

T.N. Godavarman Thirumulpad

v.

Union Of India & Others

(Supreme Court Of India)

HON'BLE CHIEF JUSTICE MR. K.G. BALAKRISHNAN HON'BLE MR. JUSTICE S.H.
KAPADIA HON'BLE MR. JUSTICE AFTAB ALAM

T.N. Godavarman Thirumulpad v. Union Of India & Others

Interlocutory Application No. 2609-2610 In W.P.(C) No. 202 Of 1995 | 22-04-2010

1. The construction of the project at NOIDA is opposed by this public interest litigant inter alia on the ground that the site of the project was originally a forest area and about 6,000 trees were cut down for making constructions there. The felling down of the trees and the constructions would also have an adverse impact on the bird sanctuary lying very closely to the site of the project. This aspect of the matter was not properly examined by the Ministry of Environment & Forests (MoEF) as the project site, in its opinion, was not a forest area. However, in the affidavit filed by the MoEF before this Court it was stated:

“...in case the Hon’ble Supreme Court desires this project to be appraised from environmental angle, MoEF will be able to appraise the project based on the details and documents to be prepared and submitted by the project proponent (U.P. Government/NOIDA) and submit its recommendations including the necessary environmental safeguard measures require to minimize the likely adverse environmental impacts....”

2. MoEF is directed to make a study of the environmental impact of the project as stated in paragraph 4 of its affidavit. It should also suggest measures for undoing the environmental degradation, if any, caused by the project and the amelioration measures to safeguard the environment, with particular reference to the adjacent bird sanctuary.

3. The study report should be submitted within four weeks.

4. List the matter in the 2nd week of July, 2010.

5. A copy of this order be given to the applicant and the State of U.P.