

ITEM NO.45

COURT NO.8

REVISED
SECTION PIL-WS 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 AND ORS. & ORS.

Respondent(s)

(FOR 17.02.2023 "ONLY" [1] I. A. NOS. 124224, 124225/2020 AND 124229, 124230/2020[APPLICATIONS FOR INTERVENTION, EXEMPTION FROM FILING O.T. AND DIRECTION, EXEMPTION FROM FILING O.T.]IN RE: M/S. GAMMA IRON INDIA LTD ININTERLOCUTORY APPLICATION NO. 34945/2019 (DISPOSED OF)AND[2] INTERLOCUTORY APPLICATION NOS. 31095/2019, 31104/2019 AND 31118/2019[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING OFFICIAL TRANSLATION]WITHINTERLOCUTORY APPLICATION NO. 59646/2021[APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION IN R/O ANNEXURES FILED BY MR. SUNNY CHOUDHARY, ADV.]ANDINTERLOCUTORY APPLICATION NO. 43308/2022[APPLICATION FOR PERMISSION TO FILE REJOINDER AFFIDAVIT]IN RE : REFUND OF NPV PAYMENT INTO COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDSAND[3] INTERLOCUTORY APPLICATION NOS. 3973 [REPORT OF CEC IN TERMS OF ORDER DATED 05.10.2015]IN RE : SHREE RAGHAVENDRA SEWAASHRAM SAMITI (SRSS), HARIDWAR, UTTARAKHANDAND[4] INTERLOCUTORY APPLICATION NOS. 79569 AND 79576/2019[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]WITH INTERLOCUTORY APPLICATION NOS. 159670 AND 159677/2019[APPLICATIONS FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION]AND INTERLOCUTORY APPLICATION D. NOS. 14261 AND 14262/2021[APPLICATIONS FOR URGENT LISTING OF I.A. NOS. 79569 AND 79576/2019 AND EXEMPTION FROM FILING DULY ATTESTED AFFIDAVIT]IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHAAND[5] INTERLOCUTORY APPLICATION NOS. 196062 AND 174896/2019[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]IN RE : PATNITOP DEVELOPMENT AUTHORITYAND[6] INTERLOCUTORY APPLICATION NOS. 43616, 43618 AND 43621/2020[APPLICATIONS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T.]IN RE : ABRAHAM ABRAHAMAND[7] [i] I.A. NO. 19010/2019 [APPLICATION FOR DIRECTIONS]WITH [ii] I.A. NO. 75982/2019[APPLICATION FOR EXEMPTION FROM FILING O.T.]WITH [iii] I.A. NO. 86706/2019 [APPLICATION FOR DIRECTIONS]WITH [iv] I.A. NO. 90640/2019 [APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS]WITH [v] I.A. NO. 122128 AND 122130/2019 [APPLICATION FOR EXTENSION OF TIME AND EXEMPTION FROM FILING O.T.] FILED BY MR. NISHANT R. KATNESHWARKAR, ADVOCATEWITH[vi] I.A. NO. 129260 AND 129264/2019 [APPLICATION FOR IMPLEADMENT AND DIRECTIONS] FILED BY MR. RAVINDRA KESHAVRAO ADSURE, ADVOCATE]AND[vii] I.A. NO. 129279/2019 [APPLICATION FOR DIRECTION] FILED BY MR. GOPAL BALWANT SATHE, ADVOCATEAND[viii] I.A. NOS. 150901 AND 150915/2019

