

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

M.A. NO.624 OF 2020
IN
WRIT PETITION(C) NO.286 OF 1994

B.L. WADEHRAPETITIONER(S)

VERSUS

UNION OF INDIA & ORS. . . .RESPONDENT(S)

AND IN THE MATTER OF :

NATIONAL CAPITAL REGION TRANSPORT
CORPORATION LIMITED (NCRTC)APPLICANT(S)

O R D E R

Interlocutory application being I.A. No.42512/2020 for impleadment is allowed and the applicant is impleaded as party respondent for the purpose of the instant interlocutory application being I.A. No.42514/2020 for modification of this Court's order dated 01.03.1996.

The newly added respondent viz., National Capital Region Transport Corporation Limited (for short, the 'NCRTC') has filed this application

being I.A. No.42514/2020 for permission to construct elevated viaduct of Delhi - Panipat RRTS corridor and underground/ramp work for Delhi - Alwar RRTS corridor through a small portion of the Millennium Park for execution of RRTS Project.

The occasion for seeking permission from this Court arises out of the judgment delivered by this Court in the case of *Dr. B.L. Wadehra vs. Union of India & Ors* [Writ Petition (C) No.286 of 1994] dated 01.03.1996. That case concerned with the generation and disposal of garbage in the city of Delhi. This Court considered the issue of Sanitary Land Fill Sites (for short, the 'SLFS') in Delhi and issued the following direction in paragraph 11 of the said judgment :

"11. The MCD shall not use the filled-up SLFs for any other purpose except forestry. There are twelve such sites including Rajiv Gandhi Smriti Van. We direct the MCD to develop forests and gardens on these 12 sites. The work of afforestation shall be undertaken by the MCD with effect from April 1, 1996. An affidavit shall be filed by the end of April indicating the progress made in this respect."

Thereafter, this Court, while dealing with RRTS projects in various corridors, in the case

of M.C. Mehta vs. Union of India & Ors - [Writ Petition (C) No.13029/1985) vide order dated 06.03.2019, approved the setting up of elevated RRTS station in the Delhi-Merrut RRTS Corridor project.

The newly added respondent viz., NCRTC has been entrusted with the task of setting up the rapid transport system. As part of the said task, NCRTC has stated on oath, that it is necessary to construct an elevated viaduct for locating what might be called a railway station. According to the NCRTC, it is necessary to construct this elevated viaduct on the land which is part of the Sanitary Land Fill and on which this Court has prohibited any activities other than for forests purposes.

We have heard Mr. A.N.S. Nadkarni, learned Senior Counsel appearing for the newly added respondent - NCRTC and perused the record. There are no contesting respondents to whom notice needs to be issued since the matter was disposed of way back in 1996.

Having regard to the aforesaid circumstances, we consider it appropriate to allow the instant application for modification. We accordingly direct that in modification of this Court's judgment/order dated 01.03.1996, the NCRTC is permitted to carry out the construction of an elevated viaduct of Delhi - Panipat Corridor etc., over an area of one acre in Millennium Park.

Ordered accordingly.

The instant miscellaneous application and pending interlocutory applications, if any, stand disposed of.

.....CJI
[S.A. BOBDE]

.....J
[A.S. BOPANNA]

.....J
[V. RAMASUBRAMANIAN]

NEW DELHI;
AUGUST 07, 2020.

ITEM NO.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
RECORD OF PROCEEDINGS

Miscellaneous Application No(s).624/2020 in W.P.(C) No.286/1994

B.L. WADEHRA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For IA No. 67107/2020 - APPLICATION SEEKING LISTING DUE TO EXTREME URGENCY AND EXEMPTION FROM FILING AFFIDAVIT and IA No. 42512/2020 - FOR IMPLEADMENT and IA No. 42514/2020 - FOR MODIFICATION OF THIS COURT'S ORDER DATED 01.03.1996)

Date : 07-08-2020 These applications were called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Siddarth Dave, Sr. Adv.
Mr. Devendra Kumar Singh, Adv.
Mr. Rajesh Katyal, Adv.
Mr. Baldev Attrey, Adv.
Mr. Karunakar Mahalik, AOR

For Respondent(s)

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

The interlocutory applications for impleadment and for modification are allowed in terms of the signed order.

The instant miscellaneous application and pending interlocutory applications, if any, stand disposed of,

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

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)