

ITEM NO.2

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

I.A.NO.65 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 directions and office report)

Date: 25/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE D.K. JAIN

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

For Respondent(s) Ms.Kiran Bharadwaj, Adv.

Mr.Wasim A.Qadri, Adv.

For Mr.D.S.Mahra,Adv.

Mrs.Anil Katiyar, Adv.

For applicant(s) Mr.S.S.Shinde, Adv.

For Mr.R.K.Adsure, Adv.

UPON hearing counsel the Court made the following

O R D E R

The State of Maharashtra has filed the present application seeking permission to lay down the pipeline in a part of the Pench National Park/Tiger Reserve of a length of about 2.8 k.m. Relating to Sagar Nalla Minor Irrigation Project, using about 1.48 hectares. The total area of the Pench National Park is 25512.192 ha. and the interference in the National Park would be only to an extent of less than 0.01%. The Ministry of Environment and Forests has raised some objections stating that the laying

2

of the pipeline would cause

3

disruption to the animal movement and reduction in habitat quality and would cause damage to the ecological features of the National Park.

We had requested the National Board for Wildlife to give their response but we are told that the National Board for Wildlife has not so far been constituted. Learned counsel for the petitioner submitted that this project is part of a minor irrigation project for giving supply of water to the agriculturists in Nagpur district who are badly in need of the water. It is also submitted that there was large scale scarcity of water and some

farmers have committed suicides as a result of failure of rains and non-

availability of water for agricultural activities.

Under the above circumstances, we grant permission to the concerned authorities of the State of Maharashtra lay down the pipeline through the Pench National Park subject to the condition that they shall not cause the minimum disturbance to the ecological features or to the animal movement in the national park while laying the pipeline. They may also enter the National park as and when any repair work is required. They shall also furnish the details of the work to the Director, Pench National Park, before hand so that he can cooperate with the project. It is also made clear that they shall not use more than 1.48 ha. of land from the Pench National Park for this purpose.

I.A.No.65 is allowed to the extent indicated above.

(G.V.Ramana)

Court Master

(Veera Verma)

Court Master