

I.A.NO. 344/2012 in Writ Petition(s)(Civil) No(s). 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR DIRECTIONS)

Date : 05/04/2017 This application was called on for hearing today.

CORAM : HON&#39;BLE MR. JUSTICE MADAN B. LOKUR

HON&#39;BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. (A.C.)

Mr. Siddhartha Chowdhury (A.C.), AOR

Mr. A.D.N. Rao (A.C.), AOR

Ms. Aparajita Singh (A.C.), AOR

Petitioner-in-person

For Respondent(s) Mr. Ranjit Kumar, SG

Ms. Sumita Hazarika, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Zaid Ali, Adv.

Mr. B.K. Prasad, Adv.

Mr. Gurmeet Singh Makker, AOR

CPCB Mr. Vijay Panjwani, AOR

Haryana Mr. Anil Grover, AAG

Mr. Satish Kumar, Adv.

Mr. Sanjay Kumar Visen, Adv.

Dr. Monika Gusain, AOR

NHAI Mrs. Gunjan Sinha Jain, Adv.

Mr. T.S. Sidhu, Adv.

For M/s. M. V. Kini & Associates

Toyota Mr. Vijay K. Sondhi, Adv.

Ms. Sujeeta Srivastava, Adv.

Ms. Cauveri Birbal, Adv.

1

Mr. Arnab Sanyal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard the learned Solicitor General, the learned Amicus and learned counsel appearing for the NHAI. There is no appearance on behalf of the Governments of Delhi and UP. Learned counsel for the State of Haryana is present.

Western Peripheral Expressway

The length of Western Peripheral Expressway is said to be in the region of about 135 kms. The portion from Palwal to Manesar is ready while the portion from Manesar to Kundli is still under construction.

We have been informed that in so far as construction is concerned, it is the responsibility of the Concessionaire. There is no financial liability on any of the State Governments or the Government of Delhi. However, there is some liability with regard to cost of land acquisition. The total amount has not been specifically mentioned in the Status Report on behalf of the Monitoring Committee. For clarity, we would like to have the exact amount due from each of the Governments of Haryana, Delhi and U.P. The amount be indicated by way of an affidavit. Affidavit be filed within two weeks from today.

Eastern Peripheral Expressway

The length of Eastern Peripheral Expressway is also said to be in the region of about 135 kms.

According to the NHAI, the possession of the entire land, except 2 kms in District Sonapat, has been handed over by the

2

Government of Haryana.

Our attention has been drawn to order dated 31.03.2016. The relevant portion of which reads as follows:

â- S We, however, see no reason why the authorities should

ignore or neglect the request for protection to officials engaged in a project of national importance like the Eastern Peripheral Expressway i.e. especially when the same is being undertaken in terms of the directions issued by this Court. We, therefore, direct the Director General of Police of the States of Uttar Pradesh and Haryana to ensure that requisite protection required by the National Highways Authority of India officials, Concessionaires, agents and contractors is extended to them as and when the same is demanded. We, however, reserve liberty to the States of Uttar Pradesh and Haryana to seek modification and/or clarification of this order should the demand for such protection and co-operation go beyond giving what is necessary for enabling the Highway Authority officials and contractors to carry out their duties in execution of the project in question.â- \235
We expect the Government of Haryana to render all assistance so that the possession of this stretch of land is handed over to the NHAI.

As far as construction of Eastern Peripheral Expressway in the State of U.P. is concerned, it appears that the farmers/local villagers have forcibly prevented the construction work in the entire 41 km patch in District Gautam Budh Nagar from the evening of 25 th

December, 2016.

It is stated in the Status Report of the Monitoring Committee that despite written and oral requests having been made to the SSP and the SP of the District Gautam Budh Nagar to provide police protection at the site, no steps have been taken to permit the NHAI to carry out construction.

We request the Director General of Police, U.P. to look into the matter, particularly in terms of the order dated 31.03.2016

3

which has already been extracted above.

List the matter on 25.04.2017.

Status Report by the NHAI be filed during the course of the day.

We may record that there is no appearance on behalf of Government of Delhi and Government of U.P. and this is rather unfortunate.

(Meenakshi Kohli)

(Sharda Kapoor)

Court Master (SH)

Court Master (NS)

4