

ITEM NO.1

COURT NO.5

SECTION PIL-W

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(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.577/2017, 20441 AND 20444/2021 AND 8180/2022
(APPLNS. FOR PERMISSION REGARDING CUTTING OF TREES, PERMISSION TO
FILE ADDL. AFFIDAVIT, EXEMPTION FROM FILING O.T. AND MODIFICATION
OF ORDER DATED 08.12.2021 ON BEHALF OF PUBLIC WORKS DEPTT., STATE
OF U.P.)

(2) REPORT NO. 1 of 2022 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE
IN W.P. (C) NO. 13381/1984

Date : 13-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE A.S. BOPANNA

For the parties :

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

Mr. Tushar Mehta, SG
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.

Ms. Aishwarya Bhati, Ld. ASG
Mr. R. Balasubramanian, Sr. Adv.
Ms. Ruchi Kohli, Adv.Adv.
Mr. Adit Khorana, Adv.
Mr. Amrish Kumar, AOR
Mr. M.K. Maroria, AOR
Mr. G.S. Makker, AOR

Ms. Aishwarya Bhati, Ld. ASG
Mr. Rajeev Kumar Dubey, Adv

Mr. Ashiwan Mishra, Adv
 Mr. Anurag Tiwari, Adv
 Mr. Kamlendra Mishra, AOR

IA 577/2017

Mr. S. Wasim A. Qadri, Sr. Adv.
 Mr. Tamim Qadri, Adv.
 Mr. Saeed Qadri, Adv.
 Mr. Shraveen Kumar Verma, Adv.
 Mr. Sangeet Singh, Adv.
 Mr. L.R. Singh, AOR

Mr. S.R.Singh, Sr. Adv.
 Mr. Ankur Prakash, AOR

Mr. Rajiv Tyagi, AOR
 Mr. Rahul Tyagi, Adv.
 Mr. Rohit Gupta, Adv.

Mr. K.C. Jain, Adv
 Mr. Rajesh Kumar, Adv
 Mr. Ashwini Kumar, Adv
 Mr. Abhimanyu Mahajan, Adv.
 Ms. Anubha Goel, Adv.
 Mr. E.C. Agrawala, AOR

Ms. Banisha Verma, Adv.
 Mr. Suraj Prakash Pandey, Adv.
 Mr. Badal Dayal, Adv.
 Mr. Shakti Narayanan, Adv.
 Mr. Kamlesh Kumar Verma, Adv.
 Ms. Manasi Bhushan, Adv.
 Ms. Smerity Rani, Adv.
 Mr. Vibhakar Mishra, Adv.
 Ms. Mishra Pooja, Adv.
 Mr. Nischal Kumar Neeraj, AOR

Mr. Ajay Bansal Adv
 Mr. Kuldip Singh AOR
 Mr. Gaurav Yadava Adv
 Ms. Veena Bansal Adv
 Mr. Sourav Jindal Adv
 Mr. Abhishekh Garg Adv
 Mr. Akshay Goyal Adv
 Mr. Sushil Kumar Anand Adv

IA 64225/2022, 20616/20, 20617/20,
 118708/18, 118709/18

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

Mr. Rakesh K. Mudgal, AAG

Dr. Monika Gusain, AOR

Mr. Abhishek Misra, Adv.
Ms. Deepika Mishra, Adv.
Ms. Rachna Gupta, AOR

I.A.No.11157/2019 Mr. Sumand Bharadwaj, Adv.
Ms. Mridula Roy Bharadwaj, Adv.
Mr. Vedant Bharadwaj, Adv.
Mr. Vipul Rana, Adv.

I.A.No.91486/2021. Mr. Saurabh Mishra, AOR
Mr. Aditya Mishra, Adv.

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

IA NO.8180/2022:

These applications have been filed seeking modification of the order passed by this Court on 08.12.2021 by which Report No.22 of 2020 of the CEC dated 22.07.2020 was accepted. The applicant seeks a direction for planting 18030 trees in lieu of the 1803 trees permitted to be felled on an area of 18.50 hectares non-forest land in Mathura falling within TTZ area. The reason for seeking this modification is that the number of trees that are to be felled has been reduced from 2940 to 1803.

The CEC has examined the application and has submitted its Report No. 10 of 2022 recommending that the application may be allowed and the order dated 08.12.2021 may be modified. Therefore, the condition (iii)& (iv) in the order dated 08.12.2021 stands modified and the applicant is directed to plant 18,030 trees instead of 30,000 trees on an area of 18.5 hectares.

I.A. is accordingly, allowed.

I.A.91486 of 2021:

This application is filed by M/s Rail Vikas Nigam Limited seeking permission to fell 5094 trees for construction of a By-Pass Rail line between Kitham Station and Bhandai Station of Agra Division in North Central Railway for 3rd rail line between Mathura Junction and Jhansi falling within the Taj Trapezium Zone in the State of Uttar Pradesh.

By its report No.8 of 2022 dated 28.04.2022, the CEC has recommended granting permission for felling of 5094 trees falling along 26,485 kms stretch between Bhandai and Kitham stations falling in the Taj Trapezium Zone.

We accept the recommendation made by the CEC and allow the application of Rail Vikas Nigam Limited in terms of Report No. 8 of 2022 of the CEC.

I.A. accordingly, stands allowed.

Report No. 1 of 2022 in Application No. 1441 of 2020:

The request made by the State of Uttar Pradesh for felling of 1048 plants and 444 pole-crop, which are coming in the way of construction of service road around Govardhan Parikrama Ring Road has been examined by the CEC in its Report No.1 of 2022 dated 24.02.2022. The CEC has recommended granting permission for felling of 1492 trees/plants, subject to conditions mentioned in the report.

We accept the recommendation made by the CEC and permit the State of Uttar Pradesh to fell 1048 trees and 444 pole corps, subject to the conditions mentioned in the report.

I.A.No.70309 of 2021:

By its report No.2 of 2022 dated 24.02.2022 CEC has recommended that permission may be granted for felling of 318 trees/plants for four lanning of existing Mathura Vrindavan Road over a length of 7.850 km falling within the TTZ area. 8 ha of non-forest land was required and the State/District Administration made available the said land. Thereafter, CEC was approached by the State making a request for reduction of the land to be made available for compensatory plantation to 3.20 ha which would be sufficient for planting of 3200 trees. A corrigendum was issued by the CEC after considering the request made by the State of Uttar Pradesh which recommended that an area of 3.20 ha of the compensatory afforestation land shall be handed over to the Regional Director, Social Forestry, Agra. We agree with the CEC and permit the use of 3.20 ha of land for the purpose of planting 3200 trees.

I.A. accordingly, stands allowed.

I.A.No.20617 of 2020 & I.A.No.64225 of 2022:

Issue notice in these I.As.

I.A.No.118709 of 2018:

Adjourned.

I.A.No.132820 of 2020:

CEC may examine and submit a report.

I.A.No.11157 of 2019:

As the request made by the Project Manager, Yamuna Pollution Control Board is covered by Report No.21 which was filed by CEC in 2020, permission for felling/cutting of 704 trees for setting up of 2nd sewerage at Dhandupur, Agra, the permission is granted, subject to the conditions mentioned in the Report.

I.A. stands allowed, accordingly.

I.A.No.155500 of 2021:

CEC to examine and submit a report.

I.A.Nos.94794-94795 of 2019:

Adjourned.

(B.Parvathi)
Court Master

(Anand Prakash)
Assistant Registrar