaserana, Firozabad (S.No.13).

viii. M/s. Bajrang Brick Field, Ummargarh Imalia, Jalesar, Etah (S.No.14).

ix. M/s. Maa Kela Deve Brick Field, Dilokhara, Jalesar, Etah (S.No.15).

x. M/s. Ram Niwas Hrydesh Kumar, B.K.O. Mushair, Jalesar, Etah (S.No.16).

xi. M/s. Bansal & Co. Arabgarh, Jalesar, Etah (S.No.17).

xii. M/s. Yadav Ent Udyog Mazra Jat, Jalesar, Etah (S.No.18).

xiii. M/s. Satyamev Brick Field, Sikrari Lalpur,

Etah (S.No.19).

xiv. M/s. Rameshchandra Maheshchandra Bhatta Ent, Arabgarh, Firozabad Road, Jalesar, Etah (S.No.20).

xv. M/s. Radha Krishan Brick Field, Nagla Mitin, Dilokhara, Jalesar, Etah (S.No.21).

xvi. M/s. Bhagwan Ent Udyog, Bichpuri, Jalesar, Etah (S.No.22)

xvii. M/s. Vijay Brick Field, Isoli, Jalesar, Etah (S.No.23).

xviii. M/s. Jai Shiv Brick Field Bara Bhondela, Jalesar, Etah (S.No.24)

xix. M/s. Krishna Brick Field (Old Name M/s. Shashi Ent Udyog) Kushrai, Jalesar, Etah (S.No.25).

.SP2

applicant-industries are permitted to operate their brick kilns after complying with the recommendations made by the Joint Inspection Committee in paragraph 6. In any case if the applicants start to operate brick kilns and subsequently

if it is found that there is non-compliance with the recommendations then their licences to run brick kiln would be cancelled.

Adjourned for four weeks.

IAS 332-334,335 & 337-343. With regard to these IAs@@  
CCCCCCCCCCCCCCCCCCCCCCCC

the Joint Inspection Committee to submit its report within three weeks.

IAS 120,121,122,123,134-136 and 139-141. Heard the@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

learned counsel for the applicants. It has been pointed out in the affidavit that applicant-industries are located in no gas zone area and, therefore, gas cannot be supplied to the applicant-industries. It is also pointed out that if the applicants shift their industries in a gas zone area, gas would be immediately supplied. In this view of the matter these applications are rejected.

AGRA HERITAGE FUND MATTER. Taken on Board. List@@  
CCCCCCCCCCCCCCCCCCCCCCCC

after two weeks.

Remaining matters on board adjourned for four weeks.

.SP1

(Vijay Kumar Sharma) (D.L. Chugh) (K.K. Chadha)  
Court Master Court Master Court Master