

Vineet Kumar Mathur Vs. Union of India (Uoi) and ors.

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Court : Supreme Court of India

Decided On : Jan-16-2002

Reported in : (2002)10SCC573

Judge : G.B. Pattanaik and; R.P. Sethi, JJ.

Appeal No. : Writ Petition (C) No. 327 of 1990

Appellant : Vineet Kumar Mathur

Respondent : Union of India (Uoi) and ors.

Judgement :

G.B. Pattanaik and; R.P. Sethi, JJ.

1. In relation to the pollution of River Gomti, order has been passed by this Court on 7-11-2001† requiring the State of Uttar Pradesh to acquire necessary land in different cities through which the river passes, and after identifying land necessary for having the oxidation ponds, the appropriate civic body would be required to be issued further direction from the Court. An affidavit has been filed on behalf of the State of Uttar Pradesh deposed to by the Special Secretary, Nagar Vikas Vibhag, Government of U.P., indicating therein that acquisition has already been made fully in respect of some of the towns and partly in respect of some of the towns, but it has further been stated that in view of the policy decision of the high-level meeting of the National River Conservation Authority held on 13-3-2001, it may not be necessary for the State to identify the land in the towns referred to in our earlier

order until and unless the said authority (NRCA) includes the town in question for providing appropriate sewerage treatment plan by way of an oxidation pond. This stand of the State of Uttar Pradesh is wholly unreasonable, and whether NRCA includes the towns or not, since these towns have been identified to be the chief source of pollution for River Gomti, we consider it to be the State's obligation to provide necessary land required to have oxidation ponds. In the aforesaid towns, the State cannot be absolved of its liability on the pretext that no decision has been taken by the said National River Conservation Authority. We, therefore, direct the State of Uttar Pradesh to acquire the necessary land required in the aforesaid towns for having oxidation ponds, and complete the process of acquisition within three months from today. An affidavit be filed by the State of Uttar Pradesh indicating the identification of the land in the aforesaid towns and their acquisition so that further direction could be given with regard to providing funds for having the oxidation ponds. The affidavit required to be filed by the State of Uttar Pradesh must be served on Mr P.H. Parekh, who is the amicus curiae in this case.

2. List after three months.

Court Masters

[Cited Order]

(2002) 10 Supreme Court Cases 574

(Before G.B. Pattanaik and Doraiswamy Raju, JJ.)

(Record of Proceedings)

VINEET KUMAR MATHUR . . Petitioner;

Versus

UNION OF INDIA AND OTHERS . . Respondents.

WP (C) No. 327 of 1990, decided on November 7, 2001

ORDER

1. Affidavits have been filed indicating that the lands are available in Pilibhit, Sitapur and Barabanki for having the oxidation ponds, but it is not known about Jaunpur and Sultanpur. Though an affidavit has been filed on behalf of the State of U.P. indicating that Lakhimpur is not on River Gomti, but it would be advisable to have an oxidation pond in that town also. In that view of the matter, the State Counsel is directed to find out whether the land could be made available in the aforesaid three towns, namely, Lakhimpur, Sultanpur and Jaunpur within a period of four weeks from today.

2. We further direct that in the meantime, the State Counsel should call upon the appropriate civic body at Pilibhit, Sitapur and Barabanki to identify the land as required under the report dated 9-5-2001 given by CPCB.

3. Put up this matter after eight weeks.

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