

कार्यालय वन संरक्षक, आगरा वृत्त, आगरा ।  
पत्रांक 2984/14-1, आगरा, दिनांक, 18, फरवरी, 2021

सेवा में,

मुख्य वन संरक्षक/नोडल अधिकारी,  
उत्तर प्रदेश, लखनऊ।

विषय :- आगरा में फतेहाबाद रोड पर अबन्तीबाई चौराहे से कचौराघाट मार्ग किमी 10 से 11 तक को 6 लेन चौड़ीकरण हेतु 1.40 हे० संरक्षित वनभूमि के गैर वानिकी प्रयोग एवं उस पर अवस्थित 126 वृक्षों के पातन के सम्बन्ध में।

संदर्भ :- भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ का पत्रांक 8बी/यू.पी./06/08/2019/एफ.सी./640 दिनांक 18.02.2019, I-1299/UP/2020/Part-II/1007 Dated 16.02.2021 एवं आपके कार्यालय का पत्रांक 1680/11-सी-26962/2017 दिनांक 22.02.2019

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र के द्वारा विषयगत प्रस्ताव टी.टी.जेड. के अन्तर्गत प्रेषित है, इसमें 126 वृक्षों का पातन निहित है जिसके अनुपालन में मा० सर्वोच्च न्यायालय के आदेश दिनांक 29.01.2021 की छायाप्रति संलग्न कर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।  
संलग्नक :- उपरोक्तानुसार।

भवदीय,

(राकेश चन्द्र)

वन संरक्षक,

आगरा वृत्त, आगरा।

पत्रांक / समदिनांकित।

1- प्रतिलिपि उप महा निरीक्षक, केन्द्रीय पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, मध्य क्षेत्र, केन्द्रीय भवन, पंचम तल, अलौवर, को. नं. 1, नया बंगला, सं०-1299/UP/2020/Part-II/1007 Dated 16.02.2021 के क्रम में अनुरोध के साथ संलग्न सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्नक :- उपरोक्तानुसार।

2- प्रतिलिपि प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, आगरा के पत्रांक 4073/14-1 दिनांक 17.02.2021 के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

3- प्रतिलिपि अधिशासी अभियन्ता, नि०ख०-1 (ता०ट्रि०) लो०नि०वि० आगरा के सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(राकेश चन्द्र)

वन संरक्षक,

आगरा वृत्त, आगरा।

ITEM NO.4

1  
Court No.1 (Video Conferencing)

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)

((1) IA NOS. 107645, 107646 AND 107647/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(2) IA NO. 42482/2020 (APPLN. FOR MODIFICATION OF ORDER DT. 06.12.2019 ON BEHALF OF STATE OF U.P.)

(3) IA NOS. 72769 AND 72770/2020 (APPLNS. FOR PERMISSION AND EXEMPTION FROM AFFIXATION OF COURT FEE ON BEHALF OF STATE OF U.P.)

(4) IA NO D. NO. 31832/2020 (APPLN. FOR DIRECTIONS/PERMISSION ON BEHALF OF STATE OF U.P.)

(5) IA NO. 577/2017 FOR PERMISSION REGARDING CUTTING OF TREES ON BEHALF OF PUBLIC WORKS DEPTT, STATE OF U.P.)

(6) IA No. 46595/2017 (APPLN. FOR DIRECTIONS TO CUT/FELL TREES ON B/O POWER GRID CORPN. INDIA LTD.)

(7) I.A. 51269/2017 FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(8) IA NO. 19749/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(9) IA NO. 97081 AND 97085/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF U.P. PUBLIC WORKS DEPTT.)

(10) IA No. 136682 AND 136683/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAIL VIKAS NIGAM LTD.)

Validly Resolved  
Digitally signed by  
Madhu  
Date: 2021.03.04  
10:04:10  
Reason: (S)  
IA D. NO. 102976 AND 102977/2019 (APPLNS FOR PERMISSION REGARDING FELLING OF TREES ON B/O SANWARIYA GAS LTD.) "ONLY" IN W.P. NO. 13381/1984 ARE LISTED."

