

ITEM NO.4 Court 4 (Video Conferencing) 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

Writ Petition (Civil) No.529/2021

CITIZENS FOR GREEN DOON

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.60960/2021-GRANT OF INTERIM RELIEF and IA No.60962/2021-EXEMPTION FROM FILING O.T. and IA No.60961/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 07-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Ritwick Dutta, Adv.
 Ms. Srishti Agnihotri, AOR
 Ms. Sanjana Grace Thomas, Adv.

For Respondent(s)

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

- 1 The jurisdiction under Article 32 of the Constitution has been invoked to challenge (i) the Stage I Forest Clearance dated 29 September 2020 and 24 December 2020 by the Ministry of Environment, Forests and Climate Change in respect of the stretches of road which form a part of National Highway No 72A in Uttarakhand and Uttar Pradesh respectively; and (ii) the Wildlife

Clearance dated 5 January 2021 issued by the Standing Committee of the National Board for Wildlife for both segments of the road.

- 2 Mr Ritwick Dutta, counsel appearing for the petitioner, in response to a query of the Court, submits that while the jurisdiction of the National Green Tribunal¹ under the National Green Tribunal Act 2010² would be available to challenge the Stage I Forest Clearance, the Wildlife Clearance may not be amenable to the jurisdiction of the NGT. Hence, it is urged that the jurisdiction under Article 32 has been invoked.
- 3 The primary challenge in these proceedings is to the Stage I Forest Clearance which is amenable to the jurisdiction of the NGT under Section 16 of the NGT Act. If the petitioners were to succeed on that part of the challenge, the challenge to the Wildlife clearance (for the construction of the road) will in any event have no practical significance. That challenge will, however, survive if the petitioners fail on the challenge to the Stage 1 Forest clearance.
- 4 In the circumstances, we are of the view that it would be appropriate to grant liberty to the petitioners to move the NGT for seeking such reliefs as are available in law to challenge the Stage 1 Forest clearance. As regards the Wildlife clearance, we grant liberty to the petitioners, if they are so advised, to adopt appropriate proceedings once the issue pertaining to the grant of Stage I Forest Clearance is resolved. They may do so by adopting appropriate proceedings in accordance with law at that stage.
- 5 With the above liberty and clarification, the petition is disposed of.
- 6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

1 "NGT"

2 "NGT Act"