

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

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE (1) IA NOS. 35656 AND 35659/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SHRI RAMAN) (2) IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.) (3) IA NO. 160205/2023 (APPLN. FOR DIRECTION ON B/O OF TAJ WESTERN GATE MARKET ASSN.) (4) IA NOS. 158707 AND 158709/2023 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF DR. SHARAD GUPTA) (5) IA NO. 116768/2018 (APPLN. FOR DIRECTION ON B/O GANGA GLASS INDUSTRIES AND ORS.) (6) IA NOS. 20616, 20617/2020 AND 64225/2022 (APPLNS. FOR INTERVENTION, DIRECTIONS AND CLARIFICATION ON BEHALF OF ARUN KR. GUPTA) (7) IA NOS. 118708, 118709 AND 118710/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.) (8) IA NOS. 171139, 171142/2019 AND 74770, 74771/2024 (APPLNS. FOR INTERVENTION, DIRECTIONS, PERMISSION TO FILE REJOINER AND EXEMPTION FOR O.T. ON B/O AGRA DEVELOPMENT FOUNDATION) (9) IA NO. 31946/2024 (APPLN. FOR PERMISSION ON B/O OF NORTH CENTRAL RAILWAY, AGRA) "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MR. N.L. GANAPATHI, MS. SUPRIYA JUNEJA, MS. APARNA BHAT, MS. MAYURI RAGHUVANSHI, MR. E.C. AGRAWALA, MR. ARVIND KUMAR SHARMA, MS. APARNA BHAT, MS. SAROJ TRIPATHI, MR. GAURAV GOEL, MR. M.C. DHINGRA, ADVOCATES)

Date : 11-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. A.D.N.Rao, Sr. Adv. (Amicus Curiae)

For the parties:

Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.
Ms. Rupali, Adv.
Ms. Nidhi, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mrs. Suhashini Sen, Adv.
Mr. S S Rebello, Adv.
Mr. Kanu Agrawal, Adv.
Mrs. Archana Pathak Dave, Adv.
Mrs. Satvik Mishra, Adv.
Mr. Adit Khorana, Adv.
Mrs. Satvika Thakur, Adv.
Mrs. Aarushi Singh, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Amrish Kumar, AOR
Mrs. Ruchi Kohli, Adv.
Mr. T.S.Sabarish, Adv.
Mr. Shivika Mehra, Adv.
Mr. Sarthak Karol, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamendra Mishra, AOR

Mr. Kishan Chand Jain, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Satya Vir Singh Rana, Adv.
Mr. E. C. Agrawala, AOR

Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.

Mr. M. R. Shamsad, AOR

M/S. Lawyer S Knit & Co, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Ajit Sharma, AOR

Dr. Mrs. Vipin Gupta, AOR

Mrs. Rachana Joshi Issar, AOR

Mr. Prashant Kumar, AOR

Mr. Rajiv Tyagi, AOR

Mr. Ankur Prakash, AOR

Mr. Ajay K. Agrawal, AOR

Mr. Shiv Prakash Pandey, AOR

Mrs. Suchitra Atul Chitale, AOR
Mr. Sudhir Kulshreshtha, AOR
Mr. P. K. Manohar, AOR
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyan, Adv.
Mr. P. Parmeswaran, AOR
Mr. P. Narasimhan, AOR
M/S. Manoj Swarup And Co., AOR
Ms. Mridula Ray Bharadwaj, AOR
Mr. Badri Prasad Singh, AOR
Mr. Ankit Goel, AOR
Petitioner-in-person
Applicant-in-person
Mr. Atishi Dipankar, AOR
Mr. Adarsh Tripathi , AOR
Mr. Saurabh Mishra, AOR
Mr. Ashutosh Dubey, AOR
Mrs. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit P Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. Punit Kasana, Adv.
Mr. H B Dubey, Adv.
Mr. Shashibhushan Nagar, Adv.
Mr. Ankur Prakash, AOR
Mr. Vishal Arun Mishra, AOR
Mr. Gaurav Goel, AOR
M/S. Gsl Chambers, AOR
Mr. Gaurav Agrawal, AOR

Mr. Saksham Maheshwari, AOR

Mr. Arvind Kumar Sharma, AOR

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Mr. Seshatalpa Sai Bandaru, AOR

Mr. Shantanu Krishna, AOR

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Mr. Abhinav Agrawal, AOR

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Ms. Saroj Tripathi, AOR

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Mr. Shubham Upadhyay, Adv.
Mr. Saumitra Jaiswal, Adv.
Mr. Surya Gupta, Adv.

Mr. Syed Abdul Haseeb, AOR

Mr. Abhinav Shrivastava, AOR

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Ms. Rini V. Tigga, Adv.
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Mr. Abhishek Chaudhary, AOR

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Mr. Adarsh Srivastava, Adv.

Mr. Nischal Kumar Neeraj, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. Zoheb Hossain, AOR

Mr. Arvind Gupta, AOR

Mr. Jogy Scaria, AOR

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Keshav Singh, Adv.

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

IA Nos.35656 and 35659 of 2019

1. It is pointed out across the Bar that the State of Uttar Pradesh has not complied with paragraph 3 of the order dated 22nd April, 2024 passed in Writ Petition (Civil)No.13381 of 1984 and, in particular, in IA Nos.35656 and 35659 of 2019.

2. We direct the State Government to comply with the order of this Court. An affidavit shall be filed indicating the reasons for non-compliance. The State Government shall make compliance within a period of two weeks from today.

3. Soft copies of the suggestions of the Archaeological Survey of India (ASI) be supplied to the learned counsel appearing for the parties.

IA No.108684 of 2023

4. We have perused Report No.8/2024.

5. The prayer in the application is for felling 3874 trees affected by construction of Agra-Jalesar-Etah road. A very detailed report (Report No.8/2024) has been filed by the Central Empowered Committee (CEC) which records that felling of 2818 trees and translocation of 229 trees is required for the project. Thus, the State had prayed for felling of 1000 extra trees which was completely

unwarranted.

6. We call upon the State Government to file an affidavit stating whether the State Government is accepting the report of the CEC. If the State Government is accepting the report of the CEC, the State Government will disclose the names of the officers who took a decision to fell 1000 extra trees which could have been easily saved.

7. We grant time of two weeks to the State Government to file such affidavit which shall be served in advance to the learned Amicus Curiae and other members of the Bar.

8. For considering the said affidavit, the application be listed on 2nd August, 2024.

IA No.160205 of 2023

9. None appeared for the applicant(s) on the last occasion. Even today none appears.

10. Hence, the application is dismissed for non-prosecution.

IA No.158707 of 2023

11. Ms. Aishwarya Bhati, the learned Additional Solicitor General appearing for both Union of India and State of Uttar Pradesh states that the Union of India concurs with the view expressed by the State Government in its affidavit. However, the Union of India will also file an affidavit.

12. Such affidavit be filed within a period of two weeks from today.

13. List on 2nd August, 2024.

IA No.116768 of 2018

14. As the arguing counsel for the applicant(s) is not available today, list on 2nd August, 2024.

IA No.64225 of 2022

15. The learned counsel appearing for the applicant(s) seeks time to file a copy of the Notification dated 7th March, 2016 referred in prayer clause A.

16. We accordingly grant time of two weeks.

17. List on 2nd August, 2024.

IA Nos.20617 and 20616 of 2020

18. The learned counsel appearing for the applicant(s) seeks time to place on record the relevant orders passed by this Court.

19. We issue notice to the State of Uttar Pradesh on these applications.

20. We direct the State of Uttar Pradesh to look into the representation dated 28th January, 2019 and file response within a period of two weeks from today.

21. List on 2nd August, 2024.

IA Nos.118708, 118709 and 118710 of 2018

22. The learned counsel appearing for the applicant(s) seeks time to take instructions.

23. List on 2nd August, 2024.

IA No.171139 of 2019

24. The application for intervention is allowed.

IA No.171142 of 2019

25. Prayers (a) and (b) of this application read thus:

"a) Order for the removal of the silt, sludge and garbage up to a depth of 5-6 meters (approx.), lying on the river bed of the River Yamuna in the City of Agra and the Respondents be required to restore the River bed to its natural state and also to ensure its regular and proper de-silting/de-sludging in future;

b) and, if deemed necessary, before passing such order, a proper study/assessment by an expert body (to be appointed by this Hon'ble Court) may be also directed to be made with regard to the impact on the environment as well as the monuments situated on the bank of the river of the suggested dredging/de-silting/de-sludging of the river Yamuna in the city of Agra."

26. There are responses filed on record by the State of Uttar Pradesh, Agra Development Authority and Ministry of Jal Shakti, Government of India. We find that there is no scientific study conducted to ascertain whether it is advisable to remove the silt, sludge from the river bed of river Yamuna in the city of Agra, Uttar Pradesh.

There is no clarity in the affidavit about the authority which will remove the garbage.

27. As regards tapping of untapped drains, in clause (x) of paragraph 12 of the affidavit filed by the State Of Uttar Pradesh on 8th July, 2024 it is stated that the Municipal Corporation of Agra is taking action. As regards 61 untapped drains and 6 partially tapped drains, clause (xi) of the same paragraph records that the Project Manager, Uttar Pradesh Jal Nigam, Agra is going to deal with tapping of 38 untapped drains and 5 partially tapped drains.

28. We direct the Municipal Corporation as well the Uttar Pradesh Jal Nigam to file an affidavit on or before 2nd August, 2024 setting out the outer limit within which the work referred above will be carried out.

29. The stand apparently taken by the State Government is that it is not advisable to remove silt or sludge from the river bed of river Yamuna.

30. We direct the State Government to appoint Indian Institute of Technology (IIT), Roorkee, Uttarakhand to make a study on the issue of removal of silt and sludge from the river bed, as prayed in paragraphs (a) and (b) of this application and submit a report on the viability of removal of silt, sludge and garbage from the river bed of river Yamuna. If the IIT, Roorkee is of the view that it is advisable to do the said work, the manner and mode of doing the said work shall be specified by the IIT,

Roorkee. It will be open for the IIT, Roorkee to appoint any other agency for assisting it. The State of Uttar Pradesh will file an affidavit on or before 2nd August, 2024 placing on record the order of appointment of IIT, Roorkee.

31. The application will remain pending till the report is submitted before this Court.

IA No.31946 of 2024

32. In terms of our last order of 22nd April, 2024, a decision of the competent authority is not placed on record.

33. Ms. Aishwarya Bhati, the learned Additional Solicitor General appearing for the applicant(s) assures the Court that with the aid of the experts, the Railways will re-look into the entire issue with a view to ascertain whether some of the trees can be saved.

34. We grant time of six weeks to the Railways to do so.

35. The application may be listed on 6th September, 2024 when a decision taken by the authorities of Northern Railways after reconsideration is placed on record.

36. Mr. A.D.N.Rao, learned senior counsel appointed as amicus curiae states that he will submit a priority list in terms of paragraph 26 of the earlier order by the next date i.e. 2nd August, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER