

R 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  
RECORD OF PROCEEDINGS

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.  
Mr. S. Wasim A. Qadri, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. D.S. Mahra, Adv.

Mr. B. V. Balaram Das, Adv.

Mr. Abhijit Sengupta, Adv.

Uttar Pradesh Mr. Sanjay Visen, Adv.  
Mr. Abhishek Chaudhary, Adv.

Mr. Anil Kumar Jha, Adv.

Arunachal Pradesh

Signature Not Verified

Mr. Anil Shrivastav, Adv.

Digitally signed by

Rajesh Dham

Date: 2014.09.11

17:12:39 IST

Reason:

Mr. Rituraj Biswas, Adv.

West Bengal

Mr. Anip Sachthey, Adv.

Mr. Mohit Paul, Adv.

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Mr. Anuvrat Sharma, Adv.

Mr. Avijit Bhattacharjee, Adv.

Tamil Nadu

Mr. B. Balaji, Adv.

Mr. Rakesh Sharma, Adv.  
Mr. S. Anand, Adv.  
Ms. R. Shase, Adv.

Nagaland

Ms. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.  
Mr. Balaji Srinivasan, Adv.

Maharashtra

Ms. Asha Gopalan Nair, Adv.  
Mr. A.P. Mayee, Adv.

Mr. B. S. Banthia, Adv.

Telangana

Mr. P. Venkat Reddy, Adv.  
Mr. Sumanth Nookala, Adv.

Manipur

Mr. Sapam Biswajit Meitei, Adv.  
Mr. Ashok Kumar Singh, Adv.

Andhra Pradesh

Mr. Guntur Prabhakar, Adv.  
Ms. Prerna Singh, Adv.

Jharkhand

Mr. Tapesk Kumar Singh, Adv.  
Mr. Kumar Anurag Singh, Adv.  
Mr. Mohd. Waquas, Adv.

Mr. Gopal Singh, Adv.  
Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.  
Ms. Shubhra Rai, Adv.

Haryana

Mr. Manjit Singh, A.A.G.  
Ms. Nupur Choudhary, Adv.  
Ms. Vivekta Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Writ Petition(s)(Civil)

Mr. Kunal Verma, Adv.  
No(s). 230/2001

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Rajasthan

Mr. S.S. Shamsbery, A.A.G.  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Milind Kumar, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. P. V. Dinesh, Adv.

Mr. P. V. Yogeswaran, Adv.

Meghalaya

Mr. Ranjan Mukherjee, Adv.  
Mr. Subhro Sanyal, Adv.

Mr. R. Ayyam Perumal, Adv.

Mr. R. D. Upadhyay, Adv.

Mr. R. Nedumaran, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. S. Chandra Shekhar, Adv.

	Mr. Shiv Sagar Tiwari, Adv.
	Mr. Sibho Sankar Mishra, Adv.
	Mr. Sunil Fernandes, Adv.
Puducherry	Mr. V. G. Pragasam, Adv. Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.
Madhya Pradesh	Mr. Mishra Saurabh, Adv. Ms. Vanshaja Shukla, Adv. Mr. Ankit Kr. Lal, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. For M/s Arputham, nAruna & Co.
Assam	Ms. Vartika Sahay, Adv. For M/s Corporate Law Group
A & N Admn.	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
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Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal, Adv. Ms. Puja Singh, Adv. Ms. Preeti, Adv.  Ms. Kamini Jaiswal, Adv.
Kerala	Ms. Liz Mathew, Adv.  Ms. Sumita Hazarika, Adv.
Punjab	Mr. Sanchar Anand, A.A.G. Mr. Piyush Hans, Adv. Mr. Kuldip Singh, Adv.
Himachal Pradesh	Mr. Surya Narain Singh, A.A.G. 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 Writ Petition(s)(Civil) No(s). 230/2001

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

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

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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