

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

I.A. NO.1785 IN WRIT PETITION (CIVIL) NO.4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions on behalf of Ridge Management Board)

And I.A. No.1967 in I.A. No.1785 in W.P. (C) No.4677 of 1985
[For modification of Court's order dated 06.05.2002]

And I.A. No.2152 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For clarification of order dated 03.08.07 on behalf of
Raman Kr. Sethi and Anr.)

And I.A. No.1962 & 2143 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For intervention and direction on behalf of Israel and Ors.)

And I.A. No.2443 in 1785 in W.P. (C) No.4677 of 1985
(For modification of Court's order dated 08.10.2009 on behalf of
Om Prakash Sethi)

And I.A. No.2186 in W.P. (C) No.4677 of 1985
(For modification of Court's order dated 06.05.02 on behalf of
Patra Mines Minerals Pvt. Ltd.)

And I.A. No.2444 in I.A. No.2186 in W.P. (C) No.4677 of 1985
(For modification of Court's order dated 08.10.09 on behalf of
Patra Mines Minerals Ltd.)

And I.A. No.2168 in W.P. (C) No.4677 of 1985
(For intervention and direction on behalf of Pali Mohatabad
Stonecrushers Association)

And I.A. No. D75191 in W.P. (C) No.4677 of 1985
(For modification of Court's order dated 08.10.09 on behalf
of Raman Kr. Sethi, P.K. Sethi)

And I.A. No.2483 in I.A. No.....D75191 in W.P. (C) No.4677 of 1985
(For permission to file rejoinder affidavit)

And I.A. Nos.1465, 2417. 2426-2427 & 2768-2769 in I.A. No.828
in W.P. (C) No.202 of 1995
(For impleadment and direction, permission to file additional
documents and modification of order dated 08.10.09)

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And I.A. Nos. D76048 & 76051, 2933 in W.P. (C) No.202 of 1995
(For modification of Order dated 08.10.2009 and permission to file
reply affidavit)

I.A. No.2269 in W.P. (C) No.4677 of 1985
(For direction on behalf of Administrator Haryana Urban
Development Authority, Faridabad)

And I.A. No.2393 in I.A. No.2269 in I.A. No.1785 in
W.P. (C) No.4677 of 1985
(For direction-permission to execute basic infrastructure
development work on behalf of Administrator Haryana Urban
Development Authority, Faridabad)

And I.A. No.2198 @ Contempt Petition No.125/2006 vide Court's

Order dated 25.10.2007 in W.P. (C) No.4677/1985
(For direction on behalf of Devendra Badana)

And I.A. No.2270 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For clarification of Court's order dated 10.05.96, 11.10.96
and 06.05.02 on behalf of Director, Town and Country Planning,
Haryana)

Contempt Petition (C) No.186/2003 in W.P. (C) No.4677 of 1985
(With appln(s) for exemption from filing O.T.)

And I.A. No.1866 in W.P. (C) No.4677 of 1985
(For direction on behalf of Mr. Som Prakash Sethi)

And I.A. Nos.1858-1859 in W.P. (C) No.4677 of 1985
(For impleadment, directions and permission to file appln.
for impleadment on behalf of Paryavaran Avam Van Vikas Morcha)

And I.A. No.1886 in W.P. (C) No.4677 of 1985
(For directions (arising out of News Paper clipping in Navbharat
Times (Hindi) dated 05.07.04 regarding the mining authority in
Mehrauli Ridge Area)

With I.A. No.1888 in W.P. (C) No.4677 of 1985
(For direction regarding implementation of Court's order dated
10.05.96, 11.10.96 and 18.03.2004)

With I.A. Nos.1891 to 1893 in W.P. (C) No.4677 of 1985
(For impleadment, direction and exemption from filing O.T.
on behalf of Manoj Kumar)

With I.A. No.1895 in W.P. (C) No.4677 of 1985
(For intervention/direction on behalf of Gurgaon Stone Crushers
Association c/o Naurangpura, Crusher Union)

With I.A. No.1896 in W.P. (C) No.4677 of 1985
(For direction (arising out of Photographs given in Court by A.C.)
.....3/-

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With I.A. No.1906 in W.P. (C) No.4677 of 1985
(For direction on behalf of Bandhua Mukti Morcha)

With I.A. Nos.1907-1908 in W.P. (C) No.4677 of 1985
(For direction/clarification and for permission to file appln.
for directions/clarification)

With I.A. Nos.1911-1912 in I.A.No.1785 in W.P. (C) No.4677 of 1985
(For intervention/directions on behalf of Mr. Krishan Pal
Gujjar)

With I.A. No.1937 in W.P. (C) No.4677 of 1985
(For direction on behalf of Mr. P.K. Sethi)

With I.A. No.1938 in I.A.No.1901/04 in I.A.No.1785 in
W.P. (C) No.4677 of 1985
(For intervention on behalf of Karamyogi Shelter)

With I.A. Nos.2306-2307 in W.P. (C) No.4677 of 1985
(For impleadment and permission to construct Secondary
School on behalf of M/s. Progressive Charitable Trust)

With I.A. Nos.2308-2309 in I.A. No.1888 in I.A. No.1785 in
W.P. (C) No.4677 of 1985
(For impleadment and directions on behalf of Drishti India Ltd.)

With I.A. No.1968 in W.P. (C) No.4677 of 1985
(For intervention on behalf of Pali Mohabatabad Crushers Owners
Association)

With I.A. Nos.2334-2335 in W.P. (C) No.4677 of 1985
(For impleadment and directions on behalf of Sat Veer Singh & Ors.)

With I.A. No.2336 in W.P. (C) No.4677 of 1985
(For intervention on behalf of Shakti Vahini)

With I.A. No.....D58737 in W.P. (C) No.4677 of 1985
(For intervention on behalf of South Eastern Coalfields Ltd.)

With I.A. Nos.2374-2376 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For impleadment, directions and exemption from filing O.T.)

With I.A. Nos.2381, 2382, 2383, 2384 in I.A. No.1785 in W.P. (C)
No.4677 of 1985
(For permission by impleadment, permission to file objections to
the CEC Report dated 15.01.2009, direction, exemption from filing
c/delay in CEC Report on behalf of Asha Upadhyay and Ors.)

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With I.A. Nos.2386-2387 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For permission for impleadment, seeking permission to file
objections to the CEC Report dated 15.01.09 on behalf of
Lt. Col. B.B. Sharan (Retd.)

With I.A. NO.2390 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For clarification on behalf of Mr. Raman Sethi)

With I.A. No.2392 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For impleadment/direction on behalf of Ashok Azad and Ors.)

With I.A. No.2415 in I.A. No.1785 in W.P. (C) No.4677 of 1985
(For intervention on behalf of Jitender Singh)

With I.A. No.2450 in I.A. No.2385/2009 in I.A. No.1785/2002 in
W.P. (C) No.4677 of 1985
(For modification of order dated 08.10.2009 on behalf of
Ramesh Chander, Dhauj Silica Sand Mine)

With I.A. No.2451 in I.A. No.1785/2002 in W.P. (C) No.4677 of 1985
(For direction on behalf of Pali Mohabtabad Crushers Owners
Association)

With I.A. No.2103 in W.P. (C) No.4677 of 1985
(For intervention/direction on behalf of Haryana Environmental
Society, Gurgaon)

With I.A. No.2454 in W.P. (C) No.4677 of 1985
(For impleadment/direction on behalf of Krishna Maharaja & Co.)

With I.A. No.2455 in W.P. (C) No.4677 of 1985
(For impleadment/direction on behalf of Ajanta Minerals)

With I.A. No.2310 in I.A. No.2269 in I.A. No.1785 in
W.P. (C) No.4677 of 1985
(For intervention/clarification of Court's Order dated 14.5.2008
on behalf of Kant Enclave Residence Society)

With I.A. Nos.2377-2380 in W.P. (C) No.4677 of 1985
(For impleadment, objection of Report (2nd of CEC), O/T, permission
to file raising objections)

With I.A. Nos.2355-2357 in W.P. (C) No.4677 of 1985
(For impleadment, directions, O/T on behalf of CCE R&D (North),
Defence Research and Development Organisation (DRDO))

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And I.A.Nos.2486-2488, 2492 in 1785 and 2497-2498 in W.P. (C) No.4677 of 1985

(For impleadment, directions, permission to file reply affidavit, permission to place on record additional documents on behalf of Faridabad, Gurgaon minerals, impleadment/directions on behalf of Residents Welfare Association (Redg.), Gokul Apartments, Faridabad)

I.A. Nos.2514-2515 in I.A. No.1785 in W.P. (C) No.4677 of 1985 (For impleadment and direction on behalf of Randhir Singh)

I.A. No.2524 in I.A. No.1785 in W.P. (C) No.4677 of 1985 (For directions on behalf of Mr. S.P. Seth)

[Minor Minerals and Construction Matters in Haryana Mining]

I.A. Nos.839, 840, 850, 853-854, 855-856, 866-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 891-892, 900, 905, 1276-1277, 1590, 1612-1613, 1700-1703, 2007-2008, 1488, 2138-2139 in 891-892, 2205, 2445, 2567, 2574 in 875-876, 2536, 2636 in 879-880, 2658-2659, 2719 in 1488 in 828 and 2761 in 1612-1613, 2765 in 873-874, 2766 in 879-880, 2767 in 875-876, 2932 in 850, 2934 in 1590, 3091 in 850, 2872-2873 and 3086 in 2872-2873 in W.P. (C) No.202 of 1995

(Monitoring report of C.E.C. regarding illegal mining in Aravalli Hills and appln(s) for directions/impleadment/modification/clarification/exemption from filing O.T./ permission to file additional documents/additional submission/additional facts and grounds)

W.P. (C) No.624 of 2002

W.P. (C) No.661 of 2002 (With appln(s) for ex-parte stay, directions and exemption from filing O.T.)

