

ITEM NO.44

COURT NO.5

SECTION PIL-W

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

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

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 06.05.2022"ONLY"[1] INTERLOCUTORY APPLICATION NOS. 130445, 130448/2020 AND 130772, 130776/2020[APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T.]IN RE : STATE OF TAMIL NADU, (DISTRICT NAMAKKAL) WITH INTERLOCUTORY APPLICATION NOS. 28062, 28063 AND 28064/2022[APPLICATIONS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T.]IN RE : BODHAMALAI VILLAGE PANCHAYAT (DISTRICT NAMAKKAL, TAMIL NADU)AND INTERLOCUTORY APPLICATION NOS. 37424, 30227 AND 30228/2022[APPLICATIONS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T.]
IN RE : BODHAMALAI VILLAGE PANCHAYAT (DISTRICT NAMAKKAL, TAMIL NADU) IN WRIT PETITION (CIVIL) NO. 202/1995

Date : 06-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

By Courts Motion, AOR

Mr. Harish N. Salve, Sr. Adv. [A.C.]

Mr. A.D.N. Rao, Sr. Adv [A.C.]

Ms. Aparajita Singh, Sr. Adv[A.C.]

Mr. Siddhartha Chowdhury, Adv [A.C.]

MR. B. Vinodh Kanna, AOR

Mr. S. Gowthaman, AOR

Mr. R. Manish Singhvi, Sr. Adv.

Mr. Arpit Parkash, Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Chirag M. Shroff, AOR
Mr. Amandeep Mehta, Adv

Mr. Siddharth Sangal, Adv.
Ms. Nilanjani Tandon, Adv.

Dr. Monika Gusain, AOR

Mr. V. Krishnamurthy, Sr. Adv./AAG,
Dr. Joseph Aristotle S., AOR.
Ms. Nupur Sharma, Adv.
Mr. Shobhit Dwivedi, Adv.
Mr. Sanjeev Kumar Mahara, Adv.
Ms. Jessica Bhardwaj, Adv.

Mr. Vikas Mahajan, Sr. Adv/ AAG
Mr. Vinod Sharma, AOR
Mr. Anil Kumar, Adv.
Mr. Vivek Mahajan, Adv.
Ms. Reena Devi, Adv.
Mr. Arun Singh, Adv.
Mr. Salik Ram, Adv.

Mr. Barun Kumar Sinha, AAG
Mr. Kumar Anurag Singh, Adv
Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh Adv
Ms. Ekta Bharati, Adv

Mr. Nishe Rajen Shonker, AOR
Mr. Abraham C Mathews, Adv
Ms. Anu K Joy, Adv
Mr. Alim Anvar, Adv

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. Ravindra Raizada, AAG/Sr Adv
Mr. Rajeev Kumar Dubey, Adv
Mr. Amar Jyoti Sharma, Adv
Mr. Ashiwan Mishra, Adv
Mr. Kamendra Mishra, AOR

Mr. Balbir Singh, Ld. ASG
Ms. Archana Pathak Dave, Adv
Ms. Suhashini Sen, Adv
Mr. D. L. Chidananda, Adv.

Mr. S.S.Rebello, Adv
Mr. Shyam Gopal, Adv
Mr. Sughosh Subramanyam, Adv.
Mr. G.S. Makker, AOR

Ms. Mrinal Elkar Mazumdar, Adv
Mr. Mukesh Kr.Verma,Adv
Mr. Neeraj Kr.Sharma, Adv
Ms. Indira Bhakar, Adv.
Mr. G.S. Makker, AOR

Ms. Archana Pathak Dave, Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Siddharth Sangal, AOR
Ms. Nilanjani Tandon, Adv.

Dr. Monika Gusain, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Upendra Mishra, Adv.
Mr. K.V. Kharlyngdoh, Adv.

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Amit Kumar Singh, Adv.
Ms. K. Enatoli Sema, Adv.
Ms. Chubalemla Chang, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. R.K. Rathore, Adv.
Ms. Ranjeeta Rohatgi, AOR

Mr. Saket Singh, Adv.
Ms. Sangeeta Singh, Adv.
Ms. Somyashree, Adv.
Niranjana Singh, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Kr. Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
M/s. Venkat Palwai Law Associates

Mr. Sunny Choudhary, AOR
Mr. Upendra Mishra, Adv.