[APPLICATIONS FOR INTERVENTION AND DIRECTION FILED BY MS. MAYURI RAGHUVANSHI, ADVOCATE IN RE : CONSERVATION ACTION TRUST, MAHARASHTRA AND [8] INTERLOCUTORY APPLICATION NOS. 1408, 1457, 1462, 1787, 1863-1864, 3453 IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 17.02.2023 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, ADVOCATE [A.C.] MR. G.S. MAKKER FOR S.NO. [1] MS. SUMAN YADAV FOR S.NO. [2] MR. M. R. SHAMSHAD, MR. V. N. RAGHUPATHY (FOR STATE OF KARNATAKA), MR. SUNNY CHOUDHURY (FOR STATE OF MADHYA PRADESH), MR. SACHIN PATIL (FOR STATE OF MAHARASHTRA) FOR S.NO. [3] MS. RACHANA SRIVASTAVA, MR. JASMEET SINGH FOR S.NO. [4] MS. MISHA ROHATGI MOHTA FOR S.NO. [5] MR. M. SHOE B ALAM FOR S.NO. [6] MR. JAMES P. THOMAS, MS. ANZU K. VARKEY (FOR R. NO. 7) FOR S. NO. [7] [i and viii] MS. VANSHAJA SHUKLA, MR. NISHANT R. KATNESHWARKAR, MR. GOPAL BALWANT SATHE, MR. RAVINDRA KESHAVRAO ADSURE, MS. MAYURI RAGHUVANSHI MS. MRIDULA RAY BHARDWAJ FOR S.NO. [8] MR. K. R. SASIPRABHU, MR. HIMINDER LAL, MR. M. K. MICHAEL, MS. USHA NANDINI V., MR. G. PRAKASH (FOR STATE OF KERALA))

Date : 17-02-2023 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE MANOJ MISRA

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Mr. Siddhartha Chowdhury, Advocate [A.C.] (Not Present)

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

IA Nos. 124224-25/2020 and IA No. 124229-30/2020

The Application (IA No.124224/2020) for impleadment is

allowed to the extent of direction(s).

By way of present application(s), the applicant(s) is seeking following prayer:

(i) Direct the i) Deputy Conservator of Forests, ii) Deputy Director, Directorate of Geology and Mining Work, Government of Maharashtra and iii) the Range Forest Officer, Gargoti, to permit the Applicant to transport Bauxite stocked at Survey No. 136, Minche Budruk, Bhudargad, Kohlapur, Maharashtra.

In view of order passed by the National Green Tribunal dated 26.09.2019 and letter issued by the Regional Forest Officer dated 10.12.2018, the applications (IA. Nos. 124225/2020, 124229-30/2020) are allowed in terms of prayer clause(i).

I.A. No. 31095, 31104 and 31118 of 2019, 59646 of 2021 and 43308 of 2022.

As prayed, list these applications after four weeks.

I.A. No. 3973 of 2017

As prayed, list these applications on 24.02.2023.

I.A. Nos. 79569 & 79576/2019 with I.A. Nos. 159670 & 159677/2019 and I.A. Nos. 14261 & 14262/2021

As prayed, list these applications on 24.02.2023.

I.A. Nos. 196062 and 174896 of 2019

As prayed, list these applications on 24.02.2023.

I.A. Nos. 43616, 43618 and 43621/2020

As prayed, four weeks' time is granted to the State of Kerala to file reply affidavit.

List these applications after four weeks.

I.A. Nos. 19010/2019, 75982/2019, 86706/2019, 90640/2019, 122128 and 122130/2019, 129260 and 129264/2019, 129279/2019 and 150901 and 150915/2019

As prayed, list these applications after four weeks.

I.A. Nos. 1408/2005, I.A. No. 1457/2005, 1462/2005, 1787/2007, 1863-1864/2007 and 3453/2012

In the application(s), we issue following directions to the State of Kerala:

(i) To file an affidavit indicating how many a) pattas, b) leases, c) renewal of leases, d) change of land use, e) sale, f) transfer has been permitted in the Cardamom Hill Reserve (CHR) area after 25.10.1980 i.e. date of coming into force of Forest (Conservation) Act, 1980.

(ii) To file an affidavit indicating the extent of land within the CHR under the possession and control of Revenue Department and Forest Department respectively.

(iii) To produce the report of the Expert Committee

constituted by State of Kerala pursuant of the orders of this Hon'ble Court dated 12.12.1996 in respect of the CHR area.

(iv) To file a compilation of all the relevant acts, rules and regulations mentioned in the CEC Report and the affidavit filed by the State Government.

List these applications after four weeks.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)