ITEM NO.45 COURT NO.2 SECTION PIL-W

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 11.12.2024 (THROUGH SUPPLEMENTARY LIST) (THIS MATTER WILL BE TAKEN UP AFTER FRESH MATTERS) "ONLY" [1] I.A. NO. 58031 OF 2024 (DISPOSED OF) [Application For Intervention In W.P.(C)No. 202/1995 Filed By Ms. Parul Gupta, Advocate] AND I.A. NO. 58032 OF 2024 (DISPOSED OF) [Application For Directions In W.P. (C)No. 202/1995 Filed By Ms. Parul Gupta, Advocate] AND I.A. NO. 156703 OF 2024 [Application For Impleadment filed by Mr. Shrey Kapoor, Advocate] AND I.A. NO. 156707 & 156710 OF 2024 [Application For Directions and Exemption from filing O.T. filed by Mr. Shrey Kapoor, Advocate] WITH I.A. NOS. 182429 & 182432 OF 2024 [Application for permission to file Additional documents and Exemption from filing O.T. filed by Mr. Shrey Kapoor, Advocate] AND I.A. NO. 212089 OF 2024 [Application for Impleadment in I.A. Nos. 58031 & 58032 of 2024 filed by Ms. Aruna Gupta, Advocate] AND I.A. NOS. 212084 & 212086 OF 2024 [Application for Directions & Exemption from filing O.T. in I.A. Nos. 58031 & 58032 of 2024 filed by Ms. Aruna Gupta, Advocate] AND I. A. NO. 245699 OF 2024 [Applications for Impleadment in I.A. 211378 & 211725 of 2024 in I.A. 58031 of 2024 filed by Ms. Aruna Gupta] AND I.A. NOS. 279970 & 279972 OF 2024 [Application for placing on record Addition Facts and documents and Exemption from filing English translation filed by Mr. Shrey Kapoor, Advocate] IN RE : M/S. RADHE GOVIND MARBLE MINING IN SARISKA IN RE : PAVAN SINGH IN RE : CHAND KANWAR IN RE : ANIL JATAV IN RE : M/S. RADHE GOVIND MARBLE AND [1 a] CIVIL APPEAL DIARY NO. 12516 OF 2019 AND [1 b] SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023 IN RE : SARISKA TIGER RESERVE AND [2] I. A. NOS. 234745 & 234762OF 2024 [Applications For Directions and Exemption from filing O.T. filed by Ms. Aruna Gupta, Advocate] WITH I. A. NO. 234746 OF 2024 [Applications For Impleadment filed by Ms. Aruna Gupta, Advocate] IN RE : RAJENDRA SINGH, POWER OF ATTORNEY HOLDER OF M/S. B. SEENAIAH & CO. AND [3] I.A. NO. 5891 OF 2019 [Application For Directions] AND I.A. NOS. 259426, 259429 & 259431 OF 2024 (Applications for Impleadment, Directions and Exemption from filing O.T. filed by Ms. Rani Mishra, Advocate) IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS ALONGWITH IN RE: STATUS OF FUNDS IN RE: VAISHALI RANA AND [4] CONTEMPT PETITION (C) DIARY NO. 39857 OF 2024 IN RE : K. MRUTYUNJAYA RAO AND [5] I.A. NOS. 172422, 172425, 172427, 172429 OF 2024 [Applications for Impleadment as party Co-petitioner,

Signature Not Verified
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Date: 2024.12.19 17:40:09 IST
Reason:

