

ITEM NO.1

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA Nos.101, 103, 104-105, 106&107, 46-47 & 51, 108 in 46,58-60
AND 34 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, being joined as respondent, interim relief, permission to file affidavit, impleadment and exemption from filing O.T. and report of CEC)

Date: 11/03/2008 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BEL MR. JUSTICE J.M. PANCHAL

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

For Respondent(s)/

Applicants/Respondents: Mr.K.Radha Krishnan, Sr.Adv.
Mr.Niraj Sharma, Adv.

Mr. T.S. Doabia, Sr.Adv.
Ms. Kiran Bhardwaj, Adv.
For Mr. D.S. Mahra, Adv.
Mr.P.Parmeswaran, Adv.

Mr.Siddhartha Dave, Adv.
Ms. Vibha Datta Makhija, Adv.
Ms.Jemtiben, Adv.

Mr.Shail Kr.Dwivedi, Adv.

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Mrs.Vanana Mishra, Adv.

Ms. Rachana Srivastava, Adv.
Mr.A.P.Sahay, Adv.

Mr.Debasis Mishra, Adv.(NP)

Mrs. Asha G.Nair, Adv.

Ms.Rachana Srivastava, Adv.
Mr.Mohd.Fuzail Khan, Adv.
Mr. Anil Kumar Jha, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A.No.101:

By this application, the applicant seeks permission to lay pipeline through the Kedarnath Wildlife sanctuary. The pipeline is being laid as a part of the drinking water scheme to villages Sari and Karokhi villages in District Rudraprayag with an estimated cost of Rs.98.99 lacs. As it is for a benevolent purpose to provide drinking water and it is also submitted that it would not cause any harm to the wildlife in the sanctuary, the same is approved, subject to the sanction of the National Board for Wildlife. The applicant may furnish all the details to the National Board for Wildlife and the National Board for Wildlife may look into the same and pass necessary orders.

Application is disposed of accordingly.

I.A.No.103:

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Post before the Forest Bench in the month of April, 2008.

Meanwhile, the applicant is permitted to file the additional documents, if any.

I.A.NOS.104-105:

The applicant may furnish the entire proposals to the National Board for Wildlife within four weeks. Awaiting response from the National Board for Wildlife, list after six weeks.

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I.A.No.106:

Six weeks time is granted for response of the National Board for Wildlife.

I.A.No.107:

Post along with the connected I.A. which is pending before the Forest Bench.

Learned counsel appearing for the State of Uttaranchal submits that the demarcation of the Askot Wildlife Sanctuary is pending consideration before the C.E.C. and any decision would be taken only after the response of the C.E.C. is received.

Adjourned by four weeks.

I.A.Nos.46-47,51,108 with I.A.34:

The applicant Shri Sureshwari Devi Mandir Prabandhak Samiti seeks certain directions by way of these applications. The applicant contends that a temple by name

Sureshwari Devi Mandir is situated inside the Rajaji National Park at Haridwar. It is alleged that

the temple is of ancient origina and a lot of devotees are worshipping the temple. The applica nt

prays that regular poojas are being conducted in the temple and lot of devotees come everyday

to offer prayers. The applicant prays that the poojas may be conducted and the devotees may

be allowed to visit the temple. Learned counsel appearing for the State of Uttaranchal

submitted that some people in the name of temple have erected structures and they are

unauthorised. She also contended that ts the temple is within the Rajaji National Park,

permission to enter the sanctuary area could be restricted as per the provisions of

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Section 27 of the Wildlife Protection Act, 1972. If at all any permission is granted to stay i n the

temple premises for any purpose, permission is to be obtained from the Chief Wildlife Warden

under Section 28 of the said Act.

The applicant would be at liberty to make suitable application within two weeks before the Chief Wildlife Warden giving out the details of the acts intended to be performed within the temple premises and the Chief Wildlife Warden may pass appropriate orders within a reasonable time. Till such time the pujari may carry on the regular poojas from 6.00 a.m. to 8.00 p.m. Any devotees entering the temple to conduct their prayers would be allowed to enter the temple premises. It is made clear that there shall not by any unauthorised constructions i n

the area. If there are any unauthorised structures other than the temple, the Chief Wildlife Warden or any other appropriate authority would be entitled to take any steps/action in accordance with law.

The applications are disposed of accordingly.

I.A.Nos. 58-60:

Applications are rejected.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master