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W.P(C)No. 202 OF 1995

ITEM No.301 and  
ITEM No. 304

Court No. 1

SECTION PIL

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

IA 776 in IA 424 in Writ Petition(Civil) No.202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner (s)

VERSUS

UNION OF INDIA & ORS Respondent (s)

(for modification/clarification of the order dated 22.9.2000 on behalf  
of the State of M.P.)

with

IA 930 in IAs 669 & 659 with 775 in WP(C) 202/95  
(for recommendations of CEC in IAs 669 & 659)

IA 967 in WP(C) 202/95  
(re: encroachment upon forest land in Matheran)

IA 920 in IA 703 in WP(C) 202/95  
(for intervention and directions on behalf of National Fish Workers  
Forum)

IA 988 in IA 920 in IA 703 in WP(C) 202/95  
(for modification/clarification of order dated 25.8.2003 on behalf  
of National Fish Workers Forum)

IA 932 in IAs 819-821 in WP(C) 202/95  
(for recommendations of CEC in IAs 819-821)

IA 60 with IA 968 in WP(C) 202/95  
(for directions on behalf of Shri S R Hiremath)

IA 1007 in IA 60 in WP(C) 202/95  
(for directions on behalf of Shri S R Hiremath)

IA 966 in IA 548 in WP(C) 202/95  
(for directions on behalf of Mr. Lalit Mohan Nath, New Delhi)

IA 1012 in IA 966 in IA 548 in WP(C) 202/95  
(for impleadment & directions on behalf of National Hydroelectric  
Power Corporation Ltd., Faridabad)

IA 990 in IAs 860 & 863 in IA 276 in WP(C) 202/95  
(recommendations of CEC on affidavit of Chief Secretary, Govt. of  
Haryana filed in IAs 860 & 863)

IA 756 in WP(C) 202/95 (for directions by AC)

IA 908 in IA 724 in WP(C) 202/95  
(for modification & clarification of order dated 7.5.2002 on behalf  
of Andaman & Nicobar Island Small Scale Wood Based Industries  
Association)

IA 922 in IA 908 in WP(C) 202/95  
(for filing additional documents in IA 908)

IA 929 in WP(C) 202/95

(for directions on behalf of Andaman & Nicobar Islands)

IA 1023 in IA 922 & IA 908 in IA 724 in WP(C) 202/95  
(for early hearing and interim relief on behalf of Anadman & Nicobar  
Islands Small Scale Wood Based Industries Association)

IA 973 in WP(C) 202/95  
(for impleadment & directions on behalf of Shri D.P. Ray, Ex. MP,  
Jalpaiguri, West Bengal)

IA 1010 in IA 670 in WP(C) 202/95  
(for directions on behalf of Kredremukh Iron Ore Co. Ltd.,Bangalore)

IAs 1008 & 1009 in IA 670 in WP(C) 202/95  
(for further directions & impleadment on behalf of Kanwar Pal & Ors.)

IA 826 in IA 566 in WP(C) 202/95 (recommendations of CEC in IA 566)

IA 955 in IA 566 in WP(C) 202/95  
(for modification of order dated 30.10.2002 on behalf of State of Assam)

IA 958 in IA 566 in WP(C) 202/95  
(for modification of order dated 30.10.2002 on behalf of State of MP)

IA 985 in IA 566 in WP(C) 202/95  
(for directions/modification on behalf of Federation of Indian Mineral Inds.)

IAs 1001 & 1001A in IA 566 in WP(C) 202/95  
(for modification of order dated 30.10.2002 and permission to file application  
on behalf of State of Rajasthan)

IAs 1013-1014 in IA 566 in WP(C) 202/95  
(for impleadment and clarification/direction on behalf of Mahaveer Trading  
Co., Udaipur, Rajasthan)

IAs 1016-1018 in IA 566 in WP(C) 202/95  
(for directions, impleadment and exemption from filing OT on behalf of  
the Thane Quarry Owners, Thana, Maharashtra)

IA 1019 in IA 566 in WP(C) 202/95  
(for modification of order dated 30.10.2002 on behalf of State of  
Uttaranchal)

IA 972 in IA 757 with IAs 789-90 in WP(C) 202/95  
(recommendations of CEC in IA 757)

IA 962 in IA 757 in WP(C) 202/95  
(for impleadment, directions and modification of order dated 7.5.2002)

IA 986 in IA 757 in WP(C) 202/95  
(for impleadment/directions on behalf of Rajput Samaj Kalyan Sansthan,  
Mount Abu)

IA 987 in IA 757 in WP(C) 202/95  
(for variation/modification of order dated 9.5.2002 on behalf of UOI,  
Ministry of Tourism and Culture)

IAs 896-898 in WP(C) 202/95  
(for directions and impleadment and exemption from filing OT on behalf  
of Power Grid Corporation)

IA 976 in IA 727 in WP(C) 202/95  
(for recommendations of CEC in IA 727)

IA 1011 in WP(C) 202/95  
(for intervention and directions)

IA 941 in IAs 754-755 with IA 777 in WP(C) 202/95

(recommendations of CEC in IAs 754-755)

Suo-Motu Contempt Petition (Civil) No. 301/2003 in IA 941 in IAs 754-755 with IA 777 in WP(C) 202/95 (in re: Sh. Pravakar Behera, DFO, Puri Division, Khunda, Orissa in pursuance of order dated 18.8.2003)

IA 1020 in IAs 995 & 999 in WP(C) 202/95 (for clarification of order dated 24.11.2003 on behalf of Teyang Wood Products (P) Ltd.

IA 989 in IAs 857-858 with IAs 997, 998 and 1002 in WP(C) 202/95 (for recommendations of CEC in IAs 857-858)

WP(C) No. 498/2003 (A.P. Tourism Dev. Corpn. Ltd. vs. Union of India & Anr.) (with office report)

WP(C) No. 589/2003 (Ram Avtar vs. State of Rajasthan & Ors.) (with appln.(s) for exemption from filing OT and exparte stay)

WP(C) No. D23533/2003 (Subhash Chandra Vishwakarma vs. State of UP & Ors.)

SLP(C) No. 6266/2000 (Veeru Devgan vs. State of Tamil Nadu & Anr.) (with prayer for interim relief and office report)

and Item No. 304

I.A. No. 1034 in WP(C) 202/95 (for recommendations of CEC in IAs 995&999)

I.A. No. 1035 in WP(C) 202/95 (recommendations of CEC in IA 776)

I.A. No. 1036 in WP(C) 202/95 (application for modification of court's order)

I.A. No. 1037 in WP(C) 202/95 (recommendations of CEC in IAs 1008-1009)

I.A. Nos. 1038-1041 in IA 757 in WP(C) 202/95 (for directions and stay and exemption from filing OT and impleadment)

IA 1025 in WP(C) No. 202/95 (for recommendations of CEC in IA 929)

IAs 1042-1045 in IA 757 in WP(C) No. 202/95 (for directions and accepting English translation and vacating stay and impleadment and directions on behalf of Jan Sewa Samiti, Mount Abu, Rajasthan)

IA 502 in WP(C) No. 202/95(for intervention)

Date : 30/01/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

Amicus CuriaeMr. Harish N Salve, Sr. Adv.  
Mr. U U Lalit, Adv. (NP)  
Mr. Siddhartha Chaudhary, Adv.

For Petitioner(s)Mr. P K Manohar, Adv.

(in WP 202/95)

Mr. T V Ratnam, Adv.  
Mr. K Subba Rao, Adv.  
Ms. O S G Prasuna, Adv.  
(in WP 498/03)

Mr. Mahinder Singh Dahiya, Adv. (NP)  
(in WP 589/03)

Mr. Dinesh Kumar Garg, Adv.  
(in WP D23533/03)

Mr. P Chidambaram, Sr. Adv.  
Ms. Indu Malhotra, Adv.  
Ms. Ruchi Khurana, Adv.  
(in SLP 6266/03)

For Applicant(s) Mr. S K Agnihotri, Adv.  
(in IA 776)

Mr. Sanjay Parikh, Adv.  
Ms. Aparna Bhat, Adv.  
(in IA 920)

Ms. Aparna Bhat, Adv.  
Mr. P Ramesh Kumar, Adv.  
Ms. Priya Kiran, Adv.  
(in IA 988)

Mr. J P Dabral, applicant in person.  
(in IAs 819-821)

Mr. Prashant Bhushan, Adv.  
Mr. Vishal Gupta, Adv.  
Mr. Narinder Verma, Adv.  
Er. Anil Kumar Mittal, Adv.  
Ms. Shivangi, Adv.  
Dr. Padma, Adv.  
(in IA 60 and IA 1007)

Mr. Devendra Singh, Adv.  
(in IA 966)

Mr. Kirit N Raval, Solicitor General  
Mr. Ajit Pudussery, Adv.  
(in IA 1012)

Mr. D K Garg, Adv.  
Mr. Ashok Sharma, Adv.  
Mr. Sanjay R Hegde, Adv.  
(in IAs 860 & 863 in IA 276)

Mr. A M Pattiyani, Adv.  
Ms. M A Pattiyani, Adv.  
Mr. S P Sharma, Adv.  
(in IAs 908 & 922 & 1023)

Mrs. S C Patodia, Adv.  
(in IA 929)

Mr. Vijay Panjwani, Adv.  
(in IA 973)

Mr. Kapil Sibal, Sr. Adv.  
Mr. Shiva Subramaniam, Adv.  
Mr. S Sukumaran, Adv.  
Mr. A Dev Kumar, Adv.  
Ms. Divya Nair, Adv.  
Mr. Ramesh Bau M R, Adv.  
(in IA 1010)

Mr. D K Garg, Adv.  
(in IAs 1008 & 1009)

Mr. Anoop Choudhary, Sr. Adv.  
Ms. Asha G Nair, Adv.  
Mr. Sanjay C V Choudhury, Adv.  
for M/s. Corporate Law Group, Adv.  
(in IA 955)

Mr. S K Agnihotri, Adv.  
(in IA 958)

Mr. Kapil Sibal, Sr. Adv.?  
Mr. Sunil Dogra, Adv.  
Mr. S Udaya Kumar Sagar, Adv.  
for M/s. Lawyers Knit & Co., Adv.  
(in IA 985)

Ms. Sandhya Goswami, Adv.  
(in IAs 1001 & 1001A)

Mr. P Chidambaram, Sr. Adv.  
Mr. V Balachandran, Adv.  
(in IAs 1013-1014)

Mr. Sunil Dogra, Adv.  
Mr. S Udaya Kumar Sagar, Adv.  
for M/s. Lawyers Knit & Co., Adv.  
(in IAs 1016-1018)

Ms. Rachana Srivastava, Adv.  
(in IA 1019)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Jatin Zaveri, Adv.  
(in IAs 789-90)

Mr. V Sekhar, Adv.  
(in IA 962)

Ms. Indu Malhotra, Adv.  
Ms. Kavita Wadia, Adv.  
(in IA 986)

Mr. Kirit N Raval, SG  
Mr. Rajiv Nanda, Adv.  
(in IA 987)

Mr. Soli J Sorabjee, Attorney General  
Ms. Tasneem Ahmadi, Adv.  
Mr. Santosh Dwivedy, Adv.  
Mr. Rajesh Rai, Adv.  
Mr. Bharat Sangal, Adv.  
(in IAs 896-898)

Mr. S D Sharma, Adv.  
Mr. Raj Singh Rana, Adv.  
(in IA 727)

Mr. Mukul Rohtagi, ASG  
Mr. P P Malhotra, Sr. Adv.  
Mr. Y P Mahajan, Adv.  
Mr. D S Mahra, Adv.  
(in IA 1011)

Mr. J R Das, Adv.  
(in IA 777)

Mr. Raj Panjwani, Adv.  
Mr. Iqbal Shamsi, Adv.  
Mr. Vijay Panjwani, Adv.  
(in IAs 754-755)

Mr. Rajiv Tyagi, Adv.  
Mr. Ajit Kr. Singh, Adv.  
(in IAs 995, 999 and 1020)

Mr. P Chidambaram, Sr. Adv.  
Mr. Himanshu Shekhar, Adv.  
(IAs 997 & 998)

Mr. R K Jain, Sr. Adv.  
Dr. A M Singhvi, Sr. Adv.  
Mr. Vivek Tankha, Sr. Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Joseph Pookkatt, Adv.  
Mr. Surya Narain, Adv.  
(for Deepak Agarwal in 857-858 with IAs 997,  
998 & 1002)

Mr. Prakash Shrivastava, Adv.  
(in IA 1002)

Mr. V S Raju, Adv.  
Mr. T N Rao, Adv.  
(in IA 1036)

Mr. Surya Kant, Adv.  
(in IAs 1038-1041)

Mr. Sushil Kumar Jain, Adv.  
Ms. Pratibha Jain, Adv.  
(in IAs 1042-1045)

Ms. Aparna Bhat, Adv.  
Mr. P Ramesh Kumar, Adv.  
Ms. Priya Kiran, Adv.  
(in IA 502)

For Respondent(s)  
MoEF Mr. A D N Rao, Adv.

Mr. C V Subba Rao, Adv.  
Ms. Sushma Suri, Adv.  
Mr. B V Balram Das, Adv.

State of Maharashtra Mr. Mukesh K Giri, Adv.

Mr. David Rao, Adv.  
Mr. K H Nobin Singh, Adv.

State of WB  
Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.

Mr. Avijit Bhattacharjee, Adv.(NP)

Power Grid Corpn.  
Mr. Soli J Sorabjee, Attorney General  
(in IA 932)  
Ms. Tasneem Ahmadi, Adv.  
Mr. Ajay Sharma, Adv.

State of Uttaranchal  
Ms. Rachana Srivastava, Adv.

State of Chhatisgarh  
Mr. Prakash Srivastava, Adv.

DDA  
Mr. V B Saharya, Adv.  
for M/s. Saharya & Co., Adv.

State of Orissa  
Mr. Raj Kumar Mehta, Adv.

State of Karnataka  
Mr. Anil K Mishra, Adv. for  
Mr. Sanjay R Hegde, Adv.

State of Rajasthan  
Ms. Sandhya Goswami, Adv.

Mr. J R Das, Adv.

Mr. Naresh Kumar Sharma, Adv.  
Mr. Swetaketu Mishra, Adv.  
Ms. Moushumi Gahlot, Adv.  
(in IAs 754-755)

Mr. Shibashish Mishra, Adv.

for Laxmi Narayan  
Mr. V S Raju, Adv.  
Saw Mill  
Mr. T N Rao, Adv.

Mr. Guntur Prabhakar, Adv.

State of Tamilnadu  
Mr. Muthu Kumara Samy, AAG  
Mr. G Umapathy, Adv.  
Mr. Subramonium Prasad, Adv.

State of Haryana  
Mr. Aditya Kumar Chaudhary, Adv.  
Mr. Neeraj Kumar Jain, Adv.  
Mr. Bharat Singh, Adv.  
Ms. Kavita Wadia, Adv.

State of Nagaland  
Mr. U Hazarika, Adv.  
Ms. Madhvi Sharma, Adv.  
Ms. Sumita Hazarika, Adv.

State of HP  
Mr. J S Attri, Adv.

State of Punjab  
Mr. R S Suri, Adv. (NP)

for UTs  
Mr. R K Rathore, Adv.  
Mr. D S Mahra, Adv.

for State of Goa  
Ms. A Subhashini, Adv.

for CPCB  
Mr. Vijay Panjwani, Adv.

for State of J&K  
Mr. Altaf H Nayak, Adv. Genl.  
Mr. Anis Suhrawardy, Adv.

for State of  
Arunachal Pradesh Mr. Anil Srivastav, Adv.

for State of UP Mr. S Wasim A Qadri, Adv.  
Mr. Pramod Dayal, Adv.

for State of Manipur Mr. KH Nobin Singh, Adv.  
Mr. M Gireesh Kumar, Adv.

for State of Sikkim Mr. A Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.  
for M/s. Arputham Aruna & Co., Adv.

State of MP Mr. Satish K Agnihotri, Adv.  
Mr. Rohit K Singh, Adv.

State of Tripura Mr. Anurag Sharma, Adv.  
Mr. Gopal Singh, Adv.

for Pravakar Behera Mr. Janaranjan Das, Adv.  
& in IA 754-755 Mr. Swetaketu Mishra, Adv.  
Ms. Moushumi Gahlot, Adv.

Mr. V Prabhakar, Adv.  
Mr. R S Krishna Kumar, Adv.  
Mr. Rakesh Garg, Adv.  
Mr. M K D Namboodiry, Adv.  
Ms. Deep Shikha Bharti, Adv.  
(in Cont. Pet. 193/01)

UPON hearing counsel the Court made the following  
ORDER

IA 1035 and IA 776 in IA 424

Learned counsel appearing for the State of Madhya Pradesh prays for and is allowed two weeks' time to file response as regards recommendations of the Central Empowered Committee (CEC).

IA 930 (in IAs 669 & 659), IA 775 and  
IA 967

Learned counsel appearing for Ministry of Environment & Forests (MoEF) prays for and is allowed two weeks' time to file a copy of the Notification along with an affidavit along with complete details regarding constitution of the Committee.

IA 920 in IA 703 and IA 988 in IA 920

Learned counsel appearing for the State of West Bengal prays for and is allowed four weeks' time to file an affidavit by the Chief Secretary of the State.

IA 932 (in IAs 819-821)

At the suggestion of learned Attorney General, let these IAs be adjourned for three weeks. In the meantime, the parties may sort out the objections, if any. List these IAs after four weeks.

IA 60 with IA 968

CEC report filed in Court be taken on record.

Learned counsel appearing for MoEF prays for and is

allowed three weeks' time to file response to the recommendations of

CEC.

IA 1007 in IA 60

Learned counsel appearing for the applicant states that this IA is not pressed. It is, accordingly, dismissed as not pressed.

IA 966 in IA 548 and IA 1012 in IA 966  
List on 23rd February, 2004. In the meantime, reply be filed by MoEF.

IA 990 (in IAs 860 and 863 in IA 276)  
Learned counsel appearing for the State of Karnataka prays for and is allowed four weeks' time to file response to the recommendations of CEC.

IA 756  
Learned counsel appearing for the Delhi Development Authority prays for and is allowed four weeks' time to file response to the recommendations of Bhurelal Committee.

IA 908 in IA 724, IA 922 in IA 908, IA 929, IA 1025 (in IA 929), IA 1023 in IAs 922 & 908 and IA 502  
List these IAs on 23rd February, 2004 along with other similar IAs.

IA 973  
At present, we do not think it appropriate to pass any order on this IA. It is, accordingly, rejected.

IA 1010 in IA 670  
Let this application be referred to CEC which may submit its report within six weeks, if possible. List this IA after the report is received.

IAs 1008-1009 and IA 1037  
Learned counsel appearing for the applicants prays for and is allowed four weeks' time to file response to the recommendations of CEC.  
IA 826 (in IA 566), IA 955 in IA 566, IA 958 in IA 566, IA 985 in IA 566, IAs 1001 & 1001A in IA 566, IAs 1013 & 1014 in IA 566, IAs 1016-1018 in IA 566 and IA 1019 in IA 566  
Learned counsel appearing for MoEF prays for and is allowed two weeks' time to intimate steps taken to constitute the Committee. The Committee, if any, constituted shall be with the concurrence of CEC and subject to approval by this Court. Details of composition of the Committee shall be furnished to this Court. List these IAs after two weeks. In the meantime, let a copy of the recommendations of CEC may be furnished to Karun Johri.

IA 972 (in IA 757) with IAs 789-90, IA 962 in IA 757, IA 986 in IA 757, IA 987 in IA 757, IAs 1042-1045 in IA 757 and IAs 1038-1041 in IA 757  
Learned counsel appearing for the State of Rajasthan prays for and is allowed four weeks' time to file a response to these IAs. In the meantime, the State of Rajasthan may also send its proposal to MoEF.

IAs 896-898  
Learned counsel appearing for MoEF shall produce the records relating to constitution of National Board of Wildlife on the next date of hearing i.e. 23rd February, 2004.  
The order dated 16.1.2004 passed by the Government of India, Ministry of Environment & Forests is taken on record.  
These IAs be referred to CEC for its recommendations.  
In the meantime, the State of Uttaranchal may file its reply to these IAs before this Court as also before CEC.  
It may be clarified that the question of constitution of Committee is not referred to CEC.  
IA 976 (in IA 727)

At request, not taken up today.

IA 1011  
List after service is complete.

IA 941 (in IAs 754-755) with IA 777, IA 1036 in IAs 777, 754-755 & 941 and Suo Motu Contempt Petition (C) No. 301/03  
Learned counsel appearing for the State of Orissa is allowed six weeks' time, as a last opportunity, to file an affidavit indicating therein the steps taken for proposed rehabilitation.

Let the amount deposited by Mr. Pravakar Behera, DFO be remitted to Orissa State Legal Service Authority. This order be communicated by the Registry to the said Authority.  
IA 1034 (in IAs 995 & 999) and IA 1020 in IAs 995 & 999  
Let a response to the recommendations of CEC be filed within four weeks.  
IA 989 (in IAs 857-858) with IAs 997, 998 and 1002  
List these IAs on 23rd February, 2004. In the meantime, the parties may exchange affidavits.

WP(C) No. 498/2003

Let CEC file its response to this petition within a period of four weeks.

WP(C) No. 589/2003

None appears on behalf of the petitioner. Adjourned.

WP(C) No. D23533/2003

Learned counsel appearing for the petitioner states that the petitioner wants to withdraw this petition with liberty to approach CEC. Ordered as prayed for.

SLP(C ) No. 6266/2000

List this petition before this Bench on 23rd February, 2004 as first item.

(D.P. WALIA)

COURT MASTER

(JANKI BHATIA)

COURT MASTER