

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION FOR 30.05.2025 (THROUGH SUPPLEMENTARY LIST) "ONLY" [1] IN RE : CORBETT I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH I.A. NO. 75033 OF 2023 (Application For Exemption From Filing O.T.) AND I.A. NO. 199355 OF 2024 (CEC REPORT NO. 16/2024 - INTERIM REPORT OF THE CEC ON APPLN. NO. 1578/2024 FILED BY SHRI ABHIJAY NEGI IN I.A. NO. 20650/2023) IN RE : GAURAV KUMAR BANSAL (FOR COMPLIANCE OF ORDER DATED 06.03.2024) AND [2] I.A. NOS. 117782, 117783 AND 117785 of 2025 [Applications for Impleadment, Directions and O.T.] IN RE : SANJAY KUMAR IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 30.05.2025 (THROUGH SUPPLEMENTARY LIST) AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, SR. ADVOCATE [A.C.] MR. G.S. MAKKER, ADVOCATE MR. S.N. TERDAL, ADVOCATE FOR S. NO. [1] MR. K. PARAMESHWAR (A.C.), DR. ABHISHEK ATREY (FOR STATE OF UTTARAKHAND), MR. G.S. MAKKER, MR. M.K. MARORIA (FOR C.B.I.) FOR S.NO. [2] MR. K. PARAMESHWAR (A.C.), MS. RANI MISHRA

Date : 30-05-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE A.S. CHANDURKAR

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

[1] IN RE : CORBETT I.A. NO. 20650 of 2023 (CEC REPORT No. 3/2023 – Report of CEC in APPLN. No. 1558/2021 with I.A. NO. 75033 OF 2023 and I.A. No. 199355 of 2024 (CEC Report No. 16/2024 – INTERIM REPORT OF THE CEC ON APPLN. NO. 1578/2024)

1. Heard Mr. K. Parameshwar, learned Amicus Curiae and Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Ministry of Environment, Forest and Climate Change, Mr. Gaurav Kumar Bansal, learned counsel appearing for the applicant.

2. Arguments concluded.

3. Judgment is reserved.

[2] I.A. Nos. 117782, 117783 AND 117785 of 2025 in W.P.(C) No. 202/1995

These applications have been filed by one Sanjay Kumar seeking the

following prayers:

- a) Issue appropriate directions to the State of Rajasthan and the Union of India to take immediate and effective steps to regulate and restrict public access and vehicular traffic to Trinetra Ganesh Temple and other religious sites located within the Critical Tiger Habitat (CTH)/core zone of the Ranthambhore Tiger Reserve;
- b) Direct the complete cessation of all mining, stone crushing, and mineral transportation activities within the notified boundaries of the Critical Tiger Habitat (CTH) of Ranthambhore Tiger Reserve and within a 1 km radius therefrom;
- c) Direct the Union of India to deploy Central Paramilitary Forces, such as the Central Industrial Security Force (CISF), to support the enforcement of wildlife and forest laws in identified conflict zones within and around Ranthambhore Tiger Reserve;
- d) Direct the demolition and removal of all illegal structures and commercial establishments operating within the Core/CTH area of the Reserve, and restoration of the area to its original ecological state;
- e) Direct the State of Rajasthan to implement its Orders dated 26.12.2002 and 31.03.2015.”

2. The Applicant through these applications seeks to bring to the notice of this Court the illegal mining activities within the core area / Critical Tiger Habitat (hereinafter, “CTH”) of Ranthambore Tiger Reserve (or “Tiger Reserve”) and its surrounding areas.

3. The Applicant highlights the following issues:

3.1. Issue regarding religious gathering in Trinetra Ganesh Temple:

The Trinetra Ganesh Temple is situated inside the historic Ranthambore Fort which is approximately 5kms within the National Park. It is stated that on Wednesdays alone, the number of pilgrims exceeds 10,000, on Sundays the figure touches nearly 6,000 and on regular weekdays the footfall hovers around 2,500 visitors per day. It is further stated that the road leading from Ganesh Dham to Jogi Mahal Gate—a 6 km stretch—serves as the primary approach route to the Temple. This stretch, which lies entirely within the core zone of the Tiger Reserve, witnesses an alarming number of private vehicles, including cars, taxis, motorcycles, and even pedestrians. On certain days, upwards of 7,500 vehicles are illegally parked along the stretch, causing massive congestion and exposing high-density tiger zones to intrusive human presence. This influx of such large crowds results in

multiple direct and indirect harms to the fragile ecosystem. Pilgrims cook food using firewood extracted illegally from the Tiger Reserve, dispose of plastic waste in large quantities, and cause severe anthropogenic disturbances to the wildlife, particularly tigers and other keystone species.

3.2 Illegal mining activities within Core/CTH area of Ranthambore Tiger Reserve: It is stated that approx. 150 ha of land situated adjacent to Uliyana village within the CTH of Ranthambore Tiger Reserve is affected by extensive illegal mining activities. The mining operations in Uliyana involve usage of heavy machinery and repeated movement of dumpers and tractor trolleys.

3.3 Illegal Commercial Constructions & Encroachments in Ranthambore Tiger Reserve: The third issue pertains to rampant commercial encroachments and unauthorized constructions within CTH of Ranthambore Tiger Reserve. Despite prohibition by the State of Rajasthan, illegal constructions have continued unabated. It is further stated that the Kachida Mataji Temple located inside the Tiger Reserve, has been continuously and unlawfully expanding over the years. The Pilgrims visiting the temple regularly throw plastic waste inside the forest area.

3.4. Delay in notification of ESZ around Ranthambore Tiger

Reserve: The Applicant states that despite efforts and steps taken by Ministry of Environment and Forest & Climate Change (for short 'MoEF&CC'), the State of Rajasthan has not taken any steps for the protection and conservation of CTH of Ranthambore Tiger Reserve. Due to non-declaration of ESZ of Ranthambore Tiger Reserve – hotels, motels, farm houses, residential colonies, commercial spaces – are growing inside the CTH of Ranthambore Tiger Reserve.

3.5 Conservation of historic structures within Ranthambore

Tiger Reserve: The Applicant also seeks to highlight that there are various historic structures situated in the Ranthambore Tiger Reserve like Jogi Mahal, Battees Khamba, Bada Mahal, Ranthambhore Fort, Jain Temple, etc. It is submitted that the said historic structures are not being properly maintained. It is therefore submitted that necessary directions are required to be issued in this regard.

4. We have heard Shri K. Parameshwar, learned Amicus Curiae appearing in the matter and Shri Shiv Mangal Sharma, the Additional Advocate General for the State of Rajasthan.

5. On a previous occasion this Court was required to consider a similar issue pertaining to the Sariska Tiger Reserve. After considering the submissions of the learned Amicus Curiae as well as the learned counsel for the State of Rajasthan, this Court had passed the following

2023:

“1. The present matter concerns various issues with regard to the problem faced in Sariksa Tiger Reserve. The Court has passed several orders from time to time. The first order was passed on 12.07.2023, followed by a second order on 13.03.2024 and the last order was passed on 07.08.2024.

2. In pursuance to the aforesaid orders, the Central Empowered Committee (CEC) has examined the issue and has given 25 suggestions. The State had filed an affidavit dated 10.09.2024, thereby agreeing to almost all the suggestions given by the CEC. However, the time-lines given in the recommendations/suggestions are not practical and those timelines will have to be extended.

3. Mr. K. Parameshwar, learned Amicus Curiae as well as Ms. Aishwarya Bhati, learned Additional Solicitor General agree that insofar as recommendation Nos. (XII), (XV) and (XVI) are concerned, taking into consideration the various aspects, certain directions are necessary to be issued. Recommendation No. XII reads as under:

“XII. In Sariska Tiger Reserve, the area of Sariska Wildlife sanctuary (492.00 Sq. Km.) is a smaller than the area of its declared Critical Tiger Habitat (881.11 Sq. Km.). Also, given that the Critical Tiger Habitat is fragmented, this leads to both legal as well as management challenges. Hence, Critical Tiger Habitat of STR should be rationalized based on the pattern of tiger breeding while ensuring that the total area of CTH after rationalization does not decrease rather the area of the Sariska Wildlife sanctuary should be increased. It must be ensured that such rationalized boundaries of Sanctuary become coterminous with the Core/Critical Tiger Habitat of the Sariska Tiger Reserve. This should be done before 30.09.2024.”

4. To implement the directions for rationalizing the total area of the Sariska Wildlife Sanctuary, the State will have to follow the procedure prescribed under the Act and the Rules framed thereunder.

5. The procedure involves the issuance of draft notification

inviting objections, followed by presenting the same before the National Board for Wildlife.

6. The environmentalists have raised certain concerns that the process of rationalization would result in additional mining activities. On the other hand, the miners have expressed their concerns that while rationalizing the area, the process would affect the existing mining activities which are otherwise legal.

