
(2002) 03 SC CK 0002

In the Supreme Court Of India

Case No : Writ Petition (C) 13381 of 1984

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 19-03-2002

Acts Referred:

Citation : (2004) 2 SCALE 681 : (2002) 2 SCALE 56 : (2002) 7 SCALE 420 :
(2002) 5 SCALE 4 : (2002) 4 SCC 378

Hon'ble Judges : M. B. Shah, J;D. M. Dharmadhikari, J;Brijesh Kumar, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Agra Slaughterhouse matter

1. List after 15 days.

2. Personal presence of the Secretary, Ministry of Environment for the time being is dispensed with.

IAs Nos. 302, 304-05

3. Heard the learned counsel for the parties. Considering the report dated 11.3.2002 submitted by the Joint Inspection Committee and observations made therein the following brick kiln-owners are permitted to operate temporarily their brick kilns on a specific condition that they would comply with the recommendations made by the Joint Inspection Committee within two weeks from today:

(i) M/s Chiranjilal Gautam Ent Udyog, Naugava, Shadabad (S. No. 11)

(ii) M/s Sohan Singh Jaidev Singh Ent Udyog, Naugava, Shadabad (S. No. 12)

(iii) M/s Bharat Ent Udyog, Susayan, Shadabad (S. No. 14)

(iv) Shadabad Brick Works, Kunjalpur, Shadabad (S. No. 15)

- (v) M/s Agarwal Brick Factory, Badhar, Shadabad (S. No. 17)
- (vi) M/s Fool Brick Field, Kupa Road, Shadabad (S. No. 20).
- (vii) M/s Shukla Brick Field, Nagla Khanjma, Sehapa, Shadabad (S. No. 22)
- (viii) M/s Tyagi Brick Works, Nagla Brahman, Shadabad (S. No. 23)
- (ix) M/s Tenguria Brick Field, Kutakpur Rohai, Shamsabad, Agra (S. No. 25)
- (x) M/s Sharma Brick Field, Gari Gushai, Badwara Kalan, Shamsabad, Agra (S. No. 27)
- (xi) M/s Shiv Lal & Co. Brick Field, Khander, Fatehabad, Agra (S. No. 28)
- (xii) M/s Shankar Brick Field, Gidron, Fatehabad, Agra (S. No. 29)
- (xiii) M/s Om Brick Field, Dharra, Fatehabad, Agra (S. No. 30)
- (xiv) M/s Jai Bhawani Brick Field, Toola Sahpur, Sahpur, Shamsabad, Agra (S. No. 31)

4. The following applicant brick kilns may be permitted to operate after compliance with the provisions of Recommendation 3 and the provisions of the notification dated 14.9.1999 under the Environment (Protection) Rules, 1986, regarding use of fly ash:

- (i) M/s Kishan Swaroop & Sons, Murshan, Hathras (S. No. 1)
- (ii) M/s Bihari Jee Ent Udyog, Rohai, Korna Road, Hathras (S. No. 2)
- (iii) M/s Giriraj Ent Udyog, Rohai, Hathras (S. No. 3)
- (iv) M/s Bhagwan Ent Udyog, Bamoli, Hathras (S.No. 4)
- (v) M/s Rawat Brick Field, Loheta, Hathras (S. No. 7)
- (vi) M/s Baldev Brick Field, Khora Hazari, Hathras (S.No. 8)
- (vii) M/s Swami Ent Udyog, Penkwara, Hathras (S.No. 9)

5. Based on Observation 18, the following brick kilns may not be allowed to operate beyond three seasons even after compliance with the provisions mentioned under recommendation 3:

- (i) M/s Shanti Brick Works, Bishana, Hathras (S.No. 5)
- (ii) M/s Kiran Ent Udyog, Bishana, Hathras (S. No. 6)
- (iii) M/s Pushp Brick Works, Sherpur, Shadabad, Hathras (S. No. 16)
- (iv) M/s Prakash Ent Udyog, Badhar, Shadabad, Hathras (S. No. 18)
- (v) M/s Ram Ent Bhandar, Nagla Shalem, Shadabad, Hathras (S. No. 24)
- (vi) M/s Kanta Prasad and Bros. Brick Kiln, Fatehabad, Agra (S. No. 26)

6. On failure to comply with any of the recommendations, they would not only be liable to be punished in accordance with law but their licence to run brick kiln would be cancelled permanently.