Date : 29-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Counsel for the parties:

In W.P.(C)295/2012 Mr. Gaurav Agrawal, Adv. (AC)

Petitioner-in-person

Applicant-in-person, AOR

Ms. Aishwarya Bhati, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Siddharth Krishna Dwivedi, Adv.  
Mr. Nitin Chowdary, Adv.  
Mr. Kamendra Mishra, AOR

Mr. Tushar Mehta, Ld. SG  
Mr. Saurabh Mishra, AOR  
Mr. Onkar Singh, Adv  
Ms. Neha Tripathi, Adv

Mr. Tushar Mehta, Ld. SG  
Ms. Aishwarya Bhati, Ld. ASG (Arguing Counsel)  
Mr. Gurmeet Singh Makker, AOR  
Mr. D L Chidananda, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. SS Rebello, Adv.  
Mr. Kanu Agrawal, Adv.  
Ms. Archana Pathak Dave, Adv.

Mr. S. Wasim A. Qadri, Sr. Adv.  
Mr. Tamim Qadri, Adv.  
Ms. Udit Singh, Adv.  
Mr. Lakshmi Raman Singh, AOR

Mr. Annam D. N. Rao, AOR

Mrs. Anil Katiyar, AOR

Mr. Vijay Panjwani, AOR

Mr. K. C. Jain, Adv.  
Mr. Rajesh Kumar, Adv.  
Mr. E. C. Agrawala, AOR

Mr. Atishi Dipankar, AOR

Mr. Ankur Prakash, AOR

Mr. Abhinav Shrivastava, AOR  
Mr. Karan Kohli, Adv.  
For M/S. GSI Chambers, AOR

Mr. Nikhil Goel, AOR

Mr. Pradeep Misra, AOR  
Mr. Suraj Singh, Adv.

Mr. Ajit Sharma, AOR

Dr. Ms. Vipin Gupta, AOR

Mr. P. Parmeswaran, AOR

Ms. Nidhi Tewari, Adv.  
Ms. Rachana Joshi Issar, AOR

Mr. Prashant Kumar, AOR

Mr. P. Narasimhan, AOR

Mr. Rajiv Tyagi, AOR

M/S. Manoj Swarup And Co., AOR

Mr. Ajay K. Agrawal, AOR

Ms. Mridula Ray Bharadwaj, AOR

Mr. Shiv Prakash Pandey, AOR

Ms. Laxmi Arvind, AOR

Ms. Suchitra Atul Chitale, AOR

Mr. Badri Prasad Singh, AOR

M/S. Lawyer S Knit & Co, AOR

Mr. Ravi Prakash Mehrotra, AOR

Mr. Sudhir Kulshreshtha, AOR

Mr. M. R. Shamshad, AOR

Mr. Vishwajit Singh, AOR

Mr. P. K. Manohar, AOR

Mr. Pradeep Misra, Adv.

Mr. Suraj Singh, Adv.

Ms. Rachna Gupta, AOR

Mr. Siddhesh Kotwal, Adv.

Mr. Divyansh Tiwari, Adv.

Ms. Ana Upadhyay, Adv.

Mr. Nirnimesh Dube, AOR

Ms. Mayuri Raghuvanshi, AOR

Mr. Abhinav Shrivastava, AOR

Mr. Abhishek Chaudhary, AOR

Mr. Gaurav Goel, AOR

Mr. Nischal Kumar Neeraj, AOR

Ms. Aparna Bhat, AOR

Mr. Gaurav Agrawal, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. Shantanu Krishna, AOR

Mr. Abhinav Agrawal, AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Ashutosh Kumar Sharma, Adv.

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

IA NOS. 107645, 107646 AND 107647/2020

Ms. Aishwarya Bhati, learned Additional Solicitor General prays and is granted two weeks' time to file reply affidavit.

List these I.As after two weeks along with following interlocutory applications mentioned by Mr. K.C. Jain, learned counsel :

1. I.A. Nos. 94794-94795 of 2019;
2. I.A. Nos. 112182/2019 with I.A. Nos. 112185 & 3186 of 2020;
3. I.A. Nos. 134453-134454 of 2019;

4. I.A. No. 171139 & 171142 of 2019;
5. I.A. Nos. 3419 & 3420 of 2020 with I.A. No. 3424 of 2020;
6. I.A. Nos. 4115 of 2020 with I.A. Nos. 4118 and 4119 of 2020;
7. I.A. Nos. 15274 of 2020 with I.A. Nos. 15276-15277 of 2020

I.A NO D. NO. 31832/2020

The contents of this application may be scrutinized by the Central Empowered Committee who may submit its response to it within a period of four weeks.

List the I.A. after four weeks.

I.A NOS. 72769 AND 72770/2020

Heard.

There is no dispute that the trees which have fallen due to strong cyclone/storm of 11.04.2018 and 02.05.2015 numbering 702 trees need to be removed from various locations of the District of Agra, U.P. Accordingly, we allow the applications in terms of prayer Clause (a) which reads as under:

"(a) grant permission to collect and remove 702 fallen trees from various location of District Agra, U.P. which fell due to strong cyclone/storm of 11.04.2018 and 02.05.2015".

As regards the general exemption from order dated 08.05.2015 for felling and disposal of diseased, dry, fallen and uprooted trees in the TTZ area, we are of the view that if any authority or person wishes to remove and dispose of diseased, dry and fallen or

uprooted trees in the TTZ area, <sup>6</sup> they shall make an application to the Central Empowered Committee giving an exact description and location of the fallen trees that are intended to be removed.

The CEC shall thereupon visit the site and inspect the trees and grant or deny permission and report the same to this Court. The report shall be placed before the Court along with the application made by the persons who intend to remove trees.

Interlocutory applications are disposed of accordingly.

I.A NO. 42482/2020

This application is allowed in terms of its prayer clause (a), (b) and (c) of para 10 which reads as under:

(a) That in para-8 of the Order, the word "macro" has been used. It may kindly be clarified to mean "medium", as the Ministry of Micro, Small and Medium Enterprises, Government of India, used the word "medium" in place of "macro". The said Notification dated 29.09.2006 of Ministry is annexed hereto and marked as ANNEXURE A/3.

(b) That in para-8 and 9 of the Order, the phrase "non polluting" has been used, which may kindly be clarified to mean the industries which are "compliant of all environment laws and norms in force" or Hon'ble Court may pass suitable order to clarify non-polluting industries.

(c) That in para-8 and 9 of the Order, the word "eco-friendly" has been used with reference to the industrial units. It would be appropriate if this Hon'ble Court may clarify that the term "eco-

friendly" to mean "use<sup>7</sup> of natural gas as an industrial fuel" as per judgment of 30<sup>th</sup> December 1996.

As regards prayers in clauses (d) and (e) of para 10 of the instant application, Ms. Aishwarya Bhati, learned Additional Solicitor General appearing on behalf of the State of U.P., seeks some time to place on record the categories into which the industries are divided according to the degree of air pollution involved.

List after one week.

I.A NO. 577/2017

List this interlocutory application after two weeks.

I.A.NO. 51269 Of 2017

Mr. Gaurav Agrawal, learned counsel appearing as amicus curiae in W.P.(Civil) No. 295 of 2012 states that the State of U.P. intends to make fresh realignment of the proposed road. We consider it appropriate to direct that the State of U.P shall ensure that the realignment of the proposed road is done in a manner which involves the felling of least number of trees as far as possible. The State shall bear in mind the observations made by this Court on the last occasion that even if the realignment results in the road not being straight, it can be accepted since straight roads entice people to go at high speeds increasing the risk of accidents. Realignment Plan may be

submitted within a period of three months.

List thereafter.

I.A No. 136682 AND 136683/2018

The Rail Vikas Nigam Limited has applied for permission to construct 3<sup>rd</sup> Rail Line between Mathura Junction to Jhansi. The proposed rail line is of about 274 km, out of which a stretch of 80 km goes to TTZ area. According to the Rail Vikas Nigam, the project will require permission to cut 4102 trees. It is submitted that laying of this line is necessary because the present track between Delhi to Mathura-Jhansi is totally choked and results in hours long delay.

We have heard learned counsel for the parties and we are of the view that it would be appropriate to permit 4102 trees to be cut and removed by the Rail Vikas for the purpose of laying the 3<sup>rd</sup> railway track. The permission is, however, being granted subject to the following conditions which are suggested by the Central Empowered Committee which reads as under:

- i) the felling of trees on the Right of Way identified for the project shall be limited to the bare minimum number and which is absolutely unavoidable;
- ii) that for felling of trees on non-forest Government land and non-forest private land the requisite permission of the competent authority under the Uttar Pradesh Protection of Trees Act, 1976 will be obtained;
- iii) the 41 Ha of land in village Chatikara near Vrindavan Station identified for taking up of Compensatory Planting shall be chain link fenced on a 2

9

feet high footwall and shall be handed over to the Forest Department of Uttar Pradesh for raising compensatory plantation;

iv) the cost of planting of 41000 sapling, that is ten times in lieu of 4102 trees required to be felled, and its maintenance for a period of 7 years as estimated by the State Forest Department shall be deposited with the UP Forest Department in a separate account in a public sector bank before permission for felling of trees is granted;

v) the Regional Office of MoEF&CC will monitor the implementation of Compensatory Planting Activity; and

vi) the Chairman, TTZ Authority shall take all the necessary measures to ensure that no felling of trees take place within the TTZ without first obtaining prior permission of this Hon'ble Court.