7. In the prescribed procedure, the State is required to invite objections and consider the same. As such, any objections expressed by environmentalists or miners can be raised before the State after the draft notification is issued. The State would be required to take these objections into consideration. In any case, the alteration of the boundaries can be permitted only after receiving approval from this Court in pursuance to the order dated 30.11.2000 in IA No. 2 of 1996 in W.P.(C) No. 337 of 1995.

8. We, therefore, expect the State to follow the provisions of the Wildlife (Protection) Act, 1972 and Rules framed thereunder for carrying out the exercise under recommendation No.XII.

9. The trust which manages the Pandupole Hanuman Mandir and the devotees have also raised some grievance with regard to Recommendation No.I, which reads as under:

“I. All private vehicles plying to Pandupole Hanuma Temple from all the three existing gates should be stopped and Electric Shuttle Buses should be put in place for the pilgrims and other visitors by the State Government latest by 31.03.2025. This needs to be followed by exploring the other options discussed in para 44 like tram way/elevated road/motorable twin tunnel/rope way & sky walk on the basis of appropriate feasibility studies and alignments, the decision on which can be taken by State Government, in consultation with NTCA within a period of next one-year.”

10. It is not in dispute that while protecting the Tiger Reserve as well as the Sanctuary, the sentiments of the devotees, who visit the temple, should also be given due consideration. It is the concern of the Trust and the devotees that immediate stopping of private vehicles would deprive the thousands of devotees who come on Tuesdays and Saturdays from visiting

the temple.

11. It is also their concern that there is a belief among the devotees that they should offer a prasad on fulfillment of their prayers. The grievances have also been raised with regard to Recommendation Nos. XV and XVI which banned the preparation/cooking of sawamani/bhandara in the temple premises and any kind of food items at the shop run by the temple trust in the temple premises, with immediate effect. They read as under:

“XV. Preparation/cooking of sawamani/bhandara in the Pandupole Hanuman Mandir premises should be strictly banned with immediate effect. The practice of pilgrims bringing bhog/prasad with them, prepared outside the tiger reserve to the Hanuman temple can be allowed.

XVI. Preparation/cooking of any kind of food items at the shop run by the temple trust in the temple premises should be banned with immediate effect. Sale of prepared bhog/prasad brought from outside the Tiger Reserve can be allowed.”

12. We, therefore, find it appropriate that before implementing Recommendation Nos. (I), (XII), (XV) and (XVI), the Committee consisting of following Members should be appointed which can address these concerns and find out solutions in a phased manner:

- (i) The Collector, Sarisksa;
- (ii) The Field Director, Sariksa Tiger Reserve; and
- (iii) A Member of the CEC.

13. The said Committee shall give a hearing also to the representative of the Trust and arrive at a solution in a balanced and phased manner so that the interest of the Tiger Reserve as well as the concerns of the devotees are given due consideration.

14. The deadline given in the Recommendations of the report of the CEC would not be practical inasmuch insofar as same aspects are concerned as the outer dates are already over.

15. We, therefore, extend the period as provided in the guidelines by one year from today.”

6. We find that, taking into consideration the similarity of the situation, it will be appropriate that a Committee of the following Members is appointed which can address the concerns with regard to the issue in Ranthambore Tiger Reserve and recommend solutions in a phased manner:

- (i) The Collector, Sawai Madhopur
- (ii) The Field Director, Ranthambore Tiger Reserve; and
- (iii) A member of the CEC

7. Needless to state that while addressing the issue pertaining to the maintenance and conservation of Tiger Reserve, the Committee so constituted shall also take into consideration the interest of the devotees of the Trinetra Ganesha temple and give suggestions which would balance the interest of the Tiger Reserve as well as the devotees.

8. The said Committee shall also give a hearing to the representatives of various stakeholders including the representatives of the Trust which manages the Trinetra Ganesha Temple.

9. In order to protect the Ranthambore Tiger Reserve, we also deem it appropriate to direct the State of Rajasthan to take steps to ban mining in the core area of the Tiger Reserve. Needless to clarify that the ban on mining in the core area of Tiger Reserve shall scrupulously be followed without permitting any interference from any of the stakeholders. The State of Rajasthan shall, accordingly, file an affidavit

within a period of 6 weeks from today stating as to what steps it has taken for prohibiting mining in the core area of Ranthambore Tiger Reserve.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR