

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(S). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE IA NOS. 22085, 22089 AND 22091/2024 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAM MOBILITY STATION) "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. SUDEEP KUMAR, MR. GUNTUR PRAMOD KUMAR, ADVOCATES)

WITH

C.A. No. 782/2020

(IA No.16940/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16941/2020-STAY APPLICATION and IA No.16939/2020-EXEMPTION FROM FILING O.T. [TO BE TAKEN UP ALONGWITH W.P.(C)NO. 13381/1984])

Date : 06-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. A.D.N. Rao, Sr. Adv. (A.C.)

For Applicant

Ms. Perna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR

For parties

Petitioner-in-person

Mr. Abhinav Shrivastava, Adv.
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Ms. Amrita Kumari, Adv.
Ms. Radha Gupta, Adv.
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Mr. Ankur Prakash, AOR

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Mr. Shivang Rawat, Adv.

Ms. Amrita Kumari, Adv.

Ms. Radha Gupta, Adv.

Mr. N.L. Ganapathi, AOR

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

IA NOS.22089 AND 22091 OF 2024 (FOR DIRECTIONS AND EXEMPTION FROM
FILING O.T. AND IA NO.22085/2024 (FOR IMPLEADMENT)

These applications have been filed on behalf of M/s. Ram
Mobility Station.

Heard the learned counsel appearing for the applicant.

The applicant by way of IA No.22089/2024 has sought permission

of this Court for felling/cutting of 28 trees for entry/exit of approach to new Reliance BP Mobility Ltd. (Reliance BP) Retail Outlet Khasra No.860, Village Hirnar, Tehsil-Fatehabad, District-Agra, Uttar Pradesh at the left side on MDR 113W, Agra-Shamsabad section.

The application is misconceived for more than one reason. The learned counsel appearing for the applicant admitted that the approach road will be constructed on a property vesting in the State of Uttar Pradesh. There is no document placed on record by which either the State has permitted the applicant to construct the approach road over its property or the property has been allotted to the applicant. Even according to the case of the applicant, the trees are on the land vesting in the State Government. Therefore, the State Government has to be satisfied about the necessity of felling 28 trees.

In the application, the applicant has also not come out with any concrete averments regarding the place at which compensatory afforestation will be done by the applicant.

Therefore, at this stage, in absence of the material which is referred to above, we decline to entertain IA No.22089/2024 and the same is, accordingly, dismissed. However, we grant liberty to the applicant to make a fresh application provided the application contains all the material in support of the prayer.

Accordingly, IA No.22085/2024 seeking impleadment and IA No.22089/2023 stand dismissed.

IA NOS.35656 and 35659/2019

Taken on Board.

List on 5th March, 2024.

C.A. No. 782/2020

We are informed that yesterday the Central Government has filed an affidavit. The learned counsel appearing for the appellant(s) seeks time to file a rejoinder affidavit. We grant time of two weeks to do so.

List on 5th March, 2024.

**(ASHISH KONDLE)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**