Order accordingly.

I.A No. 46595 OF 2017

The Central Empowered Committee is directed to submit its response to this application within a period of two weeks.

List thereafter.

I.A D. NO. 102976 AND 102977/2019

Mr. S. Wasim Quadri, learned senior counsel appearing for the applicant(s) submits that the applicant(s) does not wish to press these applications since it is difficult to bear the cost of complying with the condition(s) that are being imposed by the CEC on felling of trees. This seems to be one of those rare cases where

कार्यालय अधिशासी अभियन्ता  
निर्माण खण्ड-1 (ता0ट्रि0), लो0नि0वि0, आगरा  
(cd1pwdagra@gmail.com)

दिनांक \_\_\_\_\_

पत्रांक /

सेवा में-

प्रभागीय निदेशक,  
सामाजिक वानिकी प्रभाग,  
आगरा।

विषय :-

(ऑनलाइन प्रस्ताव संख्या- FWUP/Road/26962/2017)  
आगरा में फरोहाबाद रोड पर अबन्तौबाई चौराहे से कधीराघाट मार्ग के किमी0 10 से 11 तक का  
8 लेन चौड़ीकरण हेतु 1.40 हे0 संरक्षित वन भूमि का गैर वानिकी एवं उस पर अवस्थित 126  
वृक्षों के पातन के संबंध में।

संदर्भ:-

भारत सरकार पर्यावरण एवं जलवायु परिवर्तन मंत्रालय क्षेत्रीय कार्यालय, लखनऊ का  
पत्रांक-8बी/यू0पी0/08/2019/एफ0सी0/640 दि0 18.02.2019 एवं आपका पत्रांक  
3920/14-1 दि0 आगरा 21.02.2020

महोदय,

उक्त संदर्भित पत्रों का अवलोकन करने की कृपा करें, जिसके द्वारा विषयांकित मार्ग पर स्थित  
किमी0 11 में 126 नग वृक्षों के पातन की अनुमति प्रदान करने हेतु मा0 सर्वोच्च न्यायालय की अनुमति आवश्यक  
बताई गई थी। इस प्रकरण पर इस मार्ग पर किमी0 11 में स्थित 126 नग वृक्षों के पातन हेतु आई0ए0 संख्या  
97081/2018 पर दिनांक 29.01.2021 को मा0 सर्वोच्च न्यायालय द्वारा अनुमति प्रदान कर दी गई है (आदेश दि0  
29.01.2020 छायाप्रति संलग्न)।

अतः आपसे अनुरोध है कि विषयांकित मार्ग के किमी0 11 में स्थित 126 नग वृक्षों के पातन की  
अनुमति प्रदान कराने की कृपा करें।

संलग्न:-

मा0 सर्वोच्च न्यायालय के आदेश  
दि0 29.01.2021 की छायाप्रति 12 पृष्ठ।

(नरेश कुमार)

अधिशासी अभियन्ता  
नि0ख0-1(ता0ट्रि0), लो0नि0वि0,  
आगरा

दिनांक 02-02-2021

पत्रांक 342/17C

प्रतिलिपि :-

1. वन संरक्षक, आगरा वृत्त, आगरा को सूचनाार्थ एवं इस अनुरोध के साथ प्रेषित कि प्रकरण पर मा0  
सर्वोच्च न्यायालय द्वारा अनुमति प्राप्त हो चुकी है, अतः 126 नग वृक्षों के पातन की अनुमति प्रदान  
करने की कृपा करें।
2. श्री आई0वी0 शर्मा, सहायक अभियन्ता, नि0ख0-1(ता0ट्रि0), लो0नि0वि0, आगरा को आवश्यक  
कार्यवाही हेतु प्रेषित।

अधिशासी अभियन्ता

नि0ख0-1(ता0ट्रि0) लो0नि0वि0,  
आगरा