

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

SAW MILL MATTERS (STATE OF MANIPUR)

301. I.A. NO.2365 IN I.A.NO.1406 IN W.P.(C) NO.202 OF 1995

T.N. GODAVARMAN THIRUMULPAD . . . .PETITINER

VERSUS

UNION OF INDIA & ORS. . . .RESPONDENT(S)

(FOR DIRECTIONS)

302. STATE OF ANDHRA PRADESH

I.A.NOS.2465-2466 AND 2467-2468 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT AND DIRECTIONS)

303. SLP(C) 3941 OF 2010

(APPLN. FOR C/DELAY IN FILING SLP AND C/DELAY IN REFILEING SLP AND PERMISSION TO FILE ADDITIONAL DOCUMENTS AND OFFICE REPORT)

304. SLP(C) NO.28519 OF 2008

(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

305. I.A.NOS.2942-2944 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT, PERMISSION AND EXEMPTION FROM FILING O.T.)

306. I.A.NO.2717 IN I.A.NOS.1135-1136 IN W.P.(C) NO.202 OF 1995

(FOR DIRECTIONS)

307. I.A.NO.2785 IN W.P.(C) NO.202 OF 1995

(FOR DIRECTIONS)

308. I.A. NOS. 2848-2850, 2950 IN 2848-2850 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O/T)

309. I.A.NOS.2622-2624 AND 2813 IN W.P.(C) NO.202 OF 1995

(FOR PERMISSION, IMPLEADMENT, DIRECTION AND PERMISSION TO FILE ADDL. AFFIDAVIT)

310. I.A. NOS. 2971-2973 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT, EXEMPTION FROM FILING O.T. AND DIRECTIONS/STAY)

311. I.A. NO. 2847 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT/PERMISSIN)

312. I.A. NO.2881 IN W.P.(C) NO.202 OF 1995

(FOR RECOMMENDATION OF THE CEC IN APPLN. NO. 1228 AND 1229

-2-

313. I.A. NO.139 IN W.P.(C) NO.337 OF 1995

(FOR PERMISSION ON BEHALF OF H.P.)

PART-B LIST FOR FINAL DISPOSAL

314. I.A.NOS. 2647 IN APPLN. 1124, 2687-2688, 2689-2690, 2696-2697, 2703-2704, 2709 AND 2718 IN W.P.(C) NO.202 OF 1995

(RECOMMENDATION OF CEC IN APPLN. NO.1124, FOR INTERVENTION, EXEMPTION FROM FILING O.T. IMPEADMENT AND DIRECTIONS)

315. (MATTERS PERTAINING TO DEFENCE)

I.A. NOS. 2790-2791, 2794, 2626, 2642 AND 2914 IN W.P.9C) NO.202 OF 1995

(FOR PERMISSION, EXEMPTION FROM FILING O.T. EXEMPTION FROM REQUIREMENT OF CLEARANCE UNDER THE FCA 1980 AND DIRECTINS)

316. SANDALWOOD MATTERS

PART HEARD I.A. NOS. 1287, 1570-1571, 1624-1625, 1978, 2395, 2795-2796 IN W.P.(C) NO. 202 OF 1995

(REPORT OF CEC, IMPEADMENT, DIRECTION AND EXEMPTION)

WITH I.A. NOS. 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2966-2967 IN 1287 IN W.P.(C) NO.202 OF 1995

(FOR IMPLEADMENT AND DIRECTINS)

317. MOUNT ABU

I.A. NO. 972 IN I.A. 757 WITH 789-790, 962, 986, 1042-1045, 1271-1219, 1536-1538, 2660-2661, 2064, 2255-2256 AND 2949 IN 757 IN W.P.(C) 202 OF 1005

(DIRECTION, IMPLEADMENT, STAY, EXEMPTION FROM FILING O/T AND RECOMMENDATION OF CEC)

318. MAHARASHTRA-GREAT INDIAN BUSTARD WILDLIFE SANCTUARY

I.A. NO.2882 IN I.A. 2342 IN I.A. NO.2119, 1483, 1997, 2023, 2923-2925 IN W.P.(C) NO.202 OF 1995

(FOR DIRECTIONS, IMPLEADMENT, PERMISSION, MODIFICATION AND EXEMPTION FROM FILING O.T.)

319. PANCHMARHI MATTERS (TIGER RESERVE ETC.)

I.A.NOS. 2202-2203, I.A.NOS.2601 AND 2915-2917 IN I.A.NOS.2202-2203, 2602, 2929-2931 WITH 1606, 2002-2004, 2011, 2062-2063 IN 1220 IN 548 IN W.P.(C) 202 OF 1995

320. ASKOT MUSK DEER SANCTUARY

I.A.NO. 1791-1792 IN W.P.(C) NO.202 OF 1995

(FOR PERMISSION TO DEMARCAT E BOUNDARIES OF ASKOT MUSK DEER WILDLIFE SANCTUARY AND EXEMPTION FROM FILING O.T.)

-3-

Date: 31/01/2011 These applications/petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For the appearing parties :

Mr. P.S. Narasimha, Sr.Adv. (A.C.)

Mr. Haris Beeran, Adv.

Mr. P.K. Manohar, Adv.

301. Mr. Sapam Biswajit Meitei, Adv.  
Mr. Amitavata Chauhan, Adv.  
Mr. Ashok Kumar Singh, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Ms. Asha G. Nair, Adv.

Mr. S.S. Rawat, Adv.

Mr. D.S. Mahra, Adv.

302. Mr. L. Nageswara Rao, Sr.Adv.  
Mr. G. Ramakrishna Prasad, Adv.  
Mr. b. Suyodhan, adv.  
Mr. Bharat J. Joshi, Adv.  
Mohd. Wasay Khan, Adv.

State of A.P. Mr. G.N. Reddy, Adv.  
Mr. V. Pattabhiram, Adv.

Mr. T.V. George, Adv.

303. Mr. G. Prakash, Adv.  
Mr. E.M.S. Anam, Adv.

304. Mr. Mohit Shah, Adv.  
for Mr. Gopal Singh, Adv.

Mr. Subhro Sanyal, Adv.

305. For the applicant Mr. M.F. Khan, Adv.  
Mr. Aftab Ali Khan, Adv.

-4-

State of U.P. Mr. R.K. Gupta, Adv.  
Mr. Rajiv Dubey, Adv.  
Mr. Kamlendra Mishra, Adv.

306. Mr. Altaf Ahmed, Sr. Adv.  
Mr. Himinder Lal, Adv.  
Ms. Rajni Ohri Lal, Adv.  
Mr. Sanjay R. Hegde, Adv.  
Dr. Manish Singhvi, AAG  
Mr. D.K. Devesh, Adv.  
Mr. Milind Kumar, Adv.

Ms. Asha G. Nair, Adv.

Mr. Vikas Upadhyay, Adv.  
for Mr. B.S. Banthia, Adv.

307. Mr. Sanjay R. Hegde, Adv.  
Mr. Rajiv Datta, Sr.Adv.  
Mr. Himinder Lal, Adv.  
Ms. Rajni Ohri, Adv.

308. Mr. Anil Kumar Jha, Adv.  
Mr. Davendra Singh, Adv.  
Mr. R.K. Gupta, Adv.  
Mr. Rajiv Dubey, Adv.  
Mr. Kamlendra Mishra, Adv.

309. Mr. S. Janani, Adv.  
Mr. Deepak Goel, Adv.  
Mr. Kuldeep Singh, adv.  
Mr. Kamal Mohan Gupta, Adv.

310. Mr. L. Nageshwar Rao, Sr.Adv.

Mr. Abhay Prakash Sahay, Adv.  
Mr. A.N. Upadhyay, Adv.  
Mr. Himanshu Shekhar, Adv.

State of Tripura Ms. Ramita Guha, Adv.  
Mr. Gopal Singh, Adv.

State of Bihar Mr. Manish Kumar, adv.  
for Mr. Gopal Singh, Adv.

-5-

State of Arunachal Pradesh Mr. Anil Shrivastav, adv.  
Mr. Rituraj Biswas, Adv.

311. Mr. T. Harish Kumar, Adv.

312. Ms. Hemantika Wahi, Adv.  
Ms. Jesal, Adv.

313. Mr. D.L. Chidananda, Adv.  
Ms. Kiran Bhardwaj, Adv.  
Mr. S.N. Terdal, Adv.

Mr. Rajesh K. Singh, Adv.  
Mr. V. Bhandari, Adv.  
Mr. D.S. Mahra, adv.

Mr. Naresh K. Sharma, Adv.

314. Mr. Rajiv Tyagi, Adv.  
Ms. Chanchal Biswas, Adv.  
Mr. Mithilesh Kumar, Adv.  
Mr. Prashant Bhushan, adv.  
Mr. Sumeet Sharma, Adv.  
Ms. Harsh Lata, Adv.

Mr. Pranab Kumar Mullick, Adv.

Mr. Sanjay K. Agarwal, Adv.

Mr. Vivek Tankha, Sr.Adv.  
Mr. Prashant Kumar, Adv.  
For M/s AP & J Chambers, Advs.

Mr. Satyajit A. Desai, Adv.  
Mr. Prashant R. Dahat, Adv.  
Mr. Somanath Padhan, Adv.  
Mrs. Angha S. Desai, Adv.

Ms. Vibha Dutta Makhija, Adv.

315. Mr. S.N. Terdal, Adv.

Mr. B.K. Prasad, Adv.

Ms. Indra Jai Singh, ASG  
Mr. R. Balasubramaniam, Adv.  
Mr. J.K. Mishra, Adv.  
Mrs. Rekha Pandey, Adv.  
Mrs. Anil Katiyar, Adv.

316. Mr. K.R. Sasiprabhu, Adv.  
Mr. M.P. Maharia, Adv.

-6-

Ms. Sangeeta Kumar, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. T.N. Rao, Adv.

Mr. Amarender Sharan, Sr.Adv.  
Mr. Zafar Sadique, Adv.  
for Mr. Balraj Dewan, Adv.

State of Sikkim

Mr. A. Mariarputham, Adv.General  
Mrs. Aruna Mathur, adv.  
Mr. Avneesh Arputham, adv.  
Mr. Yusuf, Adv.  
Ms. Megha Gaur, Adv.  
For M/s Aruputham Aruna & Co.

For M/s Parekh & Co.

Mr. N. Ganapathy, Adv.

Mr. Suresh A. Shroff & Co.

Mr. G. Prakash, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. T. Harish Kumar, Adv.

317.

Ms. Meera Mathur, Adv.

Mr. V. Shekhar, Adv.

Mr. Jatin Zaveri, Adv.

Ms. Pratibha Jain, Adv.

Ms. Indra Jai Singh, ASG  
Mrs. Rekha Pandey, Adv.  
Mr. Sunil Roy, adv.  
Mrs. Anil Katiyar, Adv.

Mr. D.S. Mahra, Adv.

Mr. Hazefa Ahmadi, Advs.  
Mr. Rauf Rahim, Adv.  
Mr. Abhijat P. Medh, Adv.  
Mr. Yadunandan Bansal, Adv.

State of Rajasthan

Dr. Manish Singhvi, AAG  
Mr. D.K. Devesh, Adv.

Mr. Milind Kumar, Adv.

Mr. Aruneshwar Gupta, Adv.

-7-

318.

Ms. Asha G. Nair, Adv.

Mr. Shivaji M. Jadhav, Adv.

319.

Mr. Vikas Singh, Sr.Adv.  
Mr. L.R. Singh, Adv.  
Mr. Vivek Singh, Adv.

Mr. Vivek K. Tankha, Sr.Adv.  
Mr. B.S. Banthia, adv.  
Mr. Vikas Upadhyay, Adv.

Mr. C.D. Singh, Adv.

Ms. Lalitha Kaushik, Adv.

Group Capt. Karan Singh Bhati, Adv.

Mr. Neeraj Shekhar, Adv.  
Mr. Ashutosh Thakur, Adv.  
Mr. Harsh Pathak, Adv.

Mr. Rakesh Shukla, Adv.  
Ms. Sumita Hazarika, Adv.  
Mr. Z.K. Jami, Adv.

320. Ms. Rachna Srivastava, Adv.

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

Item No. 301

In the affidavit filed on behalf of the State of Manipur, it is inter alia, stated that the Committee constituted held in its meeting on 15th December, 2010 and the members of the applicant - Association agreed to the effect that the requirements of the Association and its members will be met if the proposals of the Committee are approved by the Government. It is further stated that the State Government had already approved the proposals

-8-

submitted by the Committee and sent the same to the Ministry of Environment and Forests (MoEF) for its approval. The proposal is stated to be under consideration of the MoEF.

Learned counsel for the MoEF states that the proposals submitted by the State Government shall be considered and an appropriate decision will be taken within eight weeks from today. The MoEF shall, accordingly, take appropriate decision in the matter within eight weeks from today.

Item No. 302

I.A.Nos. 2465-2466

In the affidavit filed on behalf of Om Shakthi Renergies Ltd., it is inter alia stated that the applicant Company had undertaken plantation of the juliflora in an area of Acres 348.75 cents by way of encouraging farmers of small holdings whose land is otherwise unsuitable or

unfit for agricultural purposes.

The details of the names

of the farmers, extent of land, location and survey numbers are furnished in Annexure A-1 to the affidavit.

In the circumstances, it has become just and necessary to direct the Chief Conservative Officer to submit an appropriate report with reference to the averments made in the affidavit and the details mentioned in Annexure A-1 within six weeks.

-9-

I.A. Nos.2467-2468

Stand over for four weeks.

Liberty to file the additional affidavit.

Item No. 303

Stand over for four weeks.

Liberty to file the additional Counter Affidavit on the response with reference to the additional documents filed by the State of Kerala.

Interim order granted by this Court shall continue to be in operation until further orders.

Item No. 304

Stand over for one week, as prayed for by learned counsel for the State.

Liberty to file additional affidavit and documents.

Item No. 305

Stand over for four weeks.

Item No.306

Pursuant to the notice issued by this Court only the State of Madhya Pradesh has filed its affidavit and the States of Karnataka, Rajasthan and Maharashtra have yet to file their response.

Stand over for six weeks for filing of the response by the State Governments.

-10-

It is made clear that no further time will be granted.

Stand over for six weeks.

Item No. 307

The C.E.C. to submit its response in the matter within two weeks from today.

Stand over for two weeks.

In the meanwhile, the State of Karnataka shall also file its response.

Item No. 308

Learned counsel for the petitioner seeks four weeks' time to file objections to the report submitted by the C.E.C.

Stand over for four weeks.

Item No. 309

Await the report of the C.E.C.

Stand over for four weeks.

In the meanwhile, State Government to file its response.

Item No. 310

The State of Bihar is directed to file a proper affidavit in response to these interlocutory applications.

This Court vide its order dated 16.8.2010 directed the State of Bihar to prepare a seniority list of  
-11-

eligible applicants who could be granted saw mill licenses in terms of the directions issued from time to time within a period of 10 weeks from today. So far no such information is furnished by the State of Bihar. In the circumstances, there shall be a direction to the State of Bihar to prepare the seniority list of the eligible applicants who could be granted saw mill licenses in terms

of the directions of this Court.

The C.E.C. also to file its report in the matter.

Stand over for eight weeks.

Item No. 311

The C.E.C. in its report dated 25th January, 2011

states that the proposal of the State Government to reconstruct the bridge is in public interest and there is no felling of trees as such involved, no diversion of additional forest land is involved and the project has been cleared by the Standing Committee of the National Board for wildlife.

In the circumstances, the proposal of the State Government is considered and accordingly, permission is granted enabling the State Government to reconstruct the bridge at Kilo Meter 16/10 of Ambasumudram-Upper Dam Road (SH-178) which falls in Kalakad Mudanthurai Tiger Reserve by High Way Department across river Servalar lying in

-12-

Ambasamudram Taluk of Tirunelveli District, Tamil Nadu subject to the following conditions :-

I) the Tamil Nadu Forest Department will verify that the reconstruction of the bridge across the River Servalar does not involve diversion of additional forest land. If the project is found to involve diversion of additional forest land, the project works will be undertaken only after obtaining approval under the Forest (Conservation) Act, 1980 and payment of NPV; and

II) the conditions imposed by the Chief Wildlife Warden, Tamil Nadu will be strictly complied with.

I.A. No.2847 is accordingly, ordered.

Item No. 312

Stand over for one week.

Item No. 313

Stand over for one week.

Item Nos. 314 to 320

List these matters next week.

Liberty to file the submissions/ objections/

additional documents in Item Nos. 317 and 319.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master