7. Learned Additional Solicitor General submits that with regard to the radial distance, the Surveyor General of India would submit his report with regard to the distance of brick kilns from the significant monuments within four weeks from today. (SIC) finally it is found that any of the brick (SIC)in/s is/are within 20 km of the radial distance then they would be directed to (SIC)se down the said brick kiln/s and/or to locate at some other place. With regard (SIC)the distance of Kasimpur Thermal Power (SIC)ition also necessary radial distance of brick kilns would be stated, if necessary, with the assistance of ISRO.

8. Stand over for four weeks.

IAs Nos. 306-26 and 328-30

9. Heard the learned counsel for the parties. With regard to the following 19 industries:

- (i) M/s Gajanan Udyog Sansthan, Badanpur Kotla, Jasrana, Firozabad (S.No. 6)
- (ii) M/s Shankar Ent Udyog, Biltigarh, Firozabad (S. No. 7)
- (iii) M/s Laxmi Brick Field, Aklabad, Hasanpur, Firozabad (S. No. 8)
- (iv) M/s Mahaveer Ent Batta, Ranukhers, Shikohabad, Firozabad (S,. No. 9)
- (v) M/s Yadav Ent Bhatta Udyog, Aklabad, Hasanpur, Firozabad (S. No. 10)
- (vi) M/s Ram Sahai Gramodhyog Seva Sansthan, Gonch, Firozabad (S. No. 12)
- (vii)M/s Chemeli Ent Udyog, Hathawant, Jasrana, Firozabad (S. No. 13)
- (viii)M/s Bajrang Brick Field, Ummargarh Imalia, Jalesar, Etah (S. No. 14)
- (ix) M/s Maa Kela Deva Brick Field, Dilokhara, Jalesar, Etah (S. No. 15)
- (x) M/s Ram Niwas Hrydesh Kumar, BKO Mushair, Jalesar, Etah (S. No. 16)
- (xi) M/s Bansal & Co. Arabgarh, Jalesar, Etah (S.No. 17)
- (xii)M/s Yadav Ent Udyog Mazra Jat, Jalesar, Etah (S. No. 18)
- (xiii)M/s Satyamev Brick Field, Sikrari Lalpur, Etah (S. No. 19)
- (xiv)M/s Rameshchandra Maheshchandra Bhatta Ent, Arabgarh, Firozabad Road, Jalesar, Etah (S. No. 20)
- (xv)M/s Radha Krishan Brick Field, Nagla Mitin, Dilokhara, Jalesar, Etah (S.No. 21)
- (xvi)M/s Bhagwan Ent Udyog, Bichpuri, Jalesar, Etah (S. No. 22)
- (xvii)M/s Vijay Brick Field, Isoli, Jalesar, Etah (S. No. 23)

(xviii)M/s Jai Shiv Brick Field, Bara Bhondela, Jalesar, Etah (S. No. 24)

(xix)M/s Krishna Brick Field (old name M/s Shashi Ent Udyog) Kushrai, Jalesar, Etah (S. No. 25)

the applicant industries are permitted to operate their brick kilns after complying with the recommendations made by the Joint Inspection Committee in para 6. In any case if the applicants start to operate brick kilns and subsequently if it is found that there is non-compliance with the recommendations then their licences to run brick kiln would be cancelled.

10. Adjourned for four weeks.

IAs Nos. 332-35 and 337-43

11. With regard to these IAs the Joint Inspection Committee to submit its report within three weeks.

IAs Nos. 120-23, 134-36 and 139-41

12. Heard the learned counsel for the applicants. It has been pointed out in the affidavit that the applicant industries are located in no-gas-zone area and, therefore, gas cannot be supplied to the applicant industries. It is also pointed out that if the applicants shift their industries in a gas-zone area, gas would be immediately supplied. In this view of the matter, these applications are rejected.

Agra Heritage Fund matter

13. Taken on board. List after two weeks.

14. Remaining matters on board adjourned for four weeks.