

ITEM NO.14

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
R E C O R D O F P R O C E E D I N G S

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 NO. 487/2009 (APPLN. FOR DIRECTIONS ON BEHALF OF TAJ WESTERN GATE MARKET ASSN.)

(2) IA D. NOS. 85203/2022 AND 103208/2022 (APPLNS. FOR DIRECTIONS AND IMPLEDMENT ON BEHALF OF STATE OF RAJASTHAN)

(3) IA NOS. 3975 AND 3976/2018 (APPLN. FOR DIRECTION AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON B/O U.P STATE INDUSTRIAL DEVELOPMENT CORPORATION)

(4) IA NO. 35972/2020 (APPLN. FOR IMPLEADMENT IN IA NO. 3975/2018)

(5) I.A. D.NO. 69916/2020 (APPLN. FOR EARLY HEARING OF I.A.NOS. 3975 AND 3976/2018)

(6) IA NOS. 54455 AND 54459/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD.)

(7) IA NOS. 15724/2019, 43243/2019 AND 43237/2019 IN I.A. NO. 54455/18 (APPLNS. FOR SUBSTITUTION, CONDONATION OF DELAY IN FILING THE APPL. FOR SUBSTITUTION AND SETTING ASIDE ABATEMENT ON B/O SHABI HAIDER JAFRI)

(8) IA NOS. 114057, 116768 AND 125755/2018 (APPLN. FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T.)

(9) IA NOS. 153974/2021 AND 91982/2022 (APPLN. FOR DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O AIRPORT AUTHORITY OF INDIA)"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.

IA NOS.129921/2020-INTERVENTION, 129925/2020-FOR DIRECTIONS & 129926/2020-FOR EXEMPTION FROM FILING O.T.

IA NO.44186/2020-CLARIFICATION/DIRECTION

WITH

C.A. No. 782/2020 (XVII)

(IA No.16940/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16941/2020-STAY APPLICATION and IA No.16939/2020-EXEMPTION FROM FILING O.T. [TO BE TAKEN UP ALONGWITH W.P.(C)NO. 13381/1984]

Date : 17-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE J.B. PARDIWALA

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Petitioner-in-person

Applicant-in-person, AOR

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

IA NO. 487/2009 (APPLN. FOR DIRECTIONS ON BEHALF OF
TAJ WESTERN GATE MARKET ASSN.)

The prayer made in this application is limited to the extent of seeking a direction against the Agra Development Authority to adopt and execute the proposed plan for rehabilitation of existing shops in *Amrud Ka Tila* parking node.

Learned ASG appearing for the State submits that so far as this rehabilitation proposal is concerned, the same does not survive after 2016 and to that extent the application has become infructuous.

In the course of debating the issue in the Court, it does emerge that while the environment aspect is being looked into by NEERI, there may be occasion where these people who are in occupation of particular portions would have to be rehabilitated elsewhere. Thus, it is for the State Government to consider as to in what manner, the rehabilitation would be required to take place and merely because the earlier scheme has elapsed does not mean that the State can wash its hands off the issue.

We thus, consider appropriate to direct that the State Government would look into the aforesaid aspect along with the Agra Development Authority to work out how the rehabilitation can take place.

The needful be done within eight weeks.

The application stands disposed of with the aforesaid direction.

Report be submitted to this Court.

IN RE: IMPACT ASSESSMENT WITHIN THE PERIPHERY OF TAJGANJ

NEERI has sought extension of time to carry out the exercise in pursuance to the order dated 09.11.2022 and progress report has also been filed in Court.

The aforesaid extension is granted.

Ordered accordingly.

Learned ASG assures that the monies sought for by the NEERI would be paid to them.

IA D. NOS. 85203/2022 AND 103208/2022 (APPLNS. FOR DIRECTIONS AND IMPLEADMENT ON BEHALF OF STATE OF RAJASTHAN

Application for impleadment is allowed for the purpose of this IA only.

Learned Amicus points out that as per the report of the CEC, permission has been granted for removal the trees but subject to certain terms and conditions. Those conditions are acceptable to the applicants.

We take this on record and accordingly, dispose

of the application.

IA NOS. 3975 AND 3976/2018 (APPLN. FOR DIRECTION AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON B/O U.P STATE INDUSTRIAL DEVELOPMENT CORPORATION) & IA NO. 35972/2020 (APPLN. FOR IMPLEADMENT IN IA NO. 3975/2018)

Application for exemption from filing typed copy of the project profile is allowed.

Application(s) for impleadment/intervention is/are allowed only for this IA.

The report of the CEC, subject to certain terms and conditions, has granted approval for the project to be set up for the Proposed Leather Park in Agra on behalf of the U.P. State Industrial Development Corporation Ltd.

Learned counsel for the intervener points out that there is a fundamental objection to the competency of the authority who has issued the Environmental Clearance which is subject matter in Civil Appeal No.782/2020 in which *status quo* order has been passed.

In our view, appropriate order would be to accept the stand of the parties and needless to say that the applicants have submitted that they will abide by all the terms and conditions.

The work of course cannot start in view of the interdict contained in Civil Appeal No.782/2020 and

thus, the application for direction is allowed subject to the ultimate order which would be passed in Civil Appeal No.782/2020.

CIVIL APPEAL NO.782/2020

Learned counsel for the parties assure that they will not take more than 15-20 minutes each for both the sides to urge their submissions.

List for hearing on 28.02.2023.

IA NOS. 54455 AND 54459/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION LTD.)

Application for substitution of Intervenor/impleadment are allowed.

In view of the approval by the CEC for cutting of the trees, the application(s) is/are allowed as per the terms and conditions specified by the CEC.

IA NOS. 15724/2019, 43243/2019 AND 43237/2019 IN I.A. NO. 54455/18 (APPLNS. FOR SUBSTITUTION, CONDONATION OF DELAY IN FILING THE APPL. FOR SUBSTITUTION AND SETTING ASIDE ABATEMENT ON B/O SHABI HAIDER JAFRI)

Delay in filing substitution is condoned.

Abatement is set aside.

Application for substitution is allowed.

IA NOS. 114057, 116768 AND 125755/2018 (APPLN. FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T.)

IA No.125755/2018-Application for exemption from filing official translation is allowed.

IA No.114057/2018- Application for Impleadment is allowed for this I.A. only.

IA NO.116768/2018-Learned counsel seeks to enter appearance for gas supplying agency and submits that the business is no more with the Gas Authority of India (GAIL) but with GAIL Gas Limited, a subsidiary thereof.

He accepts notice and seeks time to file four weeks to reply.

The State Government to file reply within two weeks thereafter.

List after eight weeks.

(9) IA NOS. 153974/2021 AND 91982/2022 (APPLN. FOR DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O AIRPORT AUTHORITY OF INDIA)

Application for exemption from filing official translation is allowed.

Heard learned counsel for the applicant, learned ASG for the Union of India and the learned Amicus.

It is pointed out that inter terms of the order dated 04.12.2019, the learned ASG on the issue of increase of air traffic had made a submission that a study would have to be undertaken in this behalf. It is sequiter to that that while passing orders on 11.12.2019, while granting Airport Authority of India permission to construct an additional terminal at the existing Agra Airport, an interdict was placed

against both the Airport Authority of India and the Central Government not to grant any permission to increase air traffic in Agra area.

The present application is now seeking removal of the aforesaid interdict.

It is submitted that the requisite studies have been undertaken by the Airport Authority of India as well as the Indian Government and concurrence has been obtained both of the Union of India and the State Government. The Airport Authority of India proposes to invest considerable funds in extension of the airport.

It is thus, submitted that the prerequisites for grant of permission to increase the airport traffic we are satisfied and permission may be granted so that the project takes off.

In view of the aforesaid while removing the interdict, it is made clear that all necessary permission including of the CEC shall be obtained for increasing the traffic.

Learned Amicus points out that there is already a bar of aircrafts flying over the Taj monument/other monuments.

The application is allowed accordingly and the order stands modified to that extent.

IA NOS.129921/2020-INTERVENTION, 129925/2020-FOR DIRECTIONS & 129926/2020-FOR EXEMPTION FROM FILING O.T.

Taken on Board.

Application for exemption from filing official translation is allowed.

Application for impleadment/intervention is allowed for this IA only.

IA No.129925/2020- List on 28.02.2023.

IA NO.44186/2020-CLARIFICATION/DIRECTION

Taken on Board.

List on 28.02.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)