

ITEM NO.2

COURT NO.2

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). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IA NO. 117800/2023 (APPLN. SEEKING PERMISSION TO WITHDRAW I.A. NOS. 2722-2724/2016 ON BEHALF OF MINISTRY OF CULTURE AND ANOTHER)  
2) IA NO. 139781/2023 (CEC REPORT NO. 24/2023, IN IA NOS. 2722-2724/2016)

Date : 25-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

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

IA NO. 117800/2023

The application has been filed seeking withdrawal of I.A. Nos. 2722-2724/2016 in I.A. No.18/1995. By itself the withdrawal would not have created any issue but there is a caveat to the withdrawal that appropriate directions have been sought to keep the applicants

bound by undertaking as mentioned in the application.

Learned Amicus Curiae points out that the problem arises from a letter dated 26.4.2023 in the form of an office memorandum of the Ministry of Environment, Forest and Climate Change, largely the last couple of sentences which seem to suggest that the construction being prior to enactment of Forest (Conservation) Act, 1980 would not require prior approval of the Central Government under the said Act but the Ministry of Culture would be required to obtain all other permissions. Learned Amicus Curiae points out that this so called constructed area has been in disuse since late 1990s and the concern is that if the area is to be used for Cultural Centre, it has other ramifications from point of view of traffic, parking, and uprooting of trees i.e. non-forest purposes.

Learned Solicitor General says that he is in discussion with the concerned Ministry to find amicable solution to the problem and thus seeks deferment to next Tuesday.

At the insistence of the learned Solicitor General we record that he does not agree with the submission of the Amicus Curiae though he is trying to find a solution.

List on 01<sup>st</sup> August, 2023.

**REGARDING PAYMENT OF FEES TO AMICI CURIAE ASSISTING THE JUDICIAL COMMITTEE**

On the letter dated 30<sup>th</sup> June, 2023, passed by the Chairman of the Committee, it is clarified that the recommendation in the first report approved and accepted by this Court was for remuneration to

the learned Amicus Curiae for assisting the learned Judicial Committee at all sittings of the Committee and would not be restricted to the sitting of the first report filed and thus the accounts department to take necessary steps.

**(RASHMI DHYANI PANT)**  
**COURT MASTER**

**(POONAM VAID)**  
**COURT MASTER**