

(Part-heard)

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7363 OF 2000

STATE OF RAJASTHAN & ORS

Appellant (s)

VERSUS

SHIV DAYAL & ANR

Respondent(s)

(With appln(s) for permission to place addl. documents on record,
directions and directions under Order XLVII Rules 1, 2 & 6 of the
Supreme Court Ruels, 1966 and with office report)

WITH

Civil Appeal NO.7364 of 2000

(With appln(s) for directions and directions and with office report)

Civil Appeal NO.7365 of 2000

(With appln(s) for directions and directions and with office report)

Date: 10/04/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. Aruneshwar Gupta,Adv.

Mr. Naveen Kumar Singh,Adv.

Mr. Mukul Sood, Adv.

Mr. Shashwat Gupta, Adv.

Ms. Shikha Tandon, Adv.

For Respondent(s)

Mr. Devendra Singh, Adv.

Mr. Kunj Bihari Sharma, Adv.

Mr. Ghanshyam, Adv.

Ms. Sandhya Goswami, Adv. (N.P.)

UPON hearing counsel the Court made the following

O R D E R

in these One of the questions which arises for consideration

appeals is as to whether having regard to the decision of this Court in

T.N. Godavarman Thirumulkpad vs. Union of India and Ors., [1997 (2)

SCC 267] whereby and whereunder an extended definition of the term

"forest" has been given; as a result whereof the State of Rajasthan, for

all intent and purport, is denuded from exercising its power of

renewal in

...2/-

-2-

terms of the provisions of the Rajasthan Minor Mineral Concession

Rules, could not have complied with in the decree passed in the suit

filed by the respondent herein and, in particular, having regard to

Section 41 of the Specific Relief Act, the contention of the respondents, however, is that the appellant-State has been allowing other holders of mining leases to operate their mines in the neighbouring areas. But the question which would still remain is as to whether any direction to stop the mining activities could be issued by this Court. As such a direction can only be issued by the Bench seized of the forest matter and not by this Bench, we are of the opinion that these matters may be referred to a larger Bench and, if possible, be tagged with Godavarman (supra), subject to the approval by the Hon'ble Chief Justice.

Liberty to mention for hearing of the main matter as also the

I.As. filed by the respondents.

(A.S. BISHT)

COURT MASTER

(PUSHAP LATA BHARDWAJ)

COURT MASTER