

(1998) 04 SC CK 0042

In the Supreme Court Of India

Case No : I.A. No. 52 in Writ Petition (C) No. 13381/84 (With Appln (s) . for directions) (With Office Report) (with R.P. (C) 291/98)

M.C. Mehta

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 21-04-1998

Acts Referred:

Citation : AIR 1999 SC 1501 : (1998) 9 JT 374 : (1998) 3 SCALE 663

Hon'ble Judges : S. Saghir Ahmad, J;S. C. Agrawal, J;A.P. Misra, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

(A) Parking of Vehicles.

1. Mr. Arvind Kumar, learned counsel appearing for the Western Gate Market Owners Association undertakes to file the deficit Court Fee within 2 days. He also states that he will serve the said application on the other sides during the course of the day.

2. The response of the Agra Development Authority in pursuance of the direction contained in the order dated 27th March, 1998 has not been received so far. Shri A.K. Srivastava, learned counsel for the said authority seeks more time to submit the response. The direction given by this Court has not been complied by the concerned authorities in the Agra Development Authority. By the said order, directions have been taken up lightly. In the circumstances, we consider it necessary that notice be issued to Vice-Chairman and Secretary, Agra Development Authority to show cause why action should not be taken against them for contempt of Court. Notice is returnable on May 1, 1998.

(B)Taj Hotel

3. In spite of the direction contained in the order dated 27th March, 1998 the ITDC has not filed the additional affidavit placing on record the relevant

documents indicating the title of the ITDC over the land on which restaurant stands and the date when the said restaurant was constructed. Shri Gopal Jain, learned counsel appearing for the ITDC states that the said affidavit will be filed within 3 days. 3 days time is granted to the ITDC to file the said affidavit.

(C) Taj Khema

4. The affidavit required to be filed on behalf of State of U.P. explaining the correct position with regard to the land on which the hotel Taj Khema was constructed being part of "reserved forest" area and that obtaining the sanction of the Central Government, as required under the Forest Conservation Act, 1980 and Indian Forest Act, 1927, has not yet been filed even though more than 3 weeks have elapsed since the passing of the order dated 27th March, 1998. Learned counsel for the State of U.P. submits that said affidavit shall be filed within one week. One week's time is granted to learned counsel for the State of U.P. to file the complete affidavit, as required under orders dt. 4th February, 1998 on or before 25th April, 1998.

(D) Slaughter House

5. From the affidavit of Shri M.S. Bhatnagar, Sr. Executive (TS), National Dairy Development Board (NDDB) dated 9th March, 1998 it appears that the Agra Nagar Nigam has already deposited Rs. 37.79 Lakhs with the Indian Railways on 24th January, 1998 but the actual work for the level crossing is yet to start. The delay appears to be on account of the failure on the part of the Railway authorities to take necessary action. It is directed that notice be issued to Divisional Superintending Engineer, Northern Railway, Allahabad and the General Manager, Northern Railway, Delhi to file an affidavit by May 1, 1998 explaining the delay in taking steps for the construction of level crossing.

6. Shri Agnihotri, learned counsel for the Agra Nagar Nigam States that all the formalities for the purpose of construction of the building for the slaughter house have been completed by the Agra Nagar Nigam and that the clearance from the Factory Inspector has to be obtained only after the building has been constructed.

7. (E) I.A.No. 52: Shri P.B.S. Sengar, Super in tendering Engineer, Agra Circle is present in Court. He seeks some time to file an affidavit explaining the whole position. One week's time is granted to file the affidavit.

8. I.A.Nos. 38, 45 listed on 27.4.98 shall now be listed on 1.5.1998.

9. List all the matters on 1.5.1998.