

M. C. Mehta

Vs

Union of India and Others

Writ Petition (Civil) No. 4677 of 1985

(Kuldip Singh, K. Ramaswamy JJ)

15.05.1992

ORDER

1. We reserved judgment in these matters on April 24, 1992. We heard learned counsel for the parties at considerable length for several days. We have been taken through the provisions of the Delhi Development Act, 1957, Master Plan for Delhi published in the Gazette of India dated August 1, 1990, the Delhi Development Authority (Zoning) Regulations, 1983, the Delhi Municipal Corporation Act, 1957, the Faridabad Complex Administration (Regulations and Development) Act, 1971, the Development Plan for the Faridabad-Ballabgarh Controller Areas published in the Haryana Government Gazette dated December 17, 1991, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act 1986, the National Health Policy, 1985, the Ancient Monuments Act, 1958, the National Capital Region Planning Board Act, 1985 and various other documents including reports of the Experts on air pollution and environments. The parties have submitted detailed written arguments which we have taken into consideration. We have given our thoughtful consideration to the various arguments advanced by the learned counsel for the parties.

2. We are conscious that environmental changes are the inevitable consequence of industrial development in our country, but at the same time the quality of environment cannot be permitted to be damaged by polluting the air, water and land to such an extent that it becomes a health hazard for the residents of the area. We are constrained to record that Delhi Development Authority, Municipal Corporation of Delhi, Central Pollution Control Board and Delhi Pollution Control Committee have been wholly remiss in the performance of their statutory duties and have failed to protect the environments and control air pollution in the Union territory of Delhi. Utter disregard to environment has placed Delhi in an unenviable position of being the world's third grubbier, most polluted and unhealthy city as per a study conducted by the World Health Organisation. Needless to say that every citizen has a right to fresh air and to live in pollution-free environments.

3. For the reasons to be recorded and pronounced at a later stage we order and direct as under :

(1) The mechanical stone crushers established/operating in Lal Kuan, Anand Parbat, Rajokri, Tughlakabad and in any other area of the Union territory of Delhi shall stop operating/functioning with effect from August 15, 1992. No stone crusher shall operate in the Union territory of Delhi from August 15, 1992 onward.

(2) The mechanical stone crushers, established/operating in Suraj Kund, Lakhanpur, Lakkarpur, Kattan, Gurukul, Badkhal, Pallinangla, Saraikhaja, Anangpur and Ballabgarh areas of Haryana shall stop operating/functioning with effect from August

15, 1992. No stone crusher shall operate in the above-said area from August 15, 1992 onward.

(3) The writ petitions filed by the owners/proprietors of stone crushers in the Delhi High Court which have been transferred to this Court shall stand dismissed with no order as to costs.

(4) The stone crushers in the Union territory of Delhi/Faridabad-Ballabgarh Complex which do not have valid licenses from the authorities under the Delhi Municipal Corporation Act, 1957/Faridabad Complex Administration (Regulations and Development) Act, 1971 or from any other authority which the law requires, shall stop functioning and operating with immediate effect.

(5) The stone crushers, in respect of which closure-orders/directions have been issued by the Central Pollution Control Board under Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 or by the Central Government under Section 5 of the Environment (Protection) Act, 1986, shall stop functioning/operating with immediate effect.

(6) The Delhi Development Authority through its Vice-Chairman and Commissioner (Planning), the Delhi Municipal Corporation through its Commissioner, Faridabad Complex Administration through its Chief Administrator, Director Town and Country Planning Department, Haryana, Deputy Commissioner Faridabad, Haryana Urban Development Authority through its Commissioner/Chief Executive, Central Pollution Control Board through its Member-Secretary, Central Government under the Environment (Protection) Act, 1986 and the Commissioner Police Delhi are directed to ensure the compliance with our above orders.

(7) The officers of the Town and Country Planning Department, Government of Haryana, who were present in Court, informed us that a new "crushing zone" has been approved at village Pali and the lay-out Plan has been prepared and is in the process of demarcation by the Haryana Urban Development Authority. The said "crushing zone" has been set up with the object of rehabilitating the existing stone crushers who are being stopped from functioning as a result of our orders. We, therefore, direct the State of Haryana through the Director, Town and Country Planning Department, Haryana, Chandigarh, the Chief Administrator Faridabad Complex Administration, the Deputy Commissioner, Faridabad and the Haryana Urban Development authority to demarcate, and allot the sites to the stone crushers mentioned in paras 1, 2, 4 and 5 above by draw of lots or by any other fair and equitable method. We further direct these authorities to provide additional land in or around the "crushing zone" if there is not sufficient land in the said zone to accommodate all the stone crushers affected by our orders. This exercise shall be completed and plots offered to the stone crushers within a period of six months from today. The Director, Town and Country Planning Department, Haryana, Chandigarh is further directed to send a progress report to the Registry of this Court before July 31, 1992 in this respect.

(8) We make it clear that our orders contained in paras 1, 2, 4 and 5 above are in absolute terms and are not dependent or consequential to our directions in para 7

above.

4. We are not finally disposing of the writ petition at this stage and we keep it pending for the purposes of monitoring the above directions. To be listed on August 5, 1992.

5. The copies of this order be sent to all the authorities mentioned in paras 6 and 7 above within two days.

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