

VERDICTUM.IN

ITEM NO.13

COURT NO.7

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. 35656 AND 35659/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SHRI RAMAN) (2) IA NOS. 200846 AND 200848/2022 (APPLNS. FOR IMPLEADMENT AND PERMISSION ON B/O 50 (INDEPENDENT) PARACHUTE BRIGADE) (3) IA NO. 108684/2023 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF U.P.) (4) IA NOS. 54891 AND 54892/2022 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O INDIAN OIL CORPN. LTD.) (5) IA NO. 160205/2023 (APPLN. FOR DIRECTION ON BEHALF OF TAJ WESTERN GATE MARKET ASSN.) (6) IA NOS. 158707 AND 158709/2023 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF DR. SHARAD GUPTA) (7) IA NO. 116768/2018 (APPLN. FOR DIRECTION) (8) IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION) (9) IA NO. 31946/2024 (APPLN. FOR PERMISSION ON BEHALF OF NORTH CENTRAL RAILWAY, AGRA) "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-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. SUDEEP KUMAR, MS. MAYURI RAGHUVANSHI, MR. ARVIND GUPTA, MS. SAROJ TRIPATHI, MR. ANURAG KISHORE MR. M.C. DHINGRA, MR. GAURAV GOEL MS. SUPRIYA JUNEJA, MR. N.L. GANAPATHI MR. E.C. AGRAWALA, ADVOCATES IA No. 31946/2024 - APPLICATION FOR PERMISSION)

WITH C.A. No. 782/2020

(IA No. 16940/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 16939/2020 - EXEMPTION FROM FILING O.T.

IA No. 16941/2020 - STAY APPLICATION)

Date : 22-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. A.D.N.Rao, Sr. Adv. (Amicus Curiae)

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For the parties:

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Mr. Prateek Tanmay, Adv.
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Applicant-in-person

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Mr. Dinesh Mudgal, Adv.

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

IA Nos.35656 and 35659 of 2019

1. The learned senior counsel appearing for the applicant pointed out that though the applicant is no more, the applications raise an important issue regarding implementation of a vision document ordered to be prepared by this Court. The order dated 8th December, 2017 emphasizes the need to prepare a detailed and comprehensive vision document and plan with a futuristic prospective. From what is told across the Bar, we gather that there is a vision document, as noted in the order dated 26th July, 2018 which is prepared by the School of Planning and Architecture along with the Government of Uttar Pradesh. It relates to Taj Trapezium Zone (TTZ). However, the order dated 26th July, 2018 records that the Archaeological Survey of India (ASI) which is responsible for maintenance and preservation of Taj Mahal has not

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been consulted while preparing the vision document.

2. Mr. A.D.N.Rao, the learned senior counsel appointed as amicus curiae stated that after discussion with the petitioner-in-person, Mr. M.C.Mehta, he finds that Mr. M.C.Mehta is not in a position to assist the Court as regards the vision plan, considering his health issues.

3. We direct the State of Uttar Pradesh to produce a copy of the vision plan on record and provide soft copies thereof to the learned counsel appearing for the parties.

4. We direct the ASI to look into the vision plan and submit its response to the vision plan in the form of an affidavit before this Court within a period of two months from today. The issue of implementation of the vision plan and the suggestions of ASI will be considered by this Court on 11th July, 2024.

5. Till that time, both the applications shall remain pending.

IA Nos.200846 and 200848 of 2022

6. The learned counsel appearing for the applicant seeks permission to withdraw the applications.

7. Accordingly, the applications are dismissed as withdrawn.

IA Nos.108684 of 2023

8. Mr. Rao, the learned senior counsel appointed as amicus curiae states that the Central Empowered Committee (CEC) has sought time of four weeks for reconsideration of Report No.2/2024 and the application made by the State

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Government.

9. We, accordingly, grant time of eight weeks to the CEC.

10. We direct the applicant-State Government to give a concrete proposal to the CEC regarding the site at which the applicant proposes to have compensatory afforestation so that the CEC can look into this aspect.

11. The fresh report of the CEC will be considered on 11th July, 2024.

IA Nos.54891 and 54892 of 2022

12. We have perused the application filed by M/s. Indian Oil Corporation Limited (IOCL) very carefully. A copy of any decision by any competent authority of IOCL is not pleaded in the application. Reliance is placed on discussion in Inter-Division Committee meeting and a refinery note. The said two documents are of the year 2010 and 2011. Laying of a new railway track requires felling of 70 trees. Therefore, the competent authority of IOCL has to first apply its mind whether it is absolutely necessary to lay a new railway track. Only after appropriate competent authority of the IOCL takes a considered decision, the prayer made in the application can be considered. Therefore, at this stage, we cannot entertain the applications and the same are accordingly disposed of with liberty to file a fresh application.

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IA No.160205 of 2023

13. We have heard the learned Additional Solicitor General representing the Agra Development Authority on the basis of the counter affidavit.

14. As the learned counsel for the applicant is not present, list on 11th July, 2024.

IA Nos.158707 and 158709 of 2023

15. We direct the Union of India and all concerned to file a counter affidavit to this application within a period of six weeks from today.

16. Rejoinder affidavit, if any, to be filed within three weeks thereafter.

17. List on 11th July, 2024.

IA No.116768 of 2018

18. The learned counsel for the applicant seeks time on the ground of illness of the arguing counsel.

19. List on 11th July, 2024.

IA Nos.64225/2022, 20617/2020, 20216/2020, 118708/2018 and 118709/2018

20. List on 11th July, 2024.

IA No.171139 and 171142 of 2019

21. The prayer (a) in IA No. 171142/2019 reads thus:

"a) Order for the removal of the silt, sludge and garbage up to a depth of 5-6 meters (approx.), lying on the river bed of the River Yamuna in the City of Agra and the Respondents be required to restore the River bed to its natural state and also to ensure its regular and proper de-silting/de-sludging in future;"

22. On the face of it, there cannot be any dispute that the work, as suggested, will have to be carried out by the respondents. The respondents must tell us on oath whether any steps have been taken for the removal of silt, sludge and garbage lying in the bed of river Yamuna in the city of Agra, Uttar Pradesh. If the steps have not been taken till date, the same shall be immediately taken. If the concerned authorities need advise of an expert agency to ensure that the bed of river Yamuna is kept clean and without any slit, sludge and garbage, the Government of India may take appropriate decision in that behalf. Needless to add that removal of the slit, sludge and garbage from the bed of river Yamuna has to be a continuous activity.

23. We direct the Government of India to file an affidavit in the light of what is stated in this order as well as the prayers made in the application. The affidavits shall be filed not only by the Government of India but also by the State of Uttar Pradesh and Agra Development Authority. The three authorities while filing the affidavits shall take a clear stand setting out the name of the authority which is under an obligation to undertake continuous work of removal of silt, sludge and garbage from the bed of river Yamuna. The affidavits shall be filed by the end of June, 2024. No further time shall be granted. The applications will

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be considered on 11th July, 2024.

IA No.31946 of 2024

24. A perusal of the application shows that a decision taken by the competent authority about necessity of doubling of railway track between Agra Fort and Bandikui section has not been placed on record. Since the work of doubling of the track will involve felling of large number of trees (2895), the concerned competent authority must apply its mind to the necessity of the project, after taking into consideration the drastic effect of the project on the environment. We permit the decision to be placed on record by the end of June, 2024.

25. List on 11th July, 2024.

26. We request the learned amicus curiae to submit a list of pending Interlocutory Applications divided into different categories so that dates for hearing can be fixed in those categories. We will pass appropriate orders after perusal of the list on 11th July, 2024.

Civil Appeal No.782 of 2020

27. This is a statutory appeal in which a notice has been issued. Therefore, the same shall be treated as admitted for final hearing.

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28. To enable listing of this appeal, we make it clear that this appeal stands de-tagged from Writ Petition (Civil)No.13381 of 1984.

29. We direct that the appeal shall be listed for final hearing on 22nd August, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER