

ITEM NO.1

COURT NO.1

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

I.A. NOS. 183-184 & 190-191/2015 in Writ Petition(s)(Civil)
337/1995

No(s).

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(for impleadment and directions and office report)

Date : 03/02/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Ranjit Kumar, SG
Mr. S. Wasim A. Qadri, Adv.
Mr. Jubair Ahmad Khan, Adv.
Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saurabh Chopra, Adv.
Mr. L.R. Singh, Adv.

Mr. Raj Panjwani, Sr. Adv.
Mr. Vijay Panjwani, Adv.

Mr. Annam D.N. Rao, Adv.

For Respondent(s)

Mr. Mukul Rohtagi, AG
Mr. Ajay Sharma, Adv.
Mr. R. Bala, Adv.
Mr. B.V. Balramdas, Adv.

Mr. Ranjit Kumar, SG
Mr. Rana Mukherjee, Sr. Adv.

(For UoI)

MOEF

Signature Not Verified

Ms. Movita, Adv.

Digitally signed by

ASHOK RAJ SINGH

Date: 2016.02.15

16:23:03 IST

Reason:

Mr. Shreekant N. Terdal, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. Pankaj Agarwal, Adv.
Mr. Manavir Singh, Adv.

Mr. Vikram Singh, Adv.

Mr. Harish Kr. Khinchi, Adv.
Mr. S.N. Terdal, Adv.

Mr. W.A. Quadri, Adv.

Mr. Shiv Shankar Mishra, Adv.

Mr. A. Deb Kumar, Adv.

Mr. D.S. Mahara, Adv.

Mr. Siddhartha Chowdhury, Adv.

Ms. Aparajita Singh, Adv.

Mr. L.R. Singh, Adv.

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

I.A. No.183-184 of 2015

By our order dated 13.11.2000 we had while granting time to the State Governments of West Bengal and Sikkim directed that no de-reservation of forest/sanctuary/national parks shall be effected pending further orders from this court. That direction was noticed by us even in W.P. No.202 of 1995 in T.N. Godavarman Thirumulpad vs. Union of India & Ors. vide order dated 05.10.2015 whereby we had directed that all matters for grant of permissions for implementation of the projects in areas falling in the National Parks/Sanctuaries including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wild Life (NBWL) on its own merits in conformity with the orders passed by this Court from time to time including order dated 13.11.2000 referred to above and the subsequent clarificatory orders. We had by the same order requested the National Board for Wild Life to furnish a copy of the orders passed by it within 30 days time to the Central Empowered Committee who was granted the liberty to approach this Court if for any reason they were aggrieved of the decision of the Standing Committee of NBWL. We had further directed that in cases where the Standing Committee has already taken a decision the parties shall abide by the conditions imposed upon them and that any one aggrieved of the decision of the Standing Committee shall be at liberty to approach the appropriate forum for appropriate relief.

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In the present application filed on behalf of the North-East Frontier Railways, the applicant railways seeks permission for

diversion of 8.8489 hectares of forest land falling within the limit of Mahananda Wild Life Division-1 in the State of West Bengal for construction of Sivok Rangpo New Rail Line Project connecting the State of Sikkim with the State of West Bengal.

Mr. Ranjit

Kumar, learned Solicitor General points out that the Standing Committee of the National Board for Wild Life has in its 34th Meeting held on 02.06.2015 granted permission to the railways for construction of the railway line mentioned above by conversion of 8.8489 hectares of forest land falling in Mahananda Wild Life Division-1 subject to the conditions stipulated in the minutes of the said meeting. It is pointed out by him that while the minutes of the meeting record inter alia that State of West Bengal shall issue a Notification for conservation of reserve forest shortly, the fact that the Government of West Bengal has not issued any such Notification so far should not prevent the railways from going

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ahead with the proposed railway line project which is of critical importance for the State of Sikkim apart from the importance of national project for development of that region.

Mr. A.D.N.Rao,

learned counsel appearing for the Central Empowered Committee submits that the direction prayed for can be granted subject to compliance with the conditions stipulated by the Standing Committee of the National Board for Wild Life (NBWL). The recommendations made by the Standing Committee of the National Board for Wild Life (NBWL) also appear to have been accepted by the Ministry of Environment and Forest. He submits that the Government of West Bengal can be asked to issue the requisite Notification within a time frame.

Ms. Rashmi, learned standing counsel for the State of West Bengal prays for extension of time for issuing the requisite notification. In the circumstances therefore we see no reason to decline the prayer made in the above application subject to the conditions that the railways strictly comply with the conditions stipulated by the Standing Committee of the National Board for Wild

Life (NBWL) as set out in the minutes of the 34 th Meeting held on 02.06.2015. We grant two months time to the Government of West Bengal to issue the necessary Notification in the light of the said minutes. We reserve liberty to the Central Empowered Committee file an application for further direction in case the requisite notification is not issued by the Government of West Bengal.

The applications are disposed of with the above direction.

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I.A. No.190-191/2015

Mr. A.D.N. Rao, learned counsel for CEC and Mr. Ranjit Kumar, learned Solicitor General shall file their objection to the applications within four weeks.

List after four weeks.

I.A. No.166-167/2015

Taken on Board.

Issue notice to the learned counsel in opposite including Mr. A.D.N. Rao, learned counsel for CEC.

Learned counsel for the respondents to file their replies within four weeks.

List the I.A. No.166-167/2015 after four weeks along with the main matter.

(Ashok Raj Singh)
Court Master

(Veena Khera)
Court Master