

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

I.A.Nos.2423-2425 & 2460-2461 with I.A.No.1274-1275 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)  
(For impleadment, direction & exemption from filing O.T., permission)

AND  
I.A.NO.2469 in W.P.(C)NO.202/1995  
(For permission)

AND  
I.A.No.2493 in 1780-1781 in W.P.(C)NO.202/1995  
(For withdrawal of I.A.1780-1781)

AND  
I.A.No.1868, 2091, 2225-2227 & 2380 in W.P.(C)NO.202/1995  
(For direction & intervention on b/o.Lafarge Umium Mining P.Ltd. and vacation of interim order dt.23.11.07 and seeking permission to bring addl. facts and documents on record)

AND I.A.Nos.2147-2148 in W.P.(C)NO.202/1995  
(for intervention and permission)

AND  
I.A.No.2481, 2482 & 2489 in 1399 in W.P.(C)NO.202/1995  
(For direction)

AND  
I.A.NO.2486 in W.P.(C)NO.202/1995  
(Recommendation of CEC in appln. No.1044)

AND  
I.A.Nos.2487-2488 in W.P.(C)NO.202/1995  
(For direction & exemption from filing O.T.)

AND  
C.A.No.8133/2003  
AND  
C.A.No.8134/2003  
WITH C.A.No.8135/2003  
(With appln.(s) for permission to place addl.documents on record and with prayer for interim relief)

AND  
I.A.Nos.170-175 in W.P.(C)NO.460/2004  
(For directions/impleadment)

AND  
I.A.Nos.2212, 2237-2238, 2272, 2277 in W.P.(C)NO.202/1995  
(For impleadment/directions, intervention)

Date: 30/01/2009 These Applns./Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)(NP)

Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s) In person (NP)

Mr. Naresh Kr. Sharma, Adv.

in W.P.(C) NO.460/04 Ms. Purnima Bhat Kak, Adv.

Ms. Anil Katiyar, Adv.

For Respondent(s)/  
applicant(s) Mr. Haris Beeran, Adv.  
Mr. P. Parmeswaran, Adv.  
Mr. S.W.A. Qadri, Adv.  
Mrs. Asha G. Nair, Adv.  
Mr. D.S. Mahra, Adv.  
Mrs. Kiran Bhardwaj, Adv.  
Mr. S.N. Terdal, Adv.  
Mr. B.V. Balram Das, Adv.  
Mrs. Anil Katiyar, Adv.

Mr. M.L. Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Himanshu Shekhar, Adv.

Mr. Manish Kumar, Adv.  
For Mr. Gopal Singh, Adv.

Mrs. Shilpa Chauhan, Adv.  
Mr. Rajesh Singh, Adv.

Dr. Sumant Bhardwaj, Adv.  
Mr. Amit Verma, Adv.  
Ms. Mridula Ray Bhardwaj, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.  
Mr. Anuvrat Sharma, Adv.  
Ms. Alka Sinha, Adv.  
Mr. Anil Kr. Jha, Adv.  
Mohd. Fuzail Khan, Adv.

Mr. S.B. Upadhyay, Sr. Adv.  
Ms. Kumud L. Das, Adv.

Mr. Somiran Sharma, Adv.

Mr. Shakeel Ahmed, Adv.

Dr. A.M. Singhvi, Sr. Adv.  
Mr. Sanjeev K. Kapoor, Adv.  
Mr. Vishal Gupta, Adv.  
Mr. Avinash Menon, Adv.  
For M/s. Khaitan & Co., Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Ramji Shrinivasan, Sr. Adv.  
Mr. Mukesh Kumar, Adv.  
For M/s. M.V. Kini & Associates, Adv.

Mrs. Naresh Bakshi, Adv.

Mr. Naveen Sharma, Adv.  
Mr. B.S. Banthia, Adv.

Mr. D.K. Sinha, Adv.

Mr.Sanjay Jain, Adv.

In W.P.(C)No.460/04 Mr.Pratap Venugopal, Adv.  
Ms.Surekha Raman, Adv.  
Ms.Jhuma Bose, Adv.  
Ms.Deepti, Adv.  
Mr.Dileep P., Adv.  
for M/s.K.J.John & Co., Adv.

Mr.Manjit Singh, AAG  
for Mr.T.V.George, Adv.

Mr.A.Sharan, ASG  
Mr.Vishnu B.Saharya, Adv.  
For M/s.Saharya & Co., Adv.

In W.P.(C)No.460/04Mr.Katukuru Prabhaker Reddy, Adv.  
Mr.Pankaj Kr.Singh, Adv.  
For Mr.K.L.Janjani, Adv.

Mr.Lovekesh Saharya, Adv.  
Mr.Amit Anand Tiwari, Adv.

Mr.Vijay Panjwani, Adv.  
Mr.Ashwani K.Shakuja, Adv.  
Mr.Puneet Kumar, Adv.

Mr.Tarun Johri, Adv.

Mr.K.C.Dua, Adv.

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

I.A.Nos.2423-2425 & 2460-2461 with I.A.No.1274-1275:

Learned amicus curiae points out that in the State of Bihar, availability of timber is less but there are large number of applications either for starting fresh saw-mill or restarting and/or continuance of old saw-mill are stated to be holding licenses. C.E.C. has filed a report to the effect that the State should prepare a seniority list of the saw-mills so that eligible applicants could be identified. The State may prepare the list and file it as suggested by the C.E.C. within six weeks and the seniority list can be prepared.

The applicant in I.A.No.2424 submits that the paste units shall be excluded as they are not using the timber. We make it clear that these units are generally treated as saw-mill units as they are using the forest produce.

The applicants in I.A.Nos.2480-81 would be at liberty to approach the State authorities and place their contentions while preparing the seniority list. The State is at liberty to file their reply/response, if any, within six weeks.

I.A.NO.2469:

Issue notice to C.E.C. Response/reply if any within two weeks.

I.A.No.2493 in 1780-1781:

Learned counsel for the applicant seeks permission to withdraw the I.A.Nos.1780-1781. Permission sought for is granted. The applications are dismissed as withdrawn.

I.A.No.2493 is allowed accordingly.

I.A.No.1868, 2091, 2225-2227 & 2380:

List on 6.2.2009.

I.A.Nos.2147-2148:

List on 6.2.2009.

I.A.No.2481, 2482 & 2489 in 1399:

Issue notice to C.E.C. Reply/response, if any may be filed within four weeks.

I.A.NO.2486:

This application has been filed on behalf of State of Gujarat seeking permission for removing gregariously flowered dead Bamboo from Purna Wildlife Sanctuary in the State. C.E.C. has filed its recommendations indicating parameters so that it may not cause destruction to other wild species. The following conditions are suggested by the C.E.C. :

i)The removal and use of the dead bamboo should be done strictly in accordance with the provisions of Section 29 of the Wildlife (Protection) Act, 1972;

ii)the gregariously flowered dead bamboo should be felled and removed from the sanctuary through the Eco-development Committees under the strict supervision of the Forest Department, without causing damage to the new and regenerating clumps of bamboo;

iii)strict protection from fires and grazing should be undertaken along with proper soil and moisture/ water conservation measures to ensure regeneration of the young bamboo in the sanctuary; and

iv)the area from which dead bamboo has been removed should be regenerated by allowing natural regeneration of bamboo mixed with other associated miscellaneous species of trees to prevent recurrence of vast area of mono-culture i.e. spread of single type of vegetation-bamboo.

These conditions are acceptable to the State of Gujarat. The application is allowed, subject to fulfillment of the above conditions as imposed by C.E.C.

I.A.Nos.2487-2488

Issue notice to C.E.C. Reply/response, if any, may be filed within four weeks.

C.A.No.8133/2003, C.A.No.8134/2003 WITH C.A.No.8135/2003

List on 20.2.2009.

Response, if any, be filed by CEC in the meanwhile.

I.A.No.170-175 in W.P.(C)No.460/2004:

List on 27.2.2009.

I.A.Nos.2212, 2237-2238, 2272, 2277

List on 6.2.2009.

(G.V.Ramana) (Madhu Saxena)  
Court Master Court Master

ITEM NO.MM-JCOURT 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

I.A.No. in WP(C)No.202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

AND IN RE: POWER GRID CORPORATION OF INDIA LTD.

Date: 30/01/2009 This Appln./Petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)(NP)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

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

For Respondent(s)/Mr.A.T.M.Rangaramanujam, Sr.Adv.(Mentioned by)  
applicant(s) Mr.Ajay Sharma, Adv.  
Ms.S. Chowdhury, Adv.  
Ms.Tasneem Ahmadi, Adv.

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

List on 6.2.2009.

(G.V.Ramana) (Madhu Saxena)  
Court Master Court Master  
(Mentioned slip enclosed)

ITEM NO.MM-KCOURT NO.1 SECTION PIL

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

I.A.No.2439 in WP(C)No.202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/01/2009 This Appln./Petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)(NP)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

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

For Respondent(s)/Mr.Ramji Shrinivasan, Sr.Adv.(Mentioned by)  
applicant(s) Mr.Mukesh Kumar, Adv.  
Mr.Vartika Sahay, Adv.  
For M/s.M.V.Kini & Associates, Adv.

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

List after two weeks.

(G.V.Ramana) (Madhu Saxena)  
Court Master Court Master  
(Mentioned slip enclosed)

ITEM NO.MM-LCOURT 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

I.A.No.2143 in WP(C)No.202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/01/2009 This Appln./Petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)(NP)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

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

For Respondent(s)/Mr.A.D.N.Rao, Adv.(Mentioned by)  
applicant(s)

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

List on 6.2.2009.

(G.V.Ramana) (Madhu Saxena)  
Court Master Court Master  
(Mentioned slip enclosed)