

Date : 30-01-2020 These matters are called on for hearing today.
CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

Counsel for the parties

Petitioner-in-Person

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Mr. Abhinav Shrivastava, Adv.
Ms./Mr. Sana Kamra, Adv.
Mr. Nirmal Prasad, Adv.

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

I.A. NO.69657/2018 -(Application arising out of note submitted in Court by Mr. M.C. Mehta, Petitioner-in-person on 01.5.2018)

Mr. M.C. Mehta, who is appearing in person, states that it has not been possible for him to visit the area in question as directed by this Court vide order dated 11.12.2019, and prays for further six weeks' time for the said purpose.

Time, as prayed for, is granted.

List the matter after six weeks.

I.A. NOS.3975 & 3976/2018 - For Directions and exemption from filing typed copy of the project profile on behalf of U.P. State Industrial Development Corporation) and I.A. NOS.54455 & 54459/2018 - For Impleadment & Directions @ I.A. No.3634 & 55271 in W.P. © No.202/1995 on behalf of U.P. State Industrial Development Corporation Limited

It is not disputed that the subject matter of Civil Appeal No.782 of 2020 pertains to the leather park which is similar to the subject matter of the instant interlocutory applications.

List the instant interlocutory applications along with Civil Appeal No.782 of 2020 after two weeks.

IA NOS.118708, 118709 AND 118710/2019 For Intervention, Directions and exemption from filing O.T. on behalf of Supreme Glass Works and Ors.

Heard.

At the request of Ms. Aishwarya Bhati, learned Additional Advocate General appearing on behalf of the respondent - State of Uttar Pradesh, list the instant applications after four weeks to meanwhile enable her to ascertain the capacity of the applicant(s) etc.

IA NOS.94794 AND 94795/2019 - For Intervention and modification of order dated 25.11.2004 on b/o Agra Development Foundation, IA NOS. 112182 AND 112185/2019 - For Intervention and Directions on b/o Agra Development Foundation, IA NOS.134453 , 134454/2019 AND 3186/2020 - For Intervention, Directions and to bring on record a copy of the Standard Operation Procedure (SOP) on b/o Agra Development Foundation, IA Nos.171139 & 171142/2019 - For Intervention and Directions on b/o Agra Development Foundation and IA Nos.183912, 183918 & 183919/2019 - For Intervention, Directions and exemption from filing O.T. on b/o Dr. Sharad Gupta

Heard.

At the request of Mr. ANS Nadkarni, learned Additional Solicitor General appearing on behalf of the Archaeological Survey

of India (ASI), list the instant interlocutory applications along with I.A. Nos.3419/2020, 3420/2020, 3424/2020, 4115/2020, 4118/2020, 4119/2020, 15274/2020, 15276/2020, and 15277/2020 in Writ Petition (Civil) No.13381/1984 after four weeks to enable him to file reply affidavit.

IA Nos.163898 AND 163904/2019 - For Impleadment and permission on behalf of Lucknow Metro Rail Corporation

Heard.

At the request of Ms. Aishwarya Bhati, learned Additional Advocate General appearing on behalf of the respondent - State of Uttar Pradesh, list these applications after two weeks.

IA Diary Nos.153409 & 153411/2018, IA Nos.170514 & 174515/2018 and I.A. Nos.181267, 181268 & 181601/2019 - For permission and exemption from filing O.T. on behalf of U.P. State Bridge Corpn. Ltd.

Heard.

These applications seek permission to build the Railway Over Bridges.

We have perused the report no.6 of the Central Empowered Committee (CEE). Paragraph 12 of the said report reads thus follows:-

“Considering that the construction of Railway Over Bridges are necessary to ease the traffic congestion in the proposed three railway inter-sections, that the projects are in public interest, that the constructions of Railway Over Bridges will facilitate the smooth movement of traffic and which in turn is likely to reduce the load of vehicle pollution in the TTZ area, that the number of trees to be

cut/translocated are 103 in respect of all the three Over Bridges projects, that the project authorities have agreed to undertake planting 10 times the number of trees to be felled, that one ha of land identified for plantation of tree in Gata 10 of Mauja Mutavai Tehsil will be at project cost, that the applicants have proposed to translocate 17 trees falling in the project area relating to I.A. No.181601/2019 and that the minimum number of trees will be felled.

The aforesaid Committee has thus approved the proposal for construction of the Railway Over Bridges and the felling of certain trees for the said purpose. The Committee has also approved the translocation of 17 trees subject to certain conditions.

Hence, we direct in pursuance of the permission, to construct the Railway Over Bridges and allow the felling of trees subject to the following conditions :

(a) Only the bare minimum number of trees which are absolutely essential to be removed for implementation of the projects are felled/transplanted;

(b) The Director, Social Forestry Division, Agra, will undertake compensatory planting of 1000 plants of indigenous species in 1 ha of land in Gata No.10 of Majua Mutavai Tehsil, Fatehbad at the cost of the User Agency, U.P. State Bridge Corporation Ltd.;

(c) The boundary of compensatory planting site shall be chain-link fenced on a 2 feet high footwall to protect the plants from being browsed by cattle and other animals;

(d) Provision of watering of plants during summer months specially in the first three years of planting and maintenance are included in the estimate to achieve better success rate;

(e) The funds required for raising the compensatory planting including cost of fencing are deposited with the Regional Director, Social Forestry in a separate Bank Account to be opened for the purpose in a Nationalised bank before issue of permission for felling of trees by the Forest Department; and

(f) the Regional Office of the Ministry of Environment, Forest and Climate Change will monitor the implementation of the afforestation programme.

The action taken report shall be submitted before this Court after four months.

The instant applications stand disposed of in the above terms.

I.A. Nos.196157, 196158 & 196159 of 2019 - For Intervention, Directions and exemption from filing O.T. on behalf of Dr. Sharad Gupta

Issue notice.

As prayed for, Mr. ANS Nadkarni, learned Additional Solicitor General appearing for the Ministry of Environment, Forest and

Climate Change (MoEF&CC) and Ms. Aishwarya Bhati, learned Additional Advocate General appearing on behalf of the respondent - State of Uttar Pradesh, are allowed to file their respective reply affidavits in the meantime.

REPORT NO.5/2020 DATED 20.1.2020 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE IN WRIT PETITION (CIVIL) NO.13381 OF 1984

As prayed for, time to submit report by the Central Empowered Committee (CEE) is extended by four weeks from today.

(SANJAY KUMAR-II)
AR-Cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR