

ITEM NO.2

COURT NO.3

SECTION PIL-W

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. 91272/2022 IN IA NO. 487/2009 (APPLN. FOR DIRECTIONS ON BEHALF OF TAJ WESTERN GATE MARKET ASSN.)"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-PERSONMR. A.D.N. RAO, SR. ADVOCATE (A.C.)MR. VIJAY PANJWANI, SR. ADVOCATE MR. AMRISH KUMAR,MR. M.K. MARORIA,MR. G.S. MAKKER, MR. KAMLENDRA MISHRA, MR. M.C. DHINGRA, ADVOCATES)

THE FOLLOWING REMARKS TREATED TO HAVE BEEN SHOWN AGAINST ITEM NO. 2 I.E. W.P.(C) No. 13381/1984 "---

IN RE: TAJ TRAPEZIUM ZONE---- (1) 51269/2017 (APPLN. FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(2) REPORT NO. 15/2021 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE I.A. NO. 1448/2021

REPORT NO. 16/2022

(3) I.A. NO. 132820/2020 (APPL. FOR PERMISSION REGARDING FELLING OF TREES ON BEHALF OF NORTH CENTRAL RAILWAY)

REPORT NO. 17/2021

(4) IA NOS. 196157, 196158 AND 196159/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O DR. SHARAD GUPTA)

REPORT NO. 19/2022

(5) IA NOS. 44266 AND 44268/2022 (APPLICATIONS FOR PERMISSION FOR FELLING OF TREES AND EXEMPTION FROM FILING. O.T. ON BEHALF OF YOGIRAJ SARKAR GODARIWALE TRUST) "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. MR. L.R. SINGH, MR. GAURAV GOEL MR. GUNTUR PRAMOD KR. ADVOCATES "

I.A. NOS. 81951/2022 -FOR PERMISSION TO CUT AND REMOVE THE TREES

I.A. NO. 85203/2022- APPROPRIATE ORDERS/DIRECTIONS

Date : 23-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

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

For Petitioner(s) Petitioner-in-person

Applicant-in-person

Mr. Atishi Dipankar, AOR

For Respondent(s) Mr. Vijay Panjawani, AOR

Ms. Aishwarya Bhati, ASG.

Ms. Archana Pathak Dave, Adv.

Ms. Suhasini Sen, Adv.

Mr. S. S. Rebello, Adv.

Ms. Kanu Agrawal, Adv.

Mr. G.S. Makker, AOR.

Mr. Aishwarya Bhati, Ld. ASG

Mr. R. Balasubramanian, Sr. Adv.

Ms. Ruchi Kohli, Adv.

Mr. T.S Sabarish, Adv.

Mr. Amrish Kumar, AOR

Mr. Pradeep Misra, Adv.

Mr. Daleep Dhyani, Adv.

Mr. Manoj Kumar Sharma, Adv.

Mr. Suraj Singh, Adv.

Mr. Ankur Prakash, AOR

Ms. Aishwarya Bhati, Ld. ASG

Mr. V.K. Shukla, Sr. Adv.

Mr. Rajeev Kumar Dubey, Adv.

Mr. Siddharth Krishn Dwivedi, Adv.

Mr. Kamendra Mishra, AOR

Mr. P. Narasimhan, AOR

Dr. (Mrs.) Vipin Gupta, AOR

M/S. Manoj Swarup And Co., AOR

Mr. Prashant Kumar, AOR

Dr. Sumant Bharadwaj, Adv.

Mr. Vedant Bharadwaj, Adv.

Ms. Mridula Ray Bharadwaj, AOR

Mr. Amol Chitravansi, Adv.

Mr. Rajiv Tyagi, AOR

Mrs. Laxmi Arvind, AOR

Mr. Ajay K. Agrawal, AOR
Mr. Badri Prasad Singh, AOR
Mr. Shiv Prakash Pandey, AOR
Mr. M. R. Shamshad, AOR
Mrs. Suchitra Atul Chitale, AOR
Mr. Lakshmi Raman Singh, AOR
Mr. Sudhir Kulshreshtha, AOR
Mr. Ajit Sharma, AOR
Mr. P. K. Manohar, AOR
Mrs. Rachana Joshi Issar, AOR
M/S. Lawyer S Knit & Co, AOR
Mr. Pradeep Misra, AOR
Mr. E. C. Agrawala, AOR
Mr. P. Parmeswaran, AOR
Mr. Nikhil Goel, AOR
Mrs. Rachna Gupta, AOR
Mr. Mukesh Kumar Maroria, AOR
Ms. Mayuri Raghuvanshi, AOR
Mr. Jogy Scaria, AOR
Mr. Abhinav Shrivastava, AOR
Mr. Amrish Kumar, AOR
Mr. Abhishek Chaudhary, AOR
Mr. Saurabh Mishra, AOR
Mr. Anshul Gupta, Adv.
Ms. Kirti Dua, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Shubham Kaushik, Adv.
Mr. Ravi Sandhikar, Adv.
Ms. Mallika Gupta, Adv.

Mr. Gaurav Goel, AOR
Mr. Nischal Kumar Neeraj, AOR
M/S. Gsl Chambers, AOR
Ms. Aparna Bhat, AOR
Mr. Gaurav Agrawal, AOR
Mr. M.C. Dhingra, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Abhimanyu Mahajan, Adv.
Mr. Mayank Joshi, Adv.
Mr. Shantanu Krishna, AOR
Mr. Anurag Kishore, AOR
Mr. Abhinav Agrawal, AOR
Mr. S Wasim A Qadri, Sr. Adv.
Mr. Saeed Qadri, Adv.
Mr. L.R. Singh, Adv.
Ms. Perna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Sandeep Kumar Jha, AOR

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

Report No. 15/2021 (IA No. 1448/2021)

Learned Amicus Curaie states that so long as the the report of the CEC is accepted by the Public Works Department, there is no objection in disposing of the application in terms of that report.

In view thereof, IA No.1448/2021 stands disposed of.

Report No. 14/2022 (IA No. 51269/2017)
Report No. 16/2022(IA NO. 132820/2020)

REPORT NO. 19/2022 (IA NOS. 44266/2022 & 44268/2022)
REPORT NO. 17/2021 (IA NOS. 196157-196159/2019)

Since the reports of CEC are accepted without any objection, I.A. Nos. 51269/2017, 132820/2020, 44266/2022 and IA NOS. 196157-196159/2019 stand disposed of. I.A. NOS. 81951/2022 -FOR PERMISSION TO CUT AND REMOVE THE TREES

IA NO. 91272/2022

Learned counsel for the applicant(s) seeks to raise issues arising in IA No. 487/2009 and IA No. 91272/2022.

Learned Amicus Curiae submits that insofar as prayer 'A' in the latter application is concerned, there can be no quibble with the proposition that the direction may be issued as prayed for, but insofar as the prayer 'B' is concerned, that is the matter of fixation of licence fee which does not form the subject matter of proceedings before this Court.

We thus dispose of I.A. No.91272/2022 with a direction in terms of prayer 'A' leaving it to the applicant(s) to work out their remedies qua prayer 'B' in appropriate proceedings.

However, insofar as IA No. 487/2009 is concerned, there appears to be absence of some clarity on the part of the respondent(s) which is required to be explained, more so, in view of the

counter affidavit read to us by learned counsel for the applicant(s). It is in fact the say of the learned counsel for the applicant(s) that all the authorities have consented to do the needful and yet that has not been done. It is that enforcement which the applicant(s) seeks by this application.

The concerned authorities to obtain requisite instructions about the current position and place an affidavit on record within two weeks.

List on 31.10.2022.

Ms. Aishwarya Bhati, learned Additional Solicitor General who was assisting us in this matter but appears to have left in middle of the matter possibly because Court No. 14 required her presence! We desist from saying anything more at this stage.

I.A. NOS. 81951/2022 -FOR PERMISSION TO CUT AND REMOVE THE TREES

Taken on Board.

At the request of the applicant(s) matter is referred to the CEC to submit its report.

List on 31.10.2022

I.A. NO. 85203/2022- APPROPRIATE ORDERS/DIRECTIONS

Taken on Board.

List on 31.10.2022.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)