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W.P(C)No. 13381 OF 1984

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ITEM No.1

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

I.A.No. 302 in

Writ Petition(Civil) No.13381/1984

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(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 & 6Ors. and exemption from filing O.T.)

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 Snsthan & 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.

Date : 13/03/2002 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 D.M. DHARMADHIKARI

For Petitioner (s)

M.C.Mehta in person (N/P)

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for the Applicant Mr.Sudhir Kulshreshtha,Adv.
 Mr.Sushil Kumar Jain,Adv.

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

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

for UP Jal Nigam Mr.Ajay K. Agrawal,Adv.,
 Ms.Alka Agrawal,Adv.

Mr.Krishan Mahajan,Adv.

Mr.R.N. Poddar,Adv.for
 Mr.B.V.Balram Das,Adv.

Mr.Amitesh Kumar,Adv.,
 Mr.L.R. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Inspection Report pursuant to the Order dated 5.2.2002 of this Court submitted in Court by Mr.Vijay Panjwani, the learned counsel appearing for the Central Pollution Control Board is taken on record.

Heard the learned counsel for the parties.

The observation of the Committee indicates that there is some dispute with regard to exact location of the brick kilns. The learned counsel appearing on behalf of the brick kiln owners submits that almost all brick kilns are beyond 20 k.m. radial distance from any significant monument/s of TTZ and the Taj Mahal. As against this the report indicates that Archaeological Survey of India (ASI) has yet to redraw and finalize the list of significant monuments in TTZ and after availability of such list and if some monuments are added to the present list, the list of brick kilns falling within 20 km radial distance of significant monuments would be revised. It has also been pointed out that there is a coal-based thermal power station

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located at Kasimpur, Distt. Aligarh of which major part is in Tehsil Hathras which falls within 50 km radial from the thermal power station, and therefore, as per the Gazette Notification dated 14.9.1999 under the Environment (Protection) Rules, 1986 there is a specific direction to use of fly ash, bottom ash or pond ash in the manufacture of bricks. For this purpose also brick kilns owners have not made any provision. As against this, learned counsel appearing on behalf of some of brick kiln owners states that many brick kilns are beyond 50 km radial from Hasimpur Thermal Power Station.

For verification of the exact distance and for finalising this dispute and resolving the controversy we direct the Secretary, Ministry of Environment to remain present in Court on 19.3.2002. Dasti permitted. Let a copy be served on the standing counsel for the Union of India. Notice may also be served on the Surveyor General of

India,A-11, 2nd floor Pushp Bhawan, Madangiri Road, New Delhi-110062 to depute a responsible officer to remain present in Court on 19.3.2002. Notice may be served with a copy of this order.

To be placed on 19.3.2002.

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(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master