

ITEM NO.14

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[5] INTERLOCUTORY APPLICATION NO. 38502/2018 (REPORT NO. 12 OF 2018 OF CENTRAL EMPOWERED COMMITTEE IN APPLICATION NO. 1417 OF 2018 FILED BEFORE IT BY THE NATIONAL HIGHWAYS AUTHORITY OF INDIA) IN RE : NATIONAL HIGHWAYS AUTHORITY OF INDIA AND

Date : 22-03-2018 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]

Mr. Sudipto Sircar, Adv.

Ms. Tulika Chikker, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Mr. S. W.A. Qadri, Adv.

Mr. Ritesh Kumar, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Zaid Ali, Adv.

Mr. Arun Kumar Yadav, Adv.

Mr. Amrish Kumar Sharma, Adv.

Mr. G.S. makker, Adv.

Mr. Ravindra Bana, Adv.

Ms. Gargi Khanna, Adv.
Mr. Baij Nath Patel, Adv.
Mr. G.S. Makker, Adv.

Mr. Haris Beeran, AOR

For S.No. [5] Ms. Pinky Anand, ASG
Mr. T.S. Sidhu, Adv.
Mr. Simranjeet Singh, Adv.
for M/S M.V. Kini And Associates

UPON hearing the counsel the Court made the following
O R D E R

INTERLOCUTORY APPLICATION NO. 38502/2018 (REPORT NO. 12 OF 2018 OF CENTRAL EMPOWERED COMMITTEE IN APPLICATION NO. 1417 OF 2018 FILED BEFORE IT BY THE NATIONAL HIGHWAYS AUTHORITY OF INDIA)

This is an application filed by the National Highway Authority of India seeking permission for utilization of an area of 12.28 hectares falling within the morphological ridge for improvement of T-Junction near Dhaula Kuan Metro Station including widening of National Highway from Dhaula Kuan upto end of Junction on NH-8 and improvement of T-Junction near Defence Area including widening of National Highway upto Defence area on NH-8.

The prayer made in the application as well as the contents of the application have been considered by the CEC in its Report No.12 of 2018 dated 13th March, 2018.

The CEC has recommended and accepted all the submissions made by the National Highways Authority of India(NHAI), subject to the following conditions:

(a) The NHAI shall deposit 5% of the project cost with the Ridge Management Board Fund and which amount shall be

used for conservation and protection of Delhi Ridge under the close supervision of the Forest Department of Delhi Government.

(b) The 21.52 hectares of land in Yamuna Flood Plain allotted by DDA for compensatory afforestation shall be handed over, free from all encumbrances, to the Forest Department of Government of NCT of Delhi; and

(c) the cost of raising 21,500 plants including chain-link fencing of 21.52 hectares of land referred to above shall be deposited in advance with the Forest Department of NCT of Delhi by the NHAI.

We accept the Report and recommendations made by the CEC. The recommendations made are also acceptable to the National Highways Authority of India.

Accordingly, the National Highways Authority of India will act on the basis of the Report. However, we make it clear that the 21.52 hectares of land in Yamuna Flood Plain allotted by DDA for compensatory afforestation shall be handed over, free from all encumbrances, to the Forest Department of the Government of NCT of Delhi within two weeks from today. List for compliance after four weeks.

Application stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER