

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

RECORD OF PROCEEDINGS

I.A. NOS.13,27,33-37,38-41,43-55,57-61,63,65,67

IN I.A. NO.2,69-71,73-74,76 IN 67 IN

WRIT PETITION (Civil) NO. 337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

(For exemption from filing O.T., directions/modification of order dated 13/11/2000, intervention, modification of order dated 22/08/1997, impleadment/directions, restoration and recommendations of Central Empowered Committee in I.A. No.67)

Date: 26/07/2005 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr. Raj Panjwani,Adv.

Mr. Vijay Panjwani,Adv.

For Respondent(s)

Mr. Aruneshwar Gupta,Addl.AG.,Rajasthan.

Mr. Naveen Kumar Singh,Adv.

Mr. Alok Bachawat,Adv.

Ms. Vibha Datta Makhija, Adv.

Mr. Jana Kalyan Das, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. R. Ayyam Perumal, Adv.

Mr. S. Vallinayagam, Adv.

Mr. Biswanath Aggarwalla, Adv.

Mr. Rajiv Mehta, Adv.

Mr. G. Prakash, Adv.

...2/

- 2 -

Mr. A. Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

for M/s. Arputham, Aruna and Co., Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Pradeep Misra, Adv.

Mr. Pramod Dayal, Adv.

Mr. Anil Shrivastav, Adv.

Mr. Saurabh Shrivastav, Adv.

Ms. Banusri V., Adv.

Ms. Hemantika Wahib, Adv.

Ms. Sadhana Sandhu, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Ashok Mathur, Adv.

Mr. D.S. Mahra, Adv.

Ms. Sunita R. Singh, Adv.

Mr. B.B. Singh, Adv.

Mr. Manoj Saxena, Adv.

Mr. Amit Meharia, Adv.

Mr. Debojit Bokakati, Adv.

Mr. Mohan Prasad Meharia, Adv.

Ms. A. Subhashini, Adv.

Ms. Kamini Jaiswal, Adv.

Ms. Shomila Bakshi, Adv.

Mr. V.G. Pragasam, Adv.

Mr. S.W.A. Qadri, Adv.

Ms. Anil Katiyar, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Amit Kumar, Adv.

Ms. Krishna Sarma, Adv.

Mr. V.K. Sidharthan, Adv.

Mr. Atul Kumar, Adv.

Mr. Riku Sarma, Adv.

for M/s. Corporate Law Group, Advs.

Mr. J.S. Attri, AAG, HP.

Mr. U. Hazarika, Adv.

Mr. Satya Mitra, Adv.

Ms. Sumita Hazarika, Adv.

Mr. Sarup Singh, Sr. AAG. Pb.

Mr. Rajeev Sharma, Adv.

..3/-

- 3 -

Mr. Manjeet Singh, Adv.

Ms. Vivekta Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr. Harikishan Kataria, Adv.

Mr. Sanjay Rathee, Adv.

Mr. T.V. George, Adv.

Mr. Ajay Siwach, Adv.

Mr. Pardeep Dahiya, Adv.

Mr. K.D. Singh, Adv.

for Ms. Kavita Wadia, Adv.

Ms. Sushma Suri, Adv.

Mr. Avatar Singh Rawat, AAG., Uttaranchal

Ms. Rachna Srivastava, AAG., Uttaranchal

Mr. Ajatshatru, Adv.

Ms. Sandhya Goswami, Adv.

Mr. Ajit Pudussery, Adv.

Mr. K.R. Sasiprabhu, Adv.

Ms. G. Indira, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Ashok Desai, Sr. Adv.

Mr. Ravindra K. Adsure, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. G.L. Sanghi, Sr. Adv.

Mr. Ashwani Garg, Adv.

Mr. Vijay Kumar, Adv.

Mr. P.N. Misra, Sr. Adv.

Mr. Anil Kumar Jha, Adv.

Ms. Rachana Joshi Issar, Adv.

Mr. Ashok K. Srivastava, Adv.

Mr. Niraj Sharma, Adv.

Mr. S. Prasad, Adv.

Mr. Anis Suhrawardy, Adv.

Mr. R.K. Rathore, Addl. AG., Pb.

Mr. Arun Kumar Sinha, Adv.

Mr. Krishnaraj, Adv.

Mr. N. Rajaraman, Adv.

Mr. R.S. Suri, Adv.

Mr. Ranjan Mukherjee, Adv.

..4/-

- 4 -

Mr. B.V. Niren, Adv.

Mr. M. Veerappa, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Shankar Divate, Adv.

Ms. Pinky Anand, Adv.

Mr. Rajesh Pathak, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No.13:

List the interlocutory applications after six weeks.

I.A. No.27:

Further time is sought on behalf of the Union of India to file the

response. Let it be filed within four weeks.

List the application thereafter.

I.A. No.33:

Board for

Report of the Standing Committee of the National

Wild Life shall be supplied to Mr. Raj Panjwani, learned advocate, and the learned advocate for the State of Maharashtra.

I.A. No.35:

Let the Union of India file its response within four weeks.

List the application thereafter.

I.A. No.53:

Standing

Mr. A.D.N. Rao, learned counsel, states that the

Committee for the National Board for Wild

....5/-

- 5 -

Life has rejected the proposal of the State Government. Let a copy of the Report be given to the learned advocate for the State, who would be at liberty to file response within four weeks.

I.A. No.36:

The Ministry of Environment and Forests is granted four weeks' time to file its affidavit.

I.A. Nos.54-55:

Mr. A.D.N. Rao, learned counsel, states that the Standing Committee of the Board has rejected the proposal. Let a copy thereof be supplied to the learned counsel for the applicant and also be placed on

record. Let the State to it respond within four weeks.

List the applications thereafter.

I.A. No.57:

Mr. A.D.N. Rao, learned counsel, states that the Report of the Standing Committee is awaited.

List the application after eight weeks.

I.A. No.37:

Mr. A.D.N. Rao, learned counsel, states that the site inspection has been done and certain conditions have been imposed by the Standing Committee. Let the same be placed on record with a copy to the learned counsel for the State who may file response within four weeks.

I.A. No.52:

The application is adjourned.

6/-

...

- 6 -

I.A. No.61:

It is stated that in terms of order dated 30th August, 2004, a sum of Rupees five crores have been deposited. No further orders are required to be passed on this application. It is disposed of accordingly.

I.A. No.63:

Mr. A.D.N. Rao, learned counsel, states that the Report is awaited.

List the application after eight weeks.

I.A. Nos.34,38,39,40,41,48-50,I.As.46,47,51, I.As.43,
44,45 and I.As.58-60:

List the applications after eight weeks.

I.A. No.65:

The Report of the Standing Committee is awaited.

List the application after eight weeks.

I.A. No.67:

The Central Empowered Committee has filed its
recommendation which has been registered separately as I.A. No.76. The
learned counsel for the Corporation seeks four weeks' time to file its
response. Ordered accordingly.

List the application along with I.A. No.76 after four weeks.

I.A. Nos.69-71:

List the applications along with I.A. No.34.

Response of the State of Uttaranchal may be filed within fo
ur
weeks.

/-

...7

- 7 -

I.A. No.73:

The matter is still to be placed before the Standing Committee of
the Board.

List the application after eight weeks.

I.A. No.74:

The application is referred for consideration to the Standing Committee of the National Board for Wild Life.

List the application after eight weeks.

I.A. No.75:

The application is referred for consideration to the Standing Committee of the National Board for Wild Life. It shall also be considered by the Central Empowered Committee. The Central Empowered Committee and the Board shall independently examine and file their Reports within eight weeks.

I.A. No.77:

The matter is referred to the Standing Committee of the Board.

List the application after receipt of the Report.

Mr. Raj Panjwani, learned counsel, has drawn our attention to the order passed by this Court on 22nd August, 1997 whereby the State Governments and Union Territories were directed to issue proclamation under Section 21 of the Wild Life (Protection) Act in respect of sanctuaries/National Parks within two months and complete the process of determination of rights and acquisition of land or rights as contemplated by the Act within a period of one year.

...8/-

- 8 -

The learned counsel submits that for some time after passing of the said order, some of the State Governments had been filing affidavits regarding the action taken in terms of the said order but they have now

stopped filing the affidavits, the result whereof is that it is not known as to what further steps have been taken for completing the process of determination of rights and acquisition of land or rights as contemplated by the Act in terms of the said order.

Let Mr. Raj Panjwani, learned counsel, prepare a brief note placing on record up-to-date position and file it a week before the next date of hearing, which would be considered on the next date of hearing.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master