

ITEM NO.3

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

IA Nos.2 & 92, 52&95, 54, 67& 76, 83-84, 37, 100, 104-105, 116-118,
119-121, 122-123, 128-129, 130-131, 133 and 135-136
IN WRIT PETITION (CIVIL) NO(s). 337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(For modification of Court's Order dated 13.11.2000 and recommendations of CEC in I.A.NO.67 and directions and intervention and bringing on record addl. Facts and correction of Court's order dated 06.02.2008 and permission to implement Pakal Dal Project and impleadment and exemption from filing O.T. and substitution of LRs and impleadment and direction and office report)

Date: 12/01/2010 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE DR. JUSTICE B.S.CHAUHAN

For Petitioner(s) Mr. Raj Panjwani, Adv.
Mr. Vijay Panjwani, Adv.

For Respondent(s)/
Applicants/Respondents: Mr. Ejaz Maqbool, Adv.

Mr. T.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. S.W.A. Qadri, Adv.
For Mr. D.S. Mahra, Adv.
For Mr. P. Parmeswaran, Adv.
For Mr. A.K. Sharma, Adv.
For Mr. S.N. Terdal, Adv.

Mr. Ajay Pal, Adv.

Mr. S. Joseph Aristotle, Adv.
For Mr. V.G. Pragasam, Adv.

Mr. Rohen Singh, Adv.

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Mr. Ramesh Mishra, Adv.
For Mr. Sanjay R. Hegde, Adv.

Mr. Kamal Mohan Gupta, Adv.
Mr. Rajnish Kr. Singh, Adv.
Mr. Mayank Nigam, Adv.
For Mr. T.V. George, Adv.

Mr. Saurav Kirpal, Adv.
Ms. Vandna Mishra, Adv.
Mr. Ashutosh Kr. Sharma, Adv.

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For Mr. Rajiv Mehta, Adv.

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Mr. Ranjan Mukherjee ,Adv

Ms.Momata Oinam,Adv.
Mr. Riku Sarma, Adv.
For M/S Corporate Law Group ,Adv

Mr. Manish Kumar, Adv.
For Mr. Gopal Singh, Adv.

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Mr.Rupesh Kaushik, Adv.
For Mrs. Lalita Kaushik,Adv.

Mr. Jana Kalyan Das ,Adv

Mr. Annam D.N. Rao ,Adv

Mr.S.S.Shamsherry, Adv.

For Ms. Rachana Srivastava ,Adv.

Ms. Anitha Shenoy ,Adv

Mr. Amit Kumar ,Adv

Mr. Debasis Mishra, Adv.(NP)

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Mr. A.P. Mayee, Adv.(NP)

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Mr. Rajeev Dubey, Adv.

for Mr. Shail Kr. Dwivedi, Adv.

For Mr. Kamalendra Mishra, Adv.

For Mr. Anil Kr. Jha, Adv.

Mr. B.S. Banthia, Adv.

Mr. Vikas Upadhyay, Adv.

Mr. R. Sathish, Adv.

Mr. P.V. Dinesh, Adv.

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Mr. Manish Kumar, Adv.

Mr. Nitin Bhatia, Adv.

Mr. Sakesh Kumar, Adv.

Mr. Rohit Singh, Adv.

For Ms. K.V. Bharathi Upadhyaya, Adv.

Mr. Milind Kumar, Adv.

Mr. V. Vasudevan, Adv.

Mr. P. Prasanth, Adv.

For Mr. T. Harish Kumar, Adv.

Mr. Niraj Sharma, Adv.

Mr. V.K. Sidharthan, Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

I.A. Nos. 2 & 92:

All the States which have not filed their status reports are directed to file the same within six weeks.

MoEF is directed to file an affidavit dealing with the difficulties expressed by various State Governments in terms of the order passed by this Court on 11.01.2007.

I.A. Nos. 37 & 52:

The State of Uttarakhand wants to file its response regarding the alleged construction of power house inside the

wildlife protection area. I.A.No.52 relates to the rehabilitation of about 1400 Gujjar families occupying the land within the Rajaji National Park. We are told that some of the families have already been shifted but still large number of families are to be shifted to the place of rehabilitation. The State is requested to take steps in this regard within a short time and is directed to file an

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affidavit as to what steps have been taken by it in this regard within a period of six weeks.

I.A.NO.95:

Certain lands in the wildlife protection area were leased out to the Irrigation Department and Jal Vidyut Nigam of the State of Uttarakhand. We are told that about 120 unauthorised occupants have settled therein. The State is directed to file an affidavit of its stand in this regard within a period of six weeks.

I.A.No.54:

Report awaited from the National Board for Wildlife. List after receipt of the same.

I.A. Nos.67 & 76:

Report awaited from the National Board for Wildlife. List after receipt of the same.

I.A. Nos. 83-84 & 135-136:

I.A.Nos.135-136 are allowed.

The State Forest Department has made its recommendation to the Forest Advisory Committee. F.A.C. to take a decision regarding the encroachment. F.A.C.'s recommendation is awaited. List after receipt of the report of F.A.C. If the Government has not sent the proposal already, it is directed to send the same to the F.A.C. Within six weeks.

I.A.No.100:

De-link and list separately on 11.02.2010.

I.A.Nos. 104-105:

Report awaited from the National Board for Wildlife. List after receipt of the same.

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I.A.Nos.116-118 & 199-121:

The State of Uttarakhand has not submitted the proposal in the prescribed format to the MoEF. The State is directed to submit the proposal accordingly within six weeks. To be listed after the receipt of the report.

I.A.Nos.122-123:

Applicant is not present. Adjourned.

I.A.Nos.128-129:

The construction of Adwa-Meja link canal was approved by the National Board for Wild Life subject to certain conditions. The main condition being the shifting of 10 villages. The State had agreed to rehabilitate the people of the said 10 villages, but now it is stated by the State that it is not feasible and the project could be implemented even without the shifting of the villages. Therefore, the matter should again go to the N.B.W.L. for exploring the feasibility of the proposal. N.B.W.L. to examine the matter and give its report within a period of six weeks.

I.A.Nos.130-131:

As regards the Dhauladhar Wildlife Sanctuary, the applicant has not submitted its proposal in the prescribed format to the State. The applicant may send its proposal in the prescribed format to the State and the State in turn send the same to the MoEF. MoEF may consider the same within a period of six weeks. List after the receipt of the report of MoEF.

I.A.NO.133:

Adjourned.

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(G.V.Ramana)
Court Master

(Veera Verma)
Court Master