

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 742 OF 2005

SOUTH SUNDARBAN MATSYAJIBI & M.K.U.& ANR

Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report )

WITH SLP(C) NO. 11333 of 2005

(With prayer for interim relief and office report)

Date: 21/07/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. Sanjiv Sen, Adv.

Mr. Partha Sil, Adv.

Mr. Sanjiv Kumar Saxena, Adv.

Mr. Ghanshyam Joshi, Adv.

For Respondent(s) Mr. Gopal Subramaniam, Sr. Adv.

Mr. Pijush K. Roy, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. T.C. Sharma, Adv.

Ms. Neelam Sharma, Adv.

WBPCB:

Mr. R.Mohan, A.S.G.

Mr. V.G. Pragasam, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition and the special leave petitions are disposed of, in terms of the signed order.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Asstt.Registrar

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.742 OF 2005

WITH

SPECIAL LEAVE PETITION (C) NO.11333 OF 2005

South Sundarban Matsyajibi & Matsya Karmachari Union &

Anr.

...Appellant(s)

Versus

State of West Bengal & Ors.

...Respondent(s)

O R D E R

The Special Leave Petition was filed against an interim order dated 18th March, 2005 whereby the High Court permitted the proposed construction to go on by making it clear that such construction would strictly be subject to further orders that may be passed by the said court and if, ultimately, the court finds the project against public interest or will add pollution to the air, it may pass necessary orders for stopping the project and restoring the area to its previous position. The writ petition is pending in the High Court. We are told that from time to time the High Court has passed various orders. The respondent has also filed copies of certain documents which had been placed before the High Court after the impugned order was passed on 18th March, 2005. By order dated 8th August, 2005, status quo as on the said date as regards the construction was directed. According to the respondents, the construction of the project was completed by the said date. It is disputed by the petitioners. The petitioners have also filed Transfer Petition (No.742 of 2005) seeking transfer of Writ Petition No.1048(W)/2005 from the High Court to this Court.

Having heard learned counsel for the parties, we see no ground to transfer the writ petition to this Court. The High Court is seized of the matter and monitoring it from time to time, having regard to the principles governing the environmental laws. At this stage, we wish to say no more since the issues, subject matter of the impugned order dated 18th March, 2005, we are of the view, can be

appropriately dealt with by the High Court in the writ petition.

Under these circumstances, we direct that the status quo order dated 8th

August, 2005 shall continue for a period of two weeks from today so that the

petitioners can mention the matter before the High Court. It would be open to the

High Court either to continue the status quo order or pass such other order as it

may deem just, fit and proper.

The transfer petition and the special leave petitions are disposed of

accordingly.

.....CJI.

(Y.K. SABHARWAL)

.....J.

(C.K. THAKKER)

New Delhi,

July 21, 2006.