W.P. (C) No.428 of 2002 (With appln(s) for stay, directions, vacating stay, exemption from filing O.T. and intervention)

Contempt Petition (C) No.568 of 2002 in W.P. (C) No.428 of 2002
Contempt Petition (C) No.542 of 2004 in W.P. (C) No.428 of 2002

With W.P. (C) No.410/2002 (With appln(s) for stay)

S.L.P. (C) Nos.19628-19629 of 2009 (With appln(s) for directions, permission to place on record subsequent facts, permission and clarification/direction, urgent listing, impleadment and office report)

....6/-

S.L.P. (C) No.21833 of 2009 (With office report)

S.L.P. (C) Nos.12498-12499 of 2010 (With appln(s) for directions and clarification/direction and office report)

Date: 19/08/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE SWATANTER KUMAR

Mr. Harish N. Salve, Sr. Adv. (A.C.) (N/P)
Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Mr. U.U. Lalit, Sr. Adv. (A.C.) (N/P)
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)

In-person (N/P)

Mr. K.K. Venugopal, Sr. Adv.
Mr. Anil Divan, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Yashraj Singh Deora, adv.
Mr. Sri Ram Krishna, Adv.
Mr. Rajesh Kumar, Adv.
M/s. Mitter & Mitter Co., Advs.

Mr. Shekhar Kumar, Adv.

Mr. Dinesh Kumar Garg, Adv.

Mr. M.C. Dhingra, Adv.

Ms. Lalita Kaushik, Adv.

Ms. S. Janani, Adv.

Mr. Himanshu Shekhar, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Sanjeev Kumar Dubey, Adv.

Mr. Rahul Trivedi, Adv.

Mr. K.V. Mohan, Adv.

Mr. Vishwajit Singh, Adv.

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Mr. A. Venayagam Balan, Adv.

Mr. P.S. Patwalia, Sr. Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Jitendra Mohan Sharma, Adv.

Mr. Sandeep Singh, Adv.

Mr. Mohit Kumar Shah, Adv.

For Respondent(s)

Mr. Goolam E. Vahanvati, AG.

Mr. P.P. Malhotra, ASG.

Mr. S.W.A. Qadri, Adv.

Mr. Chaudhary Shamsuddin Khan, Adv.

Mr. A.K. Sharma, Adv.

Ms. Gunwant Dara, Adv.

Mr. M.P.S. Tomar, Adv.

Mr. Zaid Ali, Adv.

Ms. Arti Singh, Adv.

Mr. Vikram Mahajan, Adv.

Mr. Aditya Sharma, Adv.

Ms. Anil Katiyar, Adv.

Mr. S.N. Terdal, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. Haris Beeran, Adv.

Mr. P.K. Manohar, Adv.

Mr. Avijit Bhattacharjee, Adv.

Ms. Binu Tamta,Adv.

Mr. D.N. Goburdhan,Adv.
Ms. Prabal Bagchi,Adv.

Mr. Devendra Singh,Adv.

Mr. Bhupender Yadav,Adv.
Mr. S.S. Shamsbery,Adv.
Mr. R.C. Kohli,Adv.

Mr. Bimal Roy Jad,Adv.

Mr. S.K. Pandey,Adv.
Mr. Krishnanand Pandey,Adv.

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Mr. Krishan Venugopal,Sr.Adv.
Ms. Rooh-E-Hina Dua,Adv.
Ms. Vijay Lakshmi Menon,Adv.
Mr. T.K. Pradhan,Adv.

Mr. S.K. Dubey,Adv.
Mr. Jamal Akhtar,Adv.
Mr. D. Abhinav Rao,Adv.

Ms. Sharmila Upadhyay,Adv.

Ms. Ashwarya Sinha,Adv.
Mr. Amboj Kumar Sinha,Adv.

Ms. Malini Sood,Adv.
Mr. Ashu Punchhi,Adv.
Mr. Deepak Khurana,Adv.
Mr. Umesh Kumar Khaitan,Adv.

In-person (N/P)

Ms. Madhu Sikri,Adv.

Mr. Somnath Mukherjee,Adv.

Mr. Ajay Pal,Adv.

Mr. K.B. Rohatgi,Adv.
Mr. Mahesh Kasana,Adv.
Ms. Aparna Rohatgi Jain,Adv.

Ms. N. Shobha,Adv.
Mr. Sanjay V. Kharde,Adv.
Ms. Asha G. Nair,Adv.

Ms. Sheil Sethi,Adv.

Mr. Vijay Panjwani,Adv.
Mr. D.K. Thakur,Adv.

Mr. Ashish Wad,Adv.
M/s. J.S. Wad & Co.,Advs.

Mr. Ashok K. Mahajan,Adv.

Mr. Shreepal Singh,Adv.

Mr. Ravindra Bana,Adv.

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Mr. Arun Kumar Beriwal,Adv.
Mr. T.V. George,Adv.
Mr. Sunil Kumar Jain,Adv.
Mr. Sanjeev Anand,Adv.
Mr. Manjit Singh,AAG.
Mr. Vivekta Singh,Adv.
Mr. Tarjit Singh,Adv.
Mr. Kamal Mohan Gupta,Adv.
Mr. Gaurav Teotia,Adv.
Mr. Sanjeev Kumar,Adv.
Mr. Pravir Choudhary,Adv.
M/s. O.P. Khaitan & Co.,Advs.
Mr. V.K. Verma,Adv.
Ms. Rachana Joshi Issar,Adv.
Mr. Annam D.N. Rao,Adv.
Mr. Shiv Prakash Pandey,Adv.
Mr. Sanjay Kapur,Adv.
Mr. Tarun Johri,Adv.
Mr. Abhijit Sengupta,Adv.
Ms. Ruby Singh Ahuja,Adv.
Ms. Anitha Shenoy,Adv.
Mr. Rameshwar Prasad Goyal,Adv.
Mr. B.K. Prasad,Adv.
Mr. Satyendra Kumar,Adv.
Ms. Sharmila Upadhyay,Adv.
Ms. Anu Gupta,Adv.

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Mr. Senthil Jagadeesan,Adv.
Mr. Shekhar Kumar,Adv.
Mr. A. Venayagam Balan,Adv.
Mr. S.K. Dwivedi,AAG.
Mr. Abhishek Chaudhary,Adv.
Ms. Vandana Mishra,Adv.
Mr. Gunnam Venkateswara Rao,Adv.
Mr. R.S. Suri,Adv.
Mr. J.P. Dhanda,Adv.
Mr. Praveen Swarup,Adv.
Ms. Hemantika Wahi,Adv.
Mr. Ashwini Kumar,Adv.
Ms. Surmi Banerjee,Adv.

M/s. Mitter & Mitter Co.,Adv.

Mr. Amit Kumar,Adv.

Mr. Shashi B. Upadhyay,Adv.

Mr. E.M.S. Anam,Adv.

Mr. Surya Kant,Adv.

Mr. Rajiv Mehta,Adv.

Ms. Sumita Ray,Adv.

Mr. Ashish Dholakia,Adv.

Ms. SumitaHazarika,Adv.

Mr. M.P. Jha,Adv.

Ms. Kavita Wadia,Adv.

Mr. S.U.K. Sagar,Adv.

Ms. Bina Madhavan,Adv.

for M/s. Lawyer's Knit & Co.,Adv.

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Mr. Shish Pal Laler,Adv.

Mr. Balbir Singh Gupta,Adv.

Ms. A. Subhashini,Adv.

Ms. Kiran Bharadwaj,Adv.

Dr. Kailash Chand,Adv.

Mr. Manoj Mishra,Adv.

Mr. Bharat Ram,Adv.

Mr. Rajeev K. Dubey,Adv.

Mr. Kamalendra Mishra,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. R. Gopal Krishan,Adv.

Mr. P.P. Rao,Sr.Adv.

Mr. Piyush Sharma,Adv.

Mr. D.C. Pandey,Adv.

Dr. Manish Singhvi,AAG.,Rajasthan.

Mr. Milind Kumar,Adv.

Mr. Abhhinav Raghuvanshi,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. S. Bhowmick,Adv.

Mr. S.C. Ghosh,Adv.

Mr. P.P. Rao,Sr.Adv.

Mr. S.M. Jadhav,Adv.

Mr. P.S. Patwalia,Sr.Adv.

Mr. Shyam Divan,Sr.Adv.

Mr. Jitendra Mohan Sharma,Adv.

Mr. Sandeep Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Ranjit Kumar, learned Amicus Curiae,

Mr. Goolam E. Vahanvati, learned Attorney General

and other learned counsel, made their submissions
from 2.10 p.m. till 4.00 p.m.

The matters shall stand over for two weeks.

[T.I. Rajput]
A.R.-cum-P.S.

[Renuka Sadana]
Court Master