Mr. Manoj Kumar, Adv.

Mr. Aravindh S., AOR
Ms. C. Rubavathi, Adv.

Mr. P. Wilson, Sr. Adv.
Mr. D. Kumanan, AOR
Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, adv.
Mr. K.V. Girish Chowdary, Adv.
Ms. Rajeswari Mukherjee, Adv.

Mr. B. Karunakaran, Adv.
Mr. K. Balambihai, Adv.
Mr. E. Sudarsan, Adv.
Mr. Raghul Jain, Adv.
Mr. S. Gowthaman, AOR

Mr. Gunjan Kumar Jain, Adv.
Mr. Chanchal Kumar Ganguli, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

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

IA Nos.130445/2020 & 130448/2020 and 28062-
28064/2022.

IA Nos.130445/2020 & 130448/2020 have been filed by the State of Tamil Nadu and IA Nos.28062/2022-28064/2022 have been filed by the Bodhamalai Village Panchayat, represented by Panchayat Union Councillor seeking permission for removal of 260 trees grown over an area of 5.96 hectares of Mallur Reserve Forest in Namakkal District of Tamil Nadu for constructing a new black

topped road from Keelur to Vadugammelur Kms 0/0 to 23/625.

CEC has considered the applications and recommended for grant of permission for felling 260 trees for the proposed road from Keelur to Vadugammelur subject to the following conditions :

i) For diversion and use of forest land approval of the competent authority shall be obtained under the Forest (Conservation) Act, 1980 and the conditions on which such approval is granted shall be fully complied with including payment of Net Present Value and compensatory afforestation will be undertaken in the non-forest area identified for the purpose;

(ii) The Right of Way of 4 feet wide provided in the reserved forest Notification may be modified so as to replace it with the new black topped road proposed to be constructed and a corresponding notification issued under the Tamil Nadu Forest Act.

(iii) The non-forest land for taking up compensatory afforestation made available by the user agency be chain link fenced on a 2 feet high foot wall; and

(iv) Addl. PCCF, Regional Officer of MoEF&CC at Chennai in coordination with the Forest Department of State of Tamil Nadu will monitor the

implementation of the compensatory planting of trees.

The applications are allowed subject to the conditions recommended by the CEC. It is made clear that the Net Present Value shall be paid by the State Government.

IA Nos.130772/2020 & 130776/2020 and 30227-30228/2022:

IA Nos.130772/2020 & 130776/2020 have been filed by the State of Tamil Nadu and IA Nos.30227-30228/2022 have been filed by the Bodhamalai Village Panchayat represented by Panchayat Union Councillor, seeking permission for removal of 102 trees grown over an area of 2.71 hectares of Pudupatti Reserve Forest in Namakkal District of Tamil Nadu for construction a new black topped road from Pudupatti to Kedamalai Kms 0/0 to 11/375.

CEC has considered the applications and recommended for grant of permission for felling 102 trees for the proposed road from Pudupatti to Kedamalai subject to the following conditions :

i) For diversion and use of forest land approval of the competent authority shall be obtained under the Forest (Conservation) Act, 1980 and the conditions on which such approval is granted shall be fully complied with including payment of Net Present Value and compensatory afforestation will be

undertaken in the non-forest area identified for the purpose;

(ii) The Right of Way of 2.74 meter wide provided in the reserved forest Notification may be modified so as to replace it with the new black topped road proposed to be constructed and a corresponding notification under the Tamil Nadu Forest Act.

(iii) The non-forest land for taking up compensatory afforestation made available by the user agency is chain-link fenced on a 2 feet high foot wall; and

(iv) Addl. PCCF, Regional Officer of MoEF&CC at Chennai in coordination with the Forest Department of State of Tamil Nadu will monitor the implementation of the compensatory planting of trees.

The applications are allowed subject to the conditions recommended by the CEC. It is made clear that the Net Present Value shall be paid by the State Government.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Assistant Registrar