

Writ Petition(s) (Civil) No(s). 230/2001

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ITEM NO.101

COURT NO.1

SECTION PIL

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). 230/2001

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln.(s) for may refer to remarks and early hearing and intervention and directions and directions and office report)

Date : 10/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Gopal Sankarnarayanan, Adv.
Mr. Vikramaditya, Adv.
Mr. Naresh Kumar, Adv.

For Respondent(s)

UOI Mr. J.S. Attri, Sr. Adv.
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Ms. Pragati Nekhara, Adv.

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

Under Rule 5 of the Wetlands (Conservation and Management) Rules, 2010 (for short, '2010 Rules'), the Central Government, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 constituted Central Wetlands Regulatory Authority (for short, 'Authority') consisting of the Chairperson and Members as mentioned therein. Some of the Members are by name. Nothing is available on record as to whether the Authority under 2010 Rules is functional as on date because

under sub-rule (2) of Rule 5, the tenure of the Authority has been prescribed of three years. Sub-rule (3) of Rule 5 confers upon such Authority powers and functions.

We are informed that National Wetland Inventory and Assessment Project sponsored by the Ministry of Environment & Forests, Government of India through Space Applications Centre, ISRO, Ahmedabad has undertaken the task in 2010 of making an inventory of all the wetlands in the country at scales of 1:50,000.

Mr. Gopal Sankaranarayanan, learned counsel for the petitioner, submits that in view of the extensive and comprehensive inventory of the wetlands in the country having been prepared, it is not necessary to have the exercise for identification and classification of wetlands done under Rule 6(2) and (4) of the 2010 Rules.

We would like to know the views of the Central Government in this regard and also whether the Authority under Rule 5 stands presently functional and, if yes, details of its

composition.

Mr. J.S. Attri, learned senior counsel for the Union of India, prays for time to seek instructions in this regard for informing the Court on the above aspects on the next date.

List the matter after four weeks.

Interlocutory Application No. 16 of 2014

An application being Interlocutory Application No. 16 of 2014 has also been made by the petitioner praying for diverse reliefs, *inter alia*, for direction to the Union Government and the respondents States to bar any permissions given for construction and infrastructure purposes in and around known wetland areas, replace the existing Committee with a Committee consisting of environmentalists, lawyers, experts and petitioner No. 1 to be regularly nominated by the Court and direct the Committee to demarcate priority areas and wetlands.

Let notice be issued on the interlocutory

application to the Union of India and the State Governments.

Dasti, in addition to the ordinary process, is permitted.

Notice may be served on the standing counsel for the Union of India and so also the standing counsel representing the various State Governments.

List the interlocutory application after four weeks with the main matter.

(RAJESH DHAM)
COURT MASTER

(RENU DIWAN)
COURT MASTER