

M. C. Mehta

Vs

Union of India

Writ Petition (Civil) No. 12179 of 1985

(CJI P. N. Bhagwati, G. L. Oza JJ)

17.12.1986

ORDER

1. So far as the project of setting up godown or storage of hazardous and non-hazardous chemicals in the Antop Hill areas is concerned, the affidavit of Mr. S. K. Jagirdar, Under Secretary, Government of Maharashtra, Environment Department states that the Government of Maharashtra has appointed a Committee under the Chairmanship of the Chairman and the Managing Director of the Indian Rare Earth Limited, Bombay to make a thorough study of the proposal of the Antop Hill Corporation which proposes to construct the godown on the Antop Hill for storage of chemicals. The Committee has been requested by the government to give comprehensive recommendations after taking into account the various aspects. The outer time stipulated for the Committee to submit a report is December 21, 1986. Since this matter is affecting the health and the safety of the people living in the surrounding areas and the question in regard to the advisability of locating the godown on the Antop Hills has been raised by the petitioner in the present writ petition. We are of the view that an opportunity should be given to the petitioner to make his representation before the Committee and to be heard by that Committee on this important question. We would therefore, direct the Committee to give an opportunity to the petitioner to be heard before making the report. The petitioner will be entitled to be heard personally and also he may produce any experts for discussion with the Committee. Since this process may take some time we would ask the government to extend the time for the Committee to make its report up to February 28, 1987. The Committee will submit a report after taking into account the representations and submissions made by or on behalf of the petitioner. So far as the Garg Committee report submitted on March 10, 1985 is concerned the learned counsel for the Government of Maharashtra has stated before us that the State Government has accepted the report and is implementing the recommendations made in the report. According to the counsel some of the recommendations have already been implemented while others are being implemented. The state of Maharashtra will therefore file an affidavit by January 31, 1987 stating as to which recommendations contained in Garg Committee report have been implemented and in what manner, and if any recommendations remain to be implemented on that date then the time within which the State Government proposes to carry out its recommendations.

2. The learned counsel for the State of Gujarat has also produced a high power committee report which was asked for at the time of the last hearing and copies of this report have been handed over to the petitioner. The State Government will inform the court at the next hearing of the writ petition as to whether the State Government is accepting the report and is prepared to carry out the recommendations contained in the report.

3. The Committee for Implementing Legal Aid Schemes will initially provide a sum of Rs. 10,000

to enable him to make his recommendations and submissions before the Committee. The questions as to who should ultimately bear this costs will be decided at the time when the writ petition is finally heard. Copy of the order be sent to the Secretary of the committee for implementing Legal Aid Schemes. The writ petition is adjourned to January 19, 1987.

Court Master.

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