

SUPREME COURT OF INDIA

M.C. Mehta [Non Conventional Energy And Agra Heritage Matter]

Vs.

Union of India (Uoi)

(M.B. Shah and Arun Kumar JJ.)

20.02.2003

ORDER

1. Heard the learned counsel for the parties.

2. Mr. Vijay Panjwani, learned counsel appearing for the Central Pollution Control Board has pointed out that on 18th January, 2003 this Court directed Officer-in-charge of Agra Municipality to see that *Municipal Solid Waste (Management and Handling) Rules, 2000* are strictly complied with and waste is removed within one week from the date of the Said orders. It has been pointed out that after observing the said rules for a period of one week again there is slackness on the part of the Officers of the Agra Nagar Nigam, Agra or the Officers of the Mission Management Board in following the said rules.

3. In our view, this is an unfortunate situation. These rules are required to be continuously followed. It cannot be said that the concerned authority would perform its duties as per the rules once a year or once a month. Hence the concerned officers are directed to strictly comply with the said rules. We also recommend the State to take appropriate action against the concerned officers who failed to discharge their duties.

4. Mr. Krishan Mahajan, learned counsel appearing as an Amicus Curiae in these matters pointed out that the Mission Management Board has permitted encroachments in the Western Gate parking area which was set up under the directions issued by this court. It has been contended by Mr. Ajay Aggarwal, learned counsel appearing on behalf of the Mission Management Board that encroachments, if any, have come up of their own and not because of permission granted by the Board. In our view, the submission of the learned counsel for the Board cannot be accepted because without the connivance of the authority such encroachments cannot come up over night. Even if encroachments come up it is their duty to remove them at the earliest. This also reveals failure on the part of the concerned officers to discharge their duties. Hence, we direct the Mission Management Board to clear up the entire encroachments within a week from today and the concerned D.S.P. is directed to assist the Mission Management Authorities in removal of such encroachments without any fear or favour.

5. Mission Management Board is directed to specify such officers who can be held responsible for discharge of their duties.

6. Stand over to 27th February, 2003.

IA 360

7. Learned counsel appearing on behalf of the applicant states that the applicant has complied with the recommendations made by the NEERI and the guidelines of Central Pollution Control Board and necessary consent has been given by the State Pollution Control Board.

8. In this view of the matter, Joint Inspection Committee to inspect the premises and submit its report within four weeks. Applicant to file necessary affidavit within a week from today.

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9. Heard the learned counsel for the parties. A Joint Inspection Committee to inspect the premises of the applicant within a period of six weeks from today and submit its report. To be listed thereafter.

Rest of the IAs

10. Adjourned to 27th February, 2003.