

ITEM NO.301

COURT NO.6

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

I A N O S . 1 2 8 - 1 2 9 & 1 4 4 I N W . P (C) N o . 3 3 7 / 1 9 9 5

CENTRE FOR ENVIR. LAW, WWF-I
Vs.

...PETITIONER

U O I & O R S

...RESPONDENTS

[FOR MODIFICATION OF COURT'S ORDER DT. 28.4.2003 AND
EXEMPTION FROM FILING O.T AND ERMISION TO FILE REJOINDER AFFIDAVIT)

302. I A N O S . 3 0 5 1 - 3 0 5 3 I N W . P (C) N o . 2 0 2 / 1 9 9 5 [FOR INTERVENTION,
DIRECTIONS AND EXEMPTION FROM FILING

303. I . A . N O . 9 2 5 W I T H C O N M T . P E T . (C i v i l) N o . 1 9 3 / 2 0 0 1 ,
I . A . N O . 1 1 2 7 I N 9 2 5 A N D I . A . N O . 4 I N C O N M T . P E T . (C i v i l) N O . 1 9 3 / 2 0 0 1
I n W . P (C) N o . 2 0 2 / 1 9 9 5
(WITH APPLN.(S) FOR DIRECTIONS)

304. I . A . N O S . 3 0 9 4 - 3 0 9 5 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND PERMISSION FOR CARRYING OUT CONSTRUCTION)

305. I . A . N O S . 3 0 4 7 - 3 0 4 8 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT/DIRECTIONS AND EXEMPTION

306. I . A . N O . 2 0 6 6 @ C O N T . P E T . (C) N O . 1 3 3 / 2 0 0 7
I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR DIRECTIONS)

307. I . A . N O S . 2 9 0 2 - 2 9 0 3 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

308. I . A . N O S . 2 9 0 4 - 2 9 0 5 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

309. I . A . N O S . 2 9 0 6 - 2 9 0 7 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

310. I . A . N O S . 2 9 0 8 - 2 9 0 9 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

311. I . A . N O S . 2 9 1 0 - 2 9 1 1 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

2

312. I . A . N O S . 2 9 3 5 - 2 9 3 6 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS/STAY)

313. I . A . N O S . 1 2 6 7 - 1 2 6 8 A N D 1 3 9 5 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR DIRECTIONS, IMPLEADMENT AND RECOMMENDATIONS OF CEC)

314. I . A . N O . 1 4 2 1 I N 7 0 3 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR DIRECTIONS)

315. I . A . N O S . 2 7 4 1 - 2 7 4 2 I N W . P . (C) N o . 2 0 2 / 1 9 9 5
(FOR IMPLEADMENT AND DIRECTIONS)

316. I.A.NOS. 2228-2229, 2575-2576, 2577-2578
(FOR IMPLEADMENT AND PERMISSION)

317. I.A.NOS. 3127-3128 IN W.P.(C)No.202/1995
(FOR IMPLEADMENT AND DIRECTION)

318. IA NO.5 IN SLP(C)No.20154/2011
(FOR DIRECTIONS)

319. IA NO. 3 IN SLP(C)No.21461/2011
(FOR DIRECTIONS)

320. IA NOS. 26-27 IN SLP(C)No.21463-21464/2011
(FOR DIRECTIONS)

321. SANDALWOOD MATTERS

I.A.NOS. 1287, 1570-1571, 1624-1625, 1978,
2395, 2795-2796 In W.P(C)No.202/1995
(REPORT OF CEC, IMPLEADMENT, DIRECTION AND EXEMPTION)
WITH
I.A. Nos. 2470-2471, 2472-2473, 2474-2475
2476-2477, 2966-2967 IN 1287
IN W.P.(C)No.202/1995

(FOR IMPLEADMENT AND DIRECTIONS AND DIRECTION FOR BRINGING ON
RECORD CERTAIN SUGGESTIONS)

322. MOUNT ABU

PART HEARD

I.A.NO. 972 IN I.A.757, 1042-1045
2949 IN 757 AND I.A.NO. ...IN I.A.NO. 757 IN WP(C)NO.202/1995

(DIRECTION, IMPLEADMENT, STAY, EXEMPTION FROM FILING O/T,
3

RECOMMENDATION OF CEC AND PERMISSION TO FILE OBJECTIONS TO THE
FINAL NOTIFICATION DATED 25.6.2009)

323. IA NO.100 IN W.P(C)No.337/1995
(FOR INTERVENTION)

324. I.A.NOS. 1308, 1323,1455, 1468, 1478 IN W.P(C)No.202/1995

(FOR DIRECTIONS, INTERVENTION AND EXEMPTION FROM FILING O.T)

325. ASKOT MUSK DEER SANCTUARY

I.A. NO.1791-1792 IN W.P.(C)No.202/1995

(FOR PERMISSION TO DEMARCATE BOUNDARIES OF ASKOT MUSK DEER
WILDLIFE SANCTUARY AND EXEMPTION FROM FILING O.T.)

326. SLP(C)No.28519/2008

(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

Date: 09/09/2011 These IAs were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For appearing parties:

Mr. P.S. Narasimha, Sr. Adv. (A.C.)

Mr. Gaurav Agrawal, Adv.

Mr. K. Parameshwar, Adv.

Mr. P.K. Manohar, Adv.

Mr. Haris Beeran, Adv.

301 Mr. T.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. Anil Kr.Sharma, Adv.
Mr. Harish Kr. Khinshi, Adv.
Mr. Vipin Maheshwari, Adv.
Mr. S.N. Terdal, Adv.

Mr. Anil Grover, Adv.

4

Ms. Noopur Singhal, Adv.

Mr. Savitri Pandey, Adv.
Mr. Shekhar Raj Sharma, Adv.
Mr. Kamlendra Mishra, Adv.

Mr. Manjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.

Mr. Raj Panjwani, Sr. Adv.
Mr. Vijay Panjwani, Adv.
Mr. Aditya Shamlal, Adv.

Ms. Anil Katiyar, Adv.
Mr. S.Q.A. Qadri, Adv.

Mr. Sakesh Kumar, Adv.
Mr. Rohit Singh, Adv.
Ms. K.V. Bharathi Upadhyay, Adv.

Mr. S.N. Terdal, Adv.

Mr. D.S. Mahra, Adv.

Mr. Haris Beeran, Adv.
Mr. Amer Mushtaq, Adv.

302 Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Gaurav Nair, Adv. for
M/s. K.J. John & Co.

Mr. Ramesh Babu M.R., Adv.

Mr. S.K.Saijpal, Adv.
Mr. J.K.Mishra, Adv.
Mr. S.N. Terdal, Adv.

303 Mr. P.K. Manohar, Adv.

Ms. Sangeeta Kumar, Adv.

Mr. Dayan Krishnan, Adv.
Mr. Gautam Narayan, Adv.
Mr. Varun Mishra, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. T.V.S. Raghavendra Sreyas, Adv.

Mr. R. Nedumaran, Adv.

5

Mr. K.K. Mani, Adv.

Mr. V. Ramasubramanian, Adv.

Mr. Pratap Venugopal, Adv. for
M/s. K.J. John & Co.

Ms. Srikala Gurukrishna Kumar, Adv.

Mr. Subramonium Prasad, Adv.

Mr. R. Ayyam Perumal, Adv.

Mrs. Manik Karanjawala, Adv

Mrs. Prabha Swami, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. R.N. Karanjawala, Adv.

Ms. Manik Karanjawala, Adv.

Ms. Ruby Singh Ahuja, Adv.

Mr. Jatin Mongia, Adv.

Mr. Siddhanth Kochhar, Adv. for
M/s. Karanjawala & Co.

Mr. R. Ayyam Perumal, Adv.

Mrs. Prabha Swami, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. S. Srinivasan, Adv.

Mr. E.M.S. Anam, Adv.

Mr. C.N. Sree Kumar, Adv.

Mr. Naveen R. Nath, Adv.

Mr. Joseph, Adv.

Mr. Prashant Kumar, Adv.

Mr. B.S. Iyengar, Adv.

Mr. L.K. Pandey, Adv.

Mrs. Revathy Raghavan, Adv.

Mr. L.C. Agrawala, Adv.

Mr. Shhiv Prakash Pandey, Adv.

6

Mr. S.N. Terdal, Adv.

Mr. Tarun Johri, Adv.

Mr. D.S. Mahra, Adv.

305

Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv. for
Mr. C.S. Ashri, Adv.

Ms. Asha G. Nair, Adv.

306

Mr. Sushil Kr. Jain, Adv.

Mr. Anil Srivastav, Adv.
Mr. Rituraj Biswas, Adv.

Dr. Manish Singhvi, Adv.
Mr. Milind Kumar, Adv.
Mr. Irshad Ahmad, Adv.

307 to 312

Mr. H.P. Raval, ASG
Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Ms. Shagun Matta, Adv.

State of Orissa

Mr. Shibhashish Mishra, Adv.

Mrs. Anil Katiyar, Adv.
Mr. Ranjit Singh, Adv.

Dr. Manish Singhvi, Adv.
Mr. Milind Kumar, Adv.

for MOEF

Mr. Harish Beeran, Adv.

Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Mohan Jain, ASG
Mr. D.K. THakur, Adv.
Mr. A. Deb Kumar, Adv.
Mr. S.N. Terdal, Adv.

Mr. V. Giri, Sr. Adv.
Mr. K.V. Mohan, Adv.
Mr. Md. Sadique, Adv.

7

Mr. K.V. Balakrishnan, Adv.

Dr. Manish Singhvi, Adv.
Mr. Milind Kumar, Adv.

Mr. Hemantika Wahi, Adv.
Mr. Ashwani Kumar, Adv.
Ms. Suveni Banjeree, Adv.

313 Mr. Satish Agnihotri, Adv. (not present)

Mr. Ashok Kumar Singh, Adv.

Mr. Rajiv Mehta, Adv.

Mr. Navnit Kumar, Adv. for
M/s. Corporate Law Group

Mr. C.K. Sasi, Adv.

- 314 Mr. Anil Srivastava, Adv.
Mr. Tony Pertin, Adv.
- 315 Mr. Atishi Dipankar, Adv. (not present)

Mr. Navnit Kumar, Adv. for
M/s. Corporate Law Group

- 316 Mr. Ranjit Kumar, Sr. Adv.
Mr. Aarohi Bhalla, Adv.
Ms. Sujata Kurdukar, Adv.

Mr. Abijit Prasad, Adv.
Mr. Garvesh Kabra, Adv.

Mr. Rajneesh Vats, Adv. for
Mr. Shivaji M. Jadhav, Adv.

Ms. Asha G. Nair, Adv.

- 317 Mr. Gaurav Kejriwal, Adv.
Ms. Suyash Chawla, Adv.

Mr. Shibhashish Mishra, Adv.

- 318 Dr. Rajeev Dhawan, Sr. Adv.
Mr. Gautam Narayan, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. T.V.S.Raghavendra Sreyas, Adv.

Mr. Raj Panjwani, Sr. Adv.

8

Mr. Aditya Shamlal, Adv.
Mr. Ritwick Dutta, Adv.

Caveator in person (not present)

Ms. Aparna Bhat, Adv.

- 319 Mr. Sridhar Potaraju, Adv.
Mr. Kailash Pandey, Adv.
Mr. G. Ganjmei, Adv.

Caveator in person (N.P.)

- 320 Mr. Sridhar Potaraju, Adv.

Caveator in person (N.P.)

- 321 Mr. Mohan Jain, ASG
Mr. D.K. Thakur, Adv.
Mr. A. Deb Kumar, Adv.
Ms. Mudrika Bansal, Adv.
Mr. Karthik Ashok, Adv. for
Mr. S.N. Terdal, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. M.P. Maharia, Adv.

Ms. Sangeeta Kumar, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. T.N. Rao, Adv.

Mr. Zagar Sadique, Adv.
Mr. Anil Vyas, Adv. for
Mr. Balraj Dewan, Adv.

M/s. Aruputham Aruna & Co.

Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Bipin Kalappa, Adv.
Mr. M.N. Krishna, Adv.
Mr. N. Ganapathy, Adv.

Mr. Bishwajit Dueby, Adv.
Ms. Anushree Tripathi, Adv. for
M/s. Suresh A. Shroff & Co.

Mr.G. Prakash, Adv.
9

Mr. Subramonium Prasad, Adv.

Mr. T.V. George, Adv.

Mr. Sumit Goel, Adv.
Ms. Rukmini Bobde, Adv. for
M/s Parekh & Co.

322 Ms. Rekha Pandey, Adv.
Mr. Anil Katiyar, Adv.
Mr. Ranjit Singh, Adv.

Ms. Meera Mathur, Adv.

Mr. V. Shekhar, Adv.

Mr. Jatin Zaveri, Adv.

Ms. Pratibha Jain, Adv.

Mrs. Anil Katiyar, Adv.

Mr. D.S. Mahra, Adv.

Mr. Rauf Rahim, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. Milind Kumar, Adv.

323 Mr. T.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. S.N.Terdal, Adv.
Mr. Vijay Panjwani, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Vibha Dutta Makhija, Adv.

Mr. D.S. Mahra, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Suveni Banerjee, Adv.

324 Dr. Manish Singhvi, Adv.
Mr. Milind Kumar, Adv.

Mr. Asha G. Nair, Adv.

Mr. Krishnanand Pandey, Adv.

Mr. Ratnakar Dash, Adv.
Mr. Manoj Kr. Mishra, Adv.
Ms. Savitri Pandey, Adv.
Mr. Kamalendra Mishra, Adv.

Mr. Rahul Verma, Adv.
Ms. Rachna Srivastava, Adv.

Mr. D.K. Sinha, Adv.

Mr. Gopal Singh, Adv.

Mr. Anil Srivastava, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Suveni Banerjee, Adv.

Mr. Navnit Kumar, Adv. for
M/s. Corporate Law Group

Mr. R.S. Jena, Adv.

Mr. T.V. George, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Prashant Bhushan, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Shibhashish Mishra, Adv.

325 Mr. Rahul Verma, Adv.
Ms. Rachna Srivastava, Adv.

326 Mr. Gopal Singh, Adv.

Mr. Subhro Sanyal, Adv.

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

Item No. 301: IA Nos. 128-129 & 144:

As prayed, four weeks' time is granted to file report
of National Board for Wild Life.

List immediately thereafter.

11

Item No. 302: IA Nos. 3051-3053:

List these I.A.s after four weeks.

Item No. 303: IA No. 925 with C.P. (C) NO. 193/2001, IA
No. 1127 in 925 and IA No. 4 in C.P.(C) No. 193/2001:

Post these I.As after two weeks.

Learned counsel appearing for the state of Tamil Nadu

would take instructions in the meantime.

Item No. 304: IA Nos. 3094-3095:

Post these I.As after three weeks.

Item No. 305: IA Nos. 3047-3048:

Post these I.As after four weeks.

Item No. 306: IA No. 2066 @ CP (C) No. 133/2007:

Central Empowered Committee is directed to file its report within four weeks.

Post this I.A. after four weeks.

Item Nos. 307 to 312:

IA Nos. 2902-2903, 2904-2905, 2906-2907, 2908-2909, 2910-2911 and 2935-2936:

Issue notice.

Mr. Haris Beeran, advocate accepts notice on behalf of Ministry of Environment and Forest and Mr. Shibhashish Mishra, advocate accepts notice on behalf of State of Orissa.

Mr. H.P. Raval, learned Additional Solicitor General appearing for the applicants submits that the application
12

under Section 2 of the Forest (Conservation) Act, 1980 is pending consideration since 2008 onwards after its re-submission. He further submits that subsidiaries of Coal India Limited are operating all the mines in question and the entire N.P.V. payment has already been deposited.

In the facts and circumstances, the license already granted to the applicants stands extended by one month.

The notices dated 14.6.2010 and 24.6.2010 issued by the Divisional Forest Officer, Sambalpur North Forest Division, Sambalpur shall stand stayed for a period of four weeks.

Post these I.As. after two weeks.

Item No. 313: IA Nos. 1267-1268 and 1395:

1. These applications have been preferred by the

applicant contending that undue favour has been shown to M/s. Hill Trade Agencies and its sister concerns by North Cachar Hills Autonomous Council in respect of harvesting of bamboo from forest areas under its administrative control.

2. The applicant made a prayer in these applications to initiate inquiry into various allegations made in the I.As.

3. Under directions given by this Court, Central Empowered Committee has submitted its report.

4. It is stated in the report of Central Empowered Committee that the applicant has not been able to provide any material document to establish that the Council has

13

violated this Court's orders, the Forest (Conservation) Act, relevant State Government's Act or any other rules or regulations governing felling and transportation of bamboo.

It is further stated in the report that this application was filed to further the business interest of a third party.

5. Considering the facts and circumstances of this case and the view expressed by the Central Empowered Committee, we find no reason to further prosecute this matter. These applications lacks merits and, therefore, stand dismissed.

However, we would like to give a direction to the State Government to take note of the observations made by the Central Empowered Committee in para 12 of its report and to take suitable action according to law.

6. Applications are, accordingly, dismissed.

Item No. 314: I.A. No. 1421 in 703:

1. This application has been filed by the State of Arunachal Pradesh seeking permission of this Court to de-reserve 134.2 sq. km of Deopani Reserve Forest in Arunachal Pradesh in lieu of 163 sq. km. of dense forest area as Senzen Reserve Forest and also for the consequential relief.

2. A detailed report has been filed by the Central Empowered Committee. The recommendations of the C.E.C. are

given in para 16 which we extract hereunder:

"Keeping in view that (a) the extenuating circumstances under which the encroachment has taken place sixty years ago (b) these are eligible for
14

regularization in terms of the MoEF's guidelines dated 18.9.1990 and exempted from the payment of the NPV pursuant to this Hon'ble Court's orders dated 28.3.2008 and 9.5.2008 (c) in lieu of the forest land to be reserved in the present case, an area of 163 sq. Kms of dense/very dense forest have been notified as Senzen Reserved Forest and (d) the MoEF has granted 'in principle approval' for the proposal, it is recommended that this Hon'ble Court may consider permitting de-reservation of 134.20 sq. Kms. of Deopani Reserved Forest in the Lower Dibang Valley Project, District Roing, Arunachal Pradesh for regularisation of pre-1980 encroachments subject to the condition that formal approval under the FC Act for regularization of encroachments and de-reservation of Reserved Forest will be obtained."

3. On the recommendations of the Central Empowered Committee, this application is allowed in terms of the prayer made therein.

Item No. 315: I.A. Nos. 2741-2742:

Due to lapse of time, the prayer made in these applications does not survive.

I.As. are, accordingly, dismissed.

Item No. 316: I.A. Nos. 2228-2229, 2575-2576, 2577-2578:

At the request of Mr. Ranjit Kumar, learned senior counsel appearing for the applicant, list these I.As. on 16.9.2011.

15

Item No. 317: I.A. Nos. 3127-3128:

At the request of learned counsel appearing for the applicant, post these I.As. next week.

Item Nos. 318 to 320:

I.A. No. 5 in SLP (C) NO. 20154/11, IA No. 3 in SLP (C) No. 21461/11 and IA Nos. 26-27 in SLP (C) Nos. 21463-21464/11.

Post these I.As. after four weeks.

In the meantime, applicants are directed to take steps to serve the unserved respondents through dasti.

Interim order dated 15.7.2011 to continue for a further period of four weeks.

Item No. 321: I.A. Nos 1287, 1570-1571, 1624-1625, 1978, 2395, 2795-2796:

As prayed, written submissions to the report of Ministry of Environment and Forest may be filed by learned Amicus Curiae before 16.9.2011. Applicants are also permitted to file their response to the report filed by Ministry of Environment and Forest before 16.9.2011

List these I.As. on 16.9.2011.

Item No. 322: I.A. No. 972 in IA 757, 1042-1045, 2949 in 757 and IA No...in IA No. 757:

Mr. Sushil Kumar Jain, learned counsel appearing for the applicant resumed his arguments at 3.p.m. and was on his legs when the Court rose for the day leaving the matter as

16

part-heard.

List on 16.9.2011 as part-heard.

Item Nos. 323 to 326:

Not taken up today.

(Pardeep Kumar)
Court Master

(Veena Khara)
Court Master

17

ITEM NO.MM-1

COURT NO.6

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA Nos. 3-4 in SLP (C) Nos. 17150-51 of 2011

R. VISHNU RAM SARAVANAVEL & OTHERS

Petitioner(s)

VERSUS

STATE OF T.N. AND OTHERS

Respondent(s)

with

IA Nos. 3-4 in SLP (C) Nos. 17155-17156 of 2011 and IA. No. 2
SLP (C) No. 17160 of 2011.

in

Date: 9/09/2011 These IAs were mentioned today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For appearing parties:

Mr. P.S. Narasimha, Sr. Adv. (A.C.)

For applicants:

Mr. V. Giri, Sr. Adv.
Mr. K.V. Mohan, Adv.

UPON being mentioned counsel the Court made the following

O R D E R

Post these I.As. after four weeks.

In the meantime, applicants are directed to take
steps to serve the unserved respondents through dasti.

Interim order dated 15.7.2011 to continue for a further
period of four weeks.

Tag with SLP (C) No. 20154 of 2011.

18

(Pardeep Kumar)
Court Master

(Veena Khera)
Court Master