

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) NO.1072 OF 2020

V.K. MITTAL & ANR.

....PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

....RESPONDENT(S)

O R D E R

We have heard learned counsel appearing for the petitioners and learned counsel for respondent nos.1 to 5, 7 to 12 and 15. Respondent nos.6, 13, and 14 go unrepresented. But having regard to the scope of the controversy at the present stage, we shall proceed with adjudication of the dispute involved in this writ petition in their absence.

The petitioners in this writ petition framed as a public interest litigation essentially seek diverse directions upon different authorities for improvement of environment for Kaushambi and surrounding areas within the Ghaziabad Municipal Corporation, Uttar Pradesh. Orders have been passed in this writ petition from time to time and on 24.03.2021 this Court had constituted a Committee consisting of representatives of different statutory and public bodies in the State of Uttar Pradesh as well as the Government of NCT of Delhi for making a traffic management plan, which has direct or indirect impact on the environmental pollution. The committee was directed to be constituted so that a coordinated and concerted effort could be made by the authorities of both the jurisdictions to resolve the issue

through a unified approach.

It has been brought to our notice by the learned counsel for the parties that there has been substantial progress in that regard subsequent to the constitution of the said Committee. The Committee has also been meeting on a regular basis and the Traffic Management Plan has been submitted on behalf of the Committee. A copy of this plan has been made part of an affidavit captioned "Compliance Affidavit on behalf of the District Magistrate, Ghaziabad". Mr. Rana Mukherjee, learned Senior Counsel appearing on behalf of the administration submits that his clients are in the process of implementing this Traffic Management Plan. No objection to this management plan has been taken by any of the parties.

Mr. Gaurav Goel, learned counsel appearing for the petitioners, submits that there are two areas where improvements are still required. Otherwise, he has not referred to any other grievance or area of concern barring these two issues. He has pointed out that there are large number of buses of the Uttar Pradesh State Road Transport Corporation (UPSRTC) running on diesel, which is contributing to the environmental pollution in that area. Secondly, there are several instances of encroachment in the green zone which is required to be maintained under the Master Plan.

So far as pollution being caused by buses are concerned, Ms. Garima Prashad, learned Senior Counsel appearing for the respondent-UPSRTC, has submitted that her clients are in the process of phasing out buses running on fossil fuel, replacing them with buses running on CNG for short routes but for long routes, the existing buses are being replaced with BS-VI compliant vehicles. The reason for retaining fossil fuel buses in the long

route, as per her submission, is non-availability of CNG at distant places. She further submits that it will take some time to complete this process but the work has already commenced in that regard.

As regards encroachment into green zone, Mr. Mukherjee's submission is that the authorities are monitoring complaints of green zone encroachment, and the Ghaziabad administration will ensure that any encroachment in such zones would be cleared in due course. Particulars of such encroachment, however, were not brought to the notice of this Court at the time of hearing. Thus, no specific direction can be given in that regard. It would also not be practicable for this Court to give any time-frame in this regard as the nature and location of encroachment may change from day to day. We have to leave it to the authorities to take steps for preventing encroachment into green zones, and we direct the authorities to ensure proper maintenance of green zones in and around Ghaziabad.

Under these circumstances, we do not think any purpose would be served in keeping this writ petition pending. The traffic management plan entails step by step implementation of various remedial and corrective measures including control of haphazard parking activities and removal of encroachments. The said plan also incorporates decisions already taken for such implementation. It appears to us that implementation of the traffic management plan would redress substantial part of the petitioners' grievances highlighted in the present writ petition. Let the traffic management plan be implemented. In the event the petitioners have any further grievance over environmental degradation within and around the Ghaziabad Nagar Nigam areas, they shall be at liberty to approach the

jurisdictional High Court or the National Green Tribunal. We have been informed, in course of hearing, that the National Green Tribunal is also in seisen over similar complaints. The Tribunal may continue with such proceedings.

In view of this order, the Committee constituted by this Court vide order dated 24.03.2021 is hereby dissolved. They have already made their recommendations and these recommendations are in the process of implementation. In the event any further proceeding is initiated before any other forum, it shall be for such forum to decide as to whether the Committee shall be reconstituted or not. We direct that the Ghaziabad administration shall continue to monitor implementation of the traffic management plan.

With the aforesaid observations, the instant writ petition is disposed of. In the application for intervention, similar concerns on environmental degradation has been highlighted by the applicants thereof in respect of certain other areas of Ghaziabad. None, however, has appeared on behalf of the proposed intervenor at the time of hearing. The said application shall also stand disposed of.

Pending interlocutory application(s), if any, shall also stand disposed of.

.....**J.**
(ANIRUDDHA BOSE)

.....**J.**
(BELA M. TRIVEDI)

NEW DELHI;
NOVEMBER 15, 2022.

ITEM NO.16

COURT NO.12

SECTION X

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). 1072/2020

V.K. MITTAL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No. 93649/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA
No. 1849/2022 - INTERVENTION APPLICATION)

Date : 15-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Gaurav Goel, AOR

For Respondent(s) Mr. N. Venkataraman, Ld. ASG
Ms. Archana Pathak Dave, Adv.
Mr. Bhuvan Mishra, Adv.
Mr. Adit Khorana, Adv.
Mr. Gurmeet Singh Makker, AORMr. Rana Mukherjee, Sr. Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Ms. Vaidruti Mishra, Adv.
Mr. Kamendra Mishra, AOR

Mrs. Niranjana Singh, AOR

Ms. Garima Prashad, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Shadab Khan, Adv.
Ms. Kanishka Mittal, Adv.
Mr. Akshat Kaushik, Adv.
Ms. Pooja Agrawal, Adv.Mr. Saurabh Mishra, AOR
Mr. Aditya Mishra, Adv.
Ms. Priya Kaushik, Adv.Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. Manoj Kumar Sharma, Adv.

Mr. Praveen Swarup, AOR

Mr. K.P. Singh, Adv.

Mr. Joginder Singh Beriwal, Adv.

Mr. Dawneesh Shaktivats, Adv.

Ms. Mini Gangadharan, Adv.

Mr. S.R. Singh, Sr. Adv.

Mr. Kamendra Mishra, AOR

Mr. Ajay Yadav, Adv.

Mr. Neeraj Kumar Sharma, AOR

Mr. Raj Singh Rana, AOR (Not Present)

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

The instant writ petition is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, shall also stand disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(Signed Order is placed on the file)

(VIDYA NEGI)
ASSISTANT REGISTRAR