

ITEM NO.3

COURT NO.3

SECTION PIL-W

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 103/2007,156/2013, in Writ Petition(s) (Civil) No(s).337/1995

CENTRE FOR ENVIRONMENT LAW WWF 1

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE

Respondent(s)

(FOR DIRECTION AND INTERVENTION)

WITH

CONMT.PET. (C) No. 493/2014 In W.P. (C) No. 337/1995 (PIL-W)

CONMT.PET. (C) No. 326/1998 In W.P. (C) No. 337/1995 (PIL-W)

Date : 04-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

K. V. Bharathi Upadhyaya, AOR

Mr. Vijay Panjwani, AOR

Mr. Anurag Pandey, AOR

Mr. Gautam Jha, AOR

By Post

Mr. Varun K. Chopra, Adv.

For Respondent(s)

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

Mr. Jayant Bhushan, Sr. Adv.

Mr. Prasenjit Keswani, Adv.

Mr. Raghvendra Pratap Singh, Adv.

Mrs. V.D. Khanna, Adv.

Mr. W.A. Qadri, Adv.

Mr. Arun Kr. Singh, Adv.

Mr. Ajay Kumar Singh, Adv.

Mr. B.V. Balram Das, Adv.

Ms. Binu Tamta, Adv.
Mr. Pankaj Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.103/2007

The prayer in this application is to allow the applicant (State of Maharashtra) to effect diversion of 13495.6133 hectares for regularization of Eksali and 8037.0848 hectares of forest land for regularization of Dali Plots in Thane and Raigad Districts (Maharashtra) respectively as decided by the State Government in 1969, 1970 and 1971.

Alternatively, it is prayed that this Court may modify the order passed on 13th November, 2000 to enable the State of Maharashtra to carry out the implementation of all such proposals regarding Eksali and Dali Plots.

The order dated 13th November, 2000 reads as follows:

"Four weeks for filing of affidavits by the States that have not already done so. List after five weeks. Pending further orders, no dereservation of forests/sanctuaries/national parks shall be effected"

I.A. No.156/2013

This is a composite application for intervention as well as for directions to the effect that an area measuring 20,000/- square meters forming part of the larger survey No.282 of Village Pelhar, Taluka Vasai, District Thane is not covered under the subject matter of I.A. No.103 of 2007 and further declare that the

applicant is at liberty to construct in terms of the permissions received by it on the aforesaid land.

Alternatively, it is prayed that the Division Bench of the Bombay High Court may proceed with the hearing in Civil Writ Petition No.6050 of 2010.

It may be noted that on 9th May, 2012, the Bombay High Court had passed an order in the aforesaid writ petition to the effect that the writ petition will be taken up for hearing after disposal of I.A. No.103 of 2007.

It is for this reason that I.A. Nos.103 and 156 are required to be taken together.

In view of the above, we propose to hear I.A. No.103 first and then, if necessary, we will hear I.A. No.156.

We have been informed that the Central Empowered Committee has not submitted the reports in terms of the order dated 02.09.2013 in I.A. No.103 as well as in I.A. No.156.

Mr. A.D.N. Rao, learned counsel appearing on behalf of CEC seeks some time to look into it and furnish the reports, if they have not already been furnished.

List I.A. Nos.103 and 156 along with the contempt petitions on 14th November, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER