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W.P(C)No. 337 OF 1995

ITEM No.63

Court No. 6

SECTION PIL

A/N MATTER

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

IA No 30-32 In Writ Petition(Civil) No.337/1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

(For permission for transfer of land, impleadment and exemption from filing O.T. and office report)

(Along with the Report of Central Empowered Committee)

Date : 22/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. AGRAWAL

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

Mr. Iqbal Shamsi, Adv.

Mr. Vijay Panjwani, Adv.

For Respoendent (s)

UNION OF INDIA Mr. Kirit N. Raval, S.G.

Mr. A.D.N. Rao, Adv.

Mr. R.N. Poddar, Adv.

Mr. Rajeev Sharma, Adv.

Mr. B.V. Balaram Das, Adv.

Mr. P. Parmeswaran, Adv.

STATES OF

ASSAM Ms. Krishna Sarma, Adv.

Ms. Asha G. Nair, Adv.

Mr. V.K. Siddharthan, Adv.

Mr. NG. J.R. Luwang, Adv. For

M/s Corporate Law Group, Advs.

ARUNACHAL PRADESH M/s Anil Srivastava, Adv.

BIHAR Ms. Sunita R. Singh, Adv.

Mr. B.B. Singh, Adv.

UT of CHANDIGARH Ms. Kamini Jaiswal & Ms. Shomila Bakshi, Advs.

CHATTISGARH Mr. Prakash Shrivastava, Adv.

GOA Ms. A. Subhashini, Adv.

GUJARAT Ms. Hemantika Wahi, Adv.

Ms. Aruna Gupta, Adv.

HIMACHAL PRADESH Mr. J.S. Attri, Adv.

HARYANA Mr. Praveen Kumar Rai, Adv.

Ms. Kavita Wadia, Adv.

JAMMU & KASHMIR Mr. Anis Suhrawardy, Adv.

JHARKHAND Mr. Ashok Mathur, Adv.

KARNATAKA Mr. Sanjay R. Hegde, Adv.

KERALA Mr. K.R. Sasiprabhu, Adv.

MADHYA PRADESH Mr. Satish K. Agnihotri, Adv.
Mr. Sakesh Kumar, Adv.

MAHARASHTRA Mr. S.S. Shinde, Adv.
For Mukesh K. Giri, Adv.

MANIPUR Mr. M. Veerappa & Mr. B.V. Viren, Adv.

MEGHALAYA Mr. Ranjan Mukherjee, Adv.

MIZORAM Mr. Hemantika Wahi, Adv.
Ms. Aruna Gupta, Adv.

NAGALAND Ms. Sumita Hazarika, Adv.
Mr. U. Hazarika, Adv.
Mr. Kamal Shankar, Adv.

NCT of DELHI Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

ORISSA M/s J.R. Das, Swetaketa Mishra, Gourang Biswal &
Ms. Moushumi Gahlot, Adv.

PUNJAB Mr. R.K. Rathore, Addl. Adv. Genl.
Mr. R.S. Suri, Adv.

UT OF PONDICHERY Mr. V.G. Pragasam, Adv.

RAJASTHAN Ms. Sandhya Goswami, Adv.

SIKKIM Mr. A. Mariarputham &
Ms. Aruna Mathur, Adv. For
M/s Arputham, Aruna & Co., Adv.

TAMIL NADU Mr. P.N. Ramalingam, Adv.
Mr. V. Balaji, Adv.
Ms. T.S. Santhi, Adv.

TRIPURA Mr. Gopal Singh, Adv.

UTTAR PRADESH Mr. R.C. Verma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Manish Shanker, Adv.
Mr. K.L. Janjani, Adv.

UTTARANCHAL Ms. Rachna Srivastava, Adv.

WEST BENGAL M/s Tara Chandra Sharma, Rajeev Sharma, Ajay
Sharma & Ms. Neelam Sharma, Adv.

UTS OF ANDAMAN,
LAKSHADWEEP, DADRA
& NAGAR HAVELI, DAMAN
& DIU Ms. Sunita Sharma, D.N. Ray & Mr. D.S. Mahra, Adv.

Mr. G. Prakash, Adv.

Mr. R.C. Verma, Adv.

Mr. Rajiv Mehta, Adv.
Mr. S.V. Deshpande, Adv.
Mr. Rajeev Kumar Sharma, Adv.
Mr. Vishwajit Singh, Adv.
Mr. Anil Kumar Tandale, Adv.
Ms. V.D. Khanna, Adv.
Mr. Jana Kalyan Das, Adv.
Mr. Aruneshwar Gupta, Adv.
Mr. Ajit Pudussery, Adv.
Mr. Vishwajit Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to the order of this Court dated 5th September, 2003, made in I.A. Nos. 30-32, the Central Empowered Committee (C.E.C.) after inspection has filed its Report dated 19th September, 2003. Let this Report be registered as a separate Interlocutory Application.

The C.E.C. has recommended grant of permission to the applicant-Uttaranchal Pey Jal Nigam for use of 0.275 hectare of forest land in Rajaji National Park for Drinking Water Scheme on the conditions stipulated in the Report. The Report, inter alia, notices that the Drinking Water Scheme undertaken by the applicant-Uttaranchal Pey Jal Nigam is in public interest for which no alternative non-forest land is available, the Scheme requires minimum use of forest land and no felling of trees is involved and that the Scheme is designed for meeting the urgent requirement of drinking water for the Ardh Kumbh Mela and also for the population residing near the Swargashram Laxman Jhoola area. The Ministry of Environment & Forests would consider forthwith the question of grant of approval under the Forest Conservation Act as suggested in paragraph 17(vi) of the Report. I.A. Nos. 30-32 stand disposed of.

Further, it appears from the Report that certain parties are in illegal occupation of the forest land. Reference has been made in the Report to the illegal occupation of 2 acres of forest land by Kailashanand Mission Trust within the Rajaji National Park. The said Trust is represented before us by learned counsel. A copy of that Report has

been handed over to learned counsel appearing on behalf of the Trust, who seeks three weeks' time to file response to the suggestions given in the Report, regarding taking over of possession from the Trust within a period of two months. Allowed as prayed.

Having regard to the need to preserve the Rajaji National Park, we direct the Chief Secretary of the State of Uttaranchal to file an affidavit with regard to any other illegal occupation or encroachment in the said Park. Affidavit be filed within a period of four weeks.

Post on 7th November, 2003.

KALYANI
(V.P. TYAGI)
COURT MASTER