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C.A.No. 6336 OF 1998  
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ITEM NO. 103                      COURT NO. 5                      SECTION IX

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6336 OF 1998@@  
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The TATA Hsng. Dev. Co. Ltd. and Anr.    ... Appellant (s)

Vs.

The Goa Foundation and Ors.                      ... Respondent (s)

( With appln. for permission to place addl. documents  
on record )  
With C.A. No. 6337 and 6338/98@@  
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Date: 15-01-2002    This/These matter(s) was/were called  
on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE ASHOK BHAN

For appellant (s)	Mr. Ashok Desai, Sr.Adv. Mr. ML Verma, Sr.Adv. Mr. Percy Ghandy, Adv. Mr. Maninder Singh, Adv.
For respondent (s)	Ms. Indira Jaising, Sr.Adv. Mr. Sanjay Parikh, Adv. Mr. Abinash K Misra, Adv. Mr. RR Chandrachud, Adv.  Ms. A Subhashini, Adv.  Mr. Mukul Rohtagi, ASG Mr. RN Verma, Adv. Mr. BV Balaram Das, Adv.  Dr. AM Singhvi, Sr.Adv. Mr. A Mariarputham, Adv. Ms. Simran Mehta, Adv. for M/s. Arputham, Aruna & Co.

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

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In this appeal, we are concerned with Survey Plot  
No. 69/4 (hereinafter referred to as 'the disputed  
plot') measuring 11275 sq. metres situate at village  
Penha De Franca, Taluk Bardez, Goa. In a Public Interest  
Litigation, T.N. Godavarman Vs. Union of India, this  
Court called for the status report from the State of Goa

in respect of forest land within that State. In pursuance thereof, the State of Goa submitted a status

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report (hereinafter referred to as 'the Sawant Committee Report') to this Court. In the said report, the disputed plot was not identified as a forest land.

The appellant herein purchased the disputed plot of land from its original owners and applied to various authorities for sanction/permission to construct building over the said plot of land. It is alleged that various authorities granted the necessary sanction/permission and the appellant commenced constructions over the said plot of land some time in December, 1996. It is further alleged that the appellant raised substantial constructions on the said plot of land by July, 1997 when a writ petition by way of Public Interest Litigation, out of which the present appeal arises, was filed in the High Court of Bombay at Goa. The said writ petition was directed against the construction activities over the disputed plot of land by the appellant. It is stated at the Bar that in between time, this Court again called for the status report from the State of Goa in regard to the private forest land within that State. It is alleged that in the said report, the disputed plot was identified as forest land, although we have not been shown the said status reports.

In the Public Interest Litigation against the appellant, before the High Court an application for interim order was also filed for restraining the appellant from making constructions over the said plot of land. The High Court, however, declined to grant interim order by observing that any construction to be made by the appellants shall be at their own risks. The High Court, thereafter, directed the Sawant Committee, which earlier had submitted a status report to this Court, to enquire into whether the disputed land is a forest land. The Sawant Committee submitted a report to the High Court stating therein that the disputed land is a forest land. The High Court, relying upon that report and other materials, allowed the Public Interest Litigation and set aside the sanction/permission granted to the appellant to raise construction over the disputed plot of land. It is against the said judgment, the appellant has filed this appeal.

It appears that while the matter was pending, the Sawant Committee submitted a final status report in regard to the forest land in the State of Goa, to this Court wherein it is alleged that the disputed plot has been shown as forest land. It is further stated that although the said report was not accepted by the Government of Goa, but the said controversy is the subject matter of a writ petition No. 181/2001 pending in this Court, wherein this Court has passed the following order:

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"Issue notice returnable after 10 weeks.

In the meantime, no action be

taken contrary to the final report of  
Sawant Committee".

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When this appeal was taken up for hearing, Shri Ashok H. Desai, learned senior counsel, appearing for the appellants urged that the Sawant Committee report which was submitted to the High Court as well as to this Court, does not show the correct character of the disputed land. Ms. Indira Jaising, learned senior counsel, appearing for the respondents, however, urged that in view of the order dated 4.5.2001, extracted above, it is not open to this Bench to go behind the final report of the Sawant Committee submitted to this Court. We find that the objection raised by Ms. Indira Jaising has substance. We are, therefore, not deposed to go into the validity of the Sawant Committee report.

In the facts and circumstances of the case, we feel that this matter may be tagged on with Writ Petition (Civil) No. 181/2001 and be placed before a Bench presided over by Hon'ble Mr. Justice B.N. Kirpal, at an early date.

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(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master