Directions, Exemption from filing O.T., Seeking permission to Appear & Argue-in-person] WITH I.A. NO. 179359 OF 2024 [Applications for Ex Parte Ad-Interim Stay in I.A. No. 172422/2024] IN RE : MR. GAURAV KUMAR BANSAL (APPLICANT-IN-PERSON) AND [6] I.A. NOS. 99457 AND 99462 OF 2024 [Applications for Intervention and Clarifications filed by Ms. Shalini Kaul, Advocate] WITH I.A. NO. 211469 OF 2024 [Applications for Intervention filed by Mr. Tarun Gupta, Advocate in I.A. 99457/2024] WITH I.A. NO. 256515 OF 2024 [Applications for permission to place Additional documents on record filed by Mr. Tarun Gupta, Advocate in I.A. 211469/2024] IN RE : SUMITRA NEGI & ORS. IN RE : LIEUTENANT GENERAL SARVJIT SINGH CHAHAL (RETD.) & ORS. AND [6(a)] I.A. NO. 263809 OF 2023 [Application for Intervention] WITH I.A. NOS. 263810, 263811 AND 263812 OF 2023 [Applications seeking permission to file application for Directions, Directions and Exemption from filing O.T.] AND I.A. NO. 92980 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Dr. Surender Singh Hooda, Advocate for the Applicant] AND I.A. NO. 141598 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Mr. Dinesh C. Pandey, Advocate for the Applicant No. 2] IN RE : ANUJ KAUSHAN & ANR. IN RE : SUKHNA LAKE AND [6 (b)] SPECIAL LEAVE PETITION(C) NO. 26642 OF 2024 IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 11.12.2024 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], [1 a] & [1 b] MR. K. PARAMESHWAR (A.C.), MS. PARUL SHUKLA, MR. MILIND KUMAR, MR. SHREY KAPOOR, MS. ARUNA GUPTA, MS. NIDHI JASWAL (MR. SHYAM D. NANDAN, ADV. IN C.A.(D)NO. 12516/2016) FOR S.NO. [2] MR. K. PARAMESHWAR (A.C.), MS. ARUNA GUPTA FOR S. NO. [3] MR. K. PARAMESHWAR (A.C.), MR. G.S. MAKKER, MR. ARAVIND S. (PUDUCHERRY), MR. SAMIR ALI KHAN (BIHAR), MR. AKSHAY AMRITANSHU (HARYANA), MS. PURNIMA KRISHNA (TAMIL NADU), MR. PRASHANT KUMAR (CHHATISGARH), MR. S.N. TERDAL (ANDAMAN & NICOBAR, CHANDIGARH, LADAKH, LAKSHADWEEP), MR. V.N. RAGHUPATHY (KARNATAKA), MR. KARAN SHARMA (PUNJAB), MS. ASTHA SHARMA (WEST BENGAL), MR. SUDEEP KUMAR (UTTAR PRADESH), MR. SHOVAN MISHRA (ODISHA), MR. SHUVODEEP ROY (ASSAM, TRIPURA), MS. SUGANDHA ANAND (HIMACHAL PRADESH), MR. ABHISHEK ATREY (UTTARAKHAND), MR. NISHE RAJEN SHONKER (KERALA), MR. AADITYA A. PANDE (MAHARASHTRA), MR. K. ENATOLI SEMA (NAGALAND), MR. PASHUPATI NATH RAZDAN (JAMMU & KASHMIR), MR. ANANDO MUKHERJEE (JHARKHAND, MIZORAM), MR. GUNTUR PRAMOD KUMAR (ANDHRA PRADESH), MS. NIDHI JASWAL (RAJASTHAN), MR. CHIRAG M. SHROFF (NCT OF DELHI), MS. SWATI GHILDIYAL (GUJRAT), MS. MRINAL GOPAL ELKER/MRINAL ELKER MAZUMDAR (MADHYA PRADESH), MR. SAMEER ABHYANKAR (SIKKIM), MR. SHISHIR DESHPANDE (GOA), MR. PUKHRAMBAM RAMESH KUMAR (MANIPUR), MR. SRAVAN KUMAR KARANAM (TELANGANA). MS. RANI MISHRA (FOR I.A. NOS. 259426, 259429 & 259431 OF 2024) FOR S.NO. [4] MR. K. PARAMESHWAR (A.C.), MR. MUKESH KUMAR FOR S.NO. [5] MR. K. PARAMESHWAR (A.C.), MR. GAURAV KUMAR

BANSAL, MS. MRINAL GOPAL ELKER FOR S. NO. [6], [6 (a)], [6 (b)] MR. K. PARAMESHWAR (A.C.), MS. SHALINI KAUL, MR. TARUN GUPTA, MR. DINESH C. PANDEY, DR. SURENDER SINGH HOODA FOR SLP(C)NO. 26642 OF 2024 MR. K. PARAMESHWAR (A.C.), MR. SURENDER SINGH HOODA, MR. S.N. TERDAL, MR. APOORVA SINGHAL)

WITH

Diary No(s). 12516/2019 (XVII)

(IA No. 68530/2019 - CONDONATION OF DELAY IN FILING, IA No. 68535/2019 - EX-PARTE STAY, IA No. 68538/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 220462/2024 – INTERVENTION/IMPLEADMENT, IA No. 68527/2019 - PERMISSION TO FILE APPEAL)

SMW(C) No. 1/2023 (PIL-W)

(IA No. 282482/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 285430/2024 - EXEMPTION FROM FILING O.T., IA No. 227339/2024 – INTERVENTION/IMPLEADMENT)

Diary No(s). 39857/2024 (PIL-W)

SLP(C) No. 26642/2024 (IV-B)

(IA No. 257198/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

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Ms. Dr. Monika Gusain, Sr. Adv.
Mr. Akshay Amritanshu, AOR
Ms. S. Harini, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.

Mr. Nalin Kohli, Sr. Adv.
Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR
Ms. Pooja Tripathi, Adv.
Mr. Amit Kumar, Adv.
Ms. Harshita Sharma, Adv.
Mr. Abhishek Verma, Adv.

Mr. B. K. Pal, AOR
Mr. James P. Thomas, AOR
Mr. S. Gowthaman, AOR
Mr. A. Karthik, AOR
Mr. Rajiv Kumar Choudhry , AOR
Mr. Anurag Tandon, AOR
Mr. Samir Ali Khan, AOR

Ms. Kavita Jha, Sr. Adv.
Mr. Anant Mann, AOR

Ms. Shalini Kaul, AOR
Mr. Sunil Kumar Sharma, AOR

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.
Ms. Sneha Menon, Adv.

Mr. Siddharth Sharma, AOR

Mrs. Aishwrya Bhati, A.S.G.
Mrs. Archana Pathak Dave, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mrs. Ruchi Kohli, Adv.
Mr. Uday Prakash Yadav, Adv.
Mr. Suhasini Sen, Adv.
Mr. S S Rebello, Adv.

Mr. Shyam Gopal, Adv.
Mr. Raghav Sharma, Adv.
Mr. Sughosh Subramanium, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SUO-MOTU WRIT PETITION (C) NO. 1 OF 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 time-lines 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 threunder.

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.

16. We place on record our appreciation for the State of Rajasthan for acting in a proactive manner.

17. List on 19.03.2025.

I.A. NO. 212089 OF 2024 AND I.A. NOS. 212084 & 212086 OF 2024 AND CIVIL APPEAL DIARY NO. 12516 OF 2019

List on 19.03.2025

I.A. NO. 156703 OF 2024 AND I.A. NO. 156707 & 156710 OF 2024 WITH I.A. NOS. 182429 & 182432 OF 2024

1. The present application has been filed by the applicant(s) contending that though the mining activities of the applicant(s) are beyond a distance of one kilometer from

the boundary of the Critical Tiger Habitat (CTH), the State Government has illegally closed the mining activity.

2. In an affidavit filed by the State, it is submitted that the mining activities of the applicant(s) are within a distance of one kilometer from the boundary of the CTH.

3. Shri A.N.S. Nadkarni, learned senior counsel appearing for the applicant(s) submits that the said contention of the State is contrary to record.

4. He makes a categorical statement that if the CEC examines the issue after giving an opportunity of hearing to the applicant(s), the applicant on his own would abide by the recommendations of the CEC.

5. We, therefore, request the CEC to examine the issue and submit a report to this Court within six weeks from today.

6. List on 15.01.2025.

I. A. NO. 245699 OF 2024 in I.A. 211378 & 211725 of 2024 AND I.A. NOS. 279970 & 279972 OF 2024

1. Issue notice, returnable on 15.01.2025.

2. In addition to the usual mode, liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent/State.

I.A. NOS. 234745 & 234762 OF 2024 WITH I. A. NO. 234746 OF 2024

1. As prayed, four weeks’ time is granted to the learned

counsel for the applicant(s) to file rejoinder affidavit.

2. List on 15.01.2025.

I.A. NO. 5891 OF 2019, I.A. NOS. 259426, 259429 & 259431 OF 2024, IA Nos. 269550, 269552 and 269553 OF 2024

As requested by learned counsel for the State, list these applications on 19.03.2025.

CONTEMPT PETITION (C) DIARY NO. 39857 OF 2024

1. As prayed, four weeks' time is granted to the learned counsel for the respondent-State to file reply affidavit.

2. List on 15.01.2025.

I.A. NOS. 172422, 172425, 172427, 172429 OF 2024 WITH I.A. NO. 179359 OF 2024

1. As prayed by learned Mr. K. Parameshwar, learned Amicus Curiae, list this matter on 15.01.2025.

I.A. NOS. 99457 AND 99462 OF 2024 WITH I.A. NO. 211469 OF 2024 WITH I.A. NO. 256515 OF 2024 AND I.A. NO. 263809 OF 2023 [Application for Intervention] WITH I.A. NOS. 263810, 263811 AND 263812 OF 2023 AND I.A. NO. 92980 OF 2024 AND I.A. NO. 141598 OF 2024 IN W.P.(C) NO. 202/1995 AND SLP(C) NO. 26642 OF 2024

1. In pursuance to the order passed by this Court on 20.11.2024 with regard to notifying the Eco-Sensitive Zone around Shukna Wildlife Sanctuary and the nature of constructions to be permitted in the said area, an affidavit has been filed by Shri Priya Priyank Bharti, IAS, Administrative Secretary, Government of Punjab, Department of

Forests and Wild Life Preservation on behalf of the State stating that a Committee comprising of (i) the Minister Incharge, Department of Forest and Wild life Preservation, Punjab, (ii) the Minister Incharge, Department of Local Government, Punjab, and (iii) the Minister Incharge, Department of Housing and Urban Development, Punjab, has been constituted.

2. It is stated that the Committee was entrusted with the task to invite comments and suggestions from the residents of village Kansal, Nada, Naya Gaon and Kakoran in respect of the declaration of Eco-Sensitive Zone around Shukna Wildlife Sanctuary.

3. It is further stated that a public notice was duly published in the prominent newspapers informing the public at large that public hearing would be held on 04.12.2024.

4. It is stated that in pursuance to the public notice a public hearing was organized wherein 81 representations accompanied with various orders passed by the State Governments were received by the Committee.

5. The affidavit further states that the said representations would be given due consideration by the Committee and a fresh draft proposal for notifying the ESZ around Shukna Wildlife Sanctuary, in Punjab jurisdiction would be finalized.

6. We, therefore, direct these applications be posted alongwith IA Nos. 268213-268214 of 2024 for further orders on 19.03.2025.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)