

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 AND ORS. & ORS.

Respondent(s)

(In Re : Mining in Aravalli in the State of Rajasthan

[1] I.A.NOS. 828, 2020, 833, 846-847, 834-835, 3951, 837, 893-894, 901-902, 903-904, 3394, 3396, 1329, 1331, 1450, 1451, 1452, 2447, 2602, 2822, 2824, 3124, 3689, 2825, 2827, 3123, 3686, 2828, 2830, 3131, 2758-2759, 3210, 3457, 2803, 2814, 2840, 3952, 2834, 2836, 3281, 2837, 2839, 2874, 2876, 3129, 2877, 2879, 3125, 2883-2885, 2887-2889, 2891, 2893, 3361-3362, 3397, 3296, 3799, 3801, 3957[Second Monitoring Report dated 28.10.2002 of Central Empowered Committee and Applications for Further Directions, Modification/Clarification of Order dated 30.10.2002 and Amendment of I.A.No. 833, Impleadment, Modification/Clarification of Order dated 29/30.10.2002, Modification/Clarification, Modification/Directions, Directions, Intervention, Clarification/Modification of Order dated 08.04.2005, Interim Directions, Stay, Modification of Order dated 19.02.2010 , Permission to file Additional Documents and Early Hearing of I.A.No. 828], I.A. Nos.50600/2019, 50604/2019, 50610 & 50612/2019 and

[2] [i] INTERLOCUTORY APPLICATION NOS. 1424-1425 and

2749(Applications for Directions and Stay)In Re : Alleged Non-Forestry Activities and Encroachment by BALCO AND

[ii] INTERLOCUTORY APPLICATION NOS. 2211(Applications for Clarification of Court's Order dated 29.02.2008)In Re : BALCOAND

[iii] INTERLOCUTORY APPLICATION NOS. 3427(Applications for Directions) In Re : BALCO, Respondent No. 7 in I.A.No. 1424-1425 WITH

[iv] CONTEMPT PETITION (C) No. 388/2009InINTERLOCUTORY APPLICATION Nos. 1424-1425 In W.P.(C)No. 202/1995 WITH SLP(C)No. 37511/2013 WITH W.P.(C)No. 469/2005AND

[3] INTERLOCUTORY APPLICATION NO. 990[REPORT ON AFFIDAVIT DATED 8-8-2003 FILED BY THE CHIEF SECRETARY, GOVERNMENT OF KARNATAKA IN I.A.NOS. 860 AND 863]IN RE : REMOVAL OF ENCROACHMENTS FROM THATKOLA RESERVE FOREST, SARGODU RESERVE FOREST AND MASKALI RESERVE FOREST IN THE STATE OF KARNATAKA AND

[4] INTERLOCUTORY APPLICATION NOS. 153915 AND

173926/2018[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE

JITIN RAM MENON, MAHARASHTRA AND

[5] [i] IN RE : STATUS OF FUNDS AND

[ii] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS] AND
[iii] INTERLOCUTORY APPLICATION NOS. 31095/2019, 31104/2019 AND 31118/2019[APPLICATIONS FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING OFFICIAL TRANSLATION] IN RE :COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS AND

[6] INTERLOCUTORY APPLICATION NO. 12465/2019[APPLICATION FOR DIRECTIONS]IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA AND

[7] INTERLOCUTORY APPLICATION NO. 42944/2019[APPLICATION FOR DIRECTIONS]IN RE : ILLEGAL/UNAUTHORIZED MINING IN KAZIRANGA NATIONAL PARK, ASSAM IN WRIT PETITION (CIVIL) NO. 202/1995 AND

[8] [i] INTERLOCUTORY APPLICATION NOS. 39[APPLICATIONS FOR FURTHER DIRECTIONS] WITH
[ii] INTERLOCUTORY APPLICATION NOS. 74162/2018[APPLICATIONS FOR FURTHER DIRECTIONS]IN RE : ENVIRONMENT AWARENESS FORUM, PETITIONER AND
[iii] INTERLOCUTORY APPLICATION NOS. 86240/2017[APPLICATIONS FOR DIRECTIONS]IN RE : GURU NANAK KATHA INDUSTRIES (RESPONDENT NO. 11) WITH
[iv] INTERLOCUTORY APPLICATION NOS. 30 AND 32646/2018 [APPLICATIONS FOR DIRECTIONS AND SEEKING PERMISSION TO FILE ADDITIONAL DOCUMENTS]
IN RE : JAMMU AND KASHMIR STATE FOREST CORPORATION IN W.P.(C)NO. 171/1996

WITH
W.P.(C) No. 171/1996 (PIL-W)
(FOR [DIRECTION] ON IA 30/2016, FOR ON IA 32646/2018)

W.P.(C) No. 469/2005 (X)

CONMT.PET.(C) No. 388/2009 In W.P.(C) No. 202/1995 (PIL-W)

SLP(C) No. 37511/2013 (IV-A)

Date : 12-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

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

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

Mr. A.D.N. Rao, Advocate [A.C.]

Mr. Sudipto Sircar, Adv.

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

Mr. Ranjit Kumar, Sr. Adv.
Mr. Basava Prabhu S. Patil, Sr. Adv.
Ms. Anitha Shenoy, Sr. Adv.
Mr. Joseph Aristotle S., Adv.

Ms. Vibha D. Makhija, Sr. Adv.
Mr. Sarad Kumar Singhania, Adv.
Mr. Pranay Ranjan, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. D.L. Chidananda, Adv.
Ms. Suhasini Sen, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Zohib Hussain, Adv.
Mr. Santosh S. Rebello, Adv.
Mr. Rajesh Kr. Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Shrey Kapoor, Adv.
Mr. Nishit Aggarwal, Adv.
Ms. Kanika Saran, Adv.
Mr. Prabhas Bajaj, Adv.

Mr. C.A. Sundaram, Sr. Adv.
Mr. Prashanto Chandra Sen, Sr. Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Bharat Sood, Adv.
Mr. Shivanshu Singh, Adv.
Mr. Sanjay Kothiyal, Adv.
Mr. Kaustab Singh, Adv.

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Abhishek Kaushik, Adv.
Mr. Kumar Mihir, AOR

Ms. Aishwarya Bhati, Sr. Adv.
Mr. B. Dash, Adv.
Mr. Nithin P., Adv.
Group Captain Karan Singh Bhati, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Satyendra Kumar, Adv.
Mr. Shailja Nanda Mishra, Adv.
Ms. Ruchi Kohli, AOR

Mr. P.S. Patwalia, Sr. Adv.
Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.

Mr. Gautam Prabhakar, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Rujuk Sarkar, Adv.
Ms. Manjeet Kaur, Adv.
Ms. Sumita Hazarika, AOR
Mr. Sunil Dogra, Adv.

Ms. Sandhya Goswami, AOR

Ms. Shobha, AOR

Mr. V. Balachandran, AOR

Mr. Anil Nag, AOR

Mr. Praveen Jain, AOR

Mr. S.K. Sinha, AOR

Ms. Binu Tamta, AOR

Mr. Sarad Kumar Singhania, AOR

Mr. Naveen Chawla, AOR

Ms. A. Sumathi, AOR

Mr. Atif Suhrawardy, Adv.
Mr. Syed Mehdi Imam, AOR
Shamama Anis, Adv.

Ms. Suruchi Aggarwal, AOR

Mr. Satya Mitra, AOR

Mr. Aruneshwar Gupta, AOR

Ms. Sudha Gupta, AOR
Mr. Yashovardhan Oza, Adv.

Mr. Pranav Sachdeva, AOR
Ms. Neha Rathi, Adv.
Mr. Jatin Bhardwaj, Adv.

Mr. Apoorv Kurup, AOR

Ms. Punam Kumari, AOR

Mr. Deepa M. Kulkarni, Adv.
Mr. Nishant R. Katneshwarkar, AOR

Ms. Purnima Bhat Kak, AOR

Mr. Bimal Roy Jad, AOR

Mr. Anant P., Adv.

Mr. Deepak Goel, AOR

Ms. Aruna Gupta, Adv.

Mr. Saju Jakob, Adv.

Mr. Naveen Kumar Singh, Adv.

Mr. Varun Dewan, Adv.

Mr. Abhishek Sharma, Adv.

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

(IN RE : MINING IN ARAVALLI IN THE STATE OF RAJASTHAN
[1] I.A.NOS. 828, 2020, 833, 846-847, 834-835, 3951, 837, 893-894, 901-902, 903-904, 3394, 3396, 1329, 1331, 1450, 1451, 1452, 2447, 2602, 2822, 2824, 3124, 3689, 2825, 2827, 3123, 3686, 2828, 2830, 3131, 2758-2759, 3210, 3457, 2803, 2814, 2840, 3952, 2834, 2836, 3281, 2837, 2839, 2874, 2876, 3129, 2877, 2879, 3125, 2883-2885, 2887-2889, 2891, 2893, 3361-3362, 3397, 3296, 3799, 3801, 3957 [SECOND MONITORING REPORT DATED 28.10.2002 OF CENTRAL EMPOWERED COMMITTEE AND APPLICATIONS FOR FURTHER DIRECTIONS, MODIFICATION/CLARIFICATION OF ORDER DATED 30.10.2002 AND AMENDMENT OF I.A.NO. 833, IMPLEADMENT, MODIFICATION/CLARIFICATION OF ORDER DATED 29/30.10.2002, MODIFICATION/CLARIFICATION, MODIFICATION/DIRECTIONS, DIRECTIONS, INTERVENTION, CLARIFICATION/MODIFICATION OF ORDER DATED 08.04.2005, INTERIM DIRECTIONS, STAY, MODIFICATION OF ORDER DATED 19.02.2010 , PERMISSION TO FILE ADDITIONAL DOCUMENTS AND EARLY HEARING OF I.A.NO. 828, I.A. Nos.50600/2019, 50604/2019, 50610 & 50612/2019

In reference to mining in Aravalli in the State of Rajasthan, a Report has been filed by the State Government.

Mr. A.D.N. Rao, learned Amicus Curiae has prayed for some time to ascertain the facts and to look into the matter.

Issue notice in I.A. No.50600/2019 (Application for Intervention) & I.A. No.50610/2019 (Application for Directions).

A copy of I.A. No.50600/2019 (Application for Intervention) & I.A. No.50610/2019 (Application for Directions) be furnished to the learned Amicus Curiae and the Standing Counsel for the State of Rajasthan.

Response to the applications be filed on or before 03.05.2019.

List on 08.05.2019.

[2] [i] INTERLOCUTORY APPLICATION NOS. 1424-1425 and 2749
[ii] INTERLOCUTORY APPLICATION NOS. 2211
[iii] INTERLOCUTORY APPLICATION NOS. 3427
[iv] CONTEMPT PETITION (C) No. 388/2009 In INTERLOCUTORY
APPLICATION Nos. 1424-1425 In W.P.(C)No. 202/1995 WITH SLP(C)No.
37511/2013 WITH W.P.(C) No. 469/2005

List on 08.05.2019.

Affidavit, if any, be filed within a week.

[3] INTERLOCUTORY APPLICATION NO. 990

It is submitted by Mr. Ranjit Kumar, learned senior counsel that a better affidavit of Chief Secretary is required to be filed by the State of Karnataka. Mr. A.D.N. Rao, learned Amicus Curiae, also submitted that compliance is unsatisfactory.

Better affidavit, as above, be filed on or before 03.05.2019.

List on 08.05.2019.

[4] INTERLOCUTORY APPLICATION NOS. 153915 AND 153926/2018

Learned counsel appearing for the State of Maharashtra has prayed for some time to file reply.

Let reply be filed on or before 03.05.2019.

List on 08.05.2019.

[5] [i] IN RE : STATUS OF FUNDS AND
[ii] INTERLOCUTORY APPLICATION NO. 5891/2019

List in the month of July, 2019.

[iii] INTERLOCUTORY APPLICATION NOS. 31095/2019, 31104/2019 AND 31118/2019

These applications relate to refund of amount. Let it be shown under a separate heading titled "Refund" on 08.05.2019.

Learned Amicus Curie to look into the matter, in the meantime.

[6] INTERLOCUTORY APPLICATION NO. 12465/2019

Let the State file its response within fifteen days.

Thereafter, CEC to file its Report, within four weeks.

List in the month of July, 2019.

Considered the Report No.6/2019 with respect to illegal mining in Kaziranga National Park, Assam (for short ' KNP').

We have asked for the response of the State of Assam.

Learned counsel appearing for the State of Assam has prayed for three weeks' time to respond to the Report.

Response be filed on or before 03.05.2019.

In the meanwhile, as certain matters are urgent as apparent from the Report, following aspects are mentioned in the Report No.6/2019: -

"iv. ban forthwith all types of mining and related activities along the southern boundary of the KNP and in the entire catchment area of the rivers/streams and rivulets originating in Karbi Anglong Hill ranges and flowing into Kaziranga National Park;

xxx

xxx

vi. not permit any new construction including on private lands which form part of the 9 identified animal corridors;

xxx

xxx

B. Director General of Police, Assam may be directed to
(a) ensure that no mining activity takes place in the Catchment area of the stream/rivers originating in Karbi Anglong Hill ranges and flowing to Kaziranga National Park;

(b) make the Superintendent of Police of Karbi Anglong Hills District, Nagaon District and Golaghat District responsible to ensure that no transportation of illegally mined material from Karbi Anglong Hills takes place;"

In view of the aforesaid, we order that all kind of mining and

related activities along the aforesaid Kaziranga National Park area and in the entire catchment area of rivers/streams and rivulets originating in Karbi Anglong Hill ranges and flowing into Kaziranga National Park, including Tiger Reserve are restrained. No new construction shall be permitted on private lands which form part of the nine identified animal corridors.

The Director General of Police, Assam and the concerned Superintendent of Police shall also ensure that no illegal mining takes place in the aforesaid area and no transportation of illegally mined material take place from Karbi Anglong Hills.

Issue notice to Karbi Anglong Autonomous Council, Department of Environment & Forests, KAAC: Secretariat, Diphu-782460, Through its Chief Executive Officer.

Necessary steps be taken by the Registry within three days.

[8] [i] INTERLOCUTORY APPLICATION NOS. 39
[ii] INTERLOCUTORY APPLICATION NOS. 74162/2018
[iii] INTERLOCUTORY APPLICATION NOS. 86240/2017
[iv] INTERLOCUTORY APPLICATION NOS. 30 AND 32646/2018

Learned senior counsel appearing on behalf of the State of J&K has prayed for some time to file an affidavit with respect to the stock situation.

The affidavit, as above, be filed within ten days.

Let the committee constituted by the State on 22.02.2017 verify the stock situation in the various depots and submit a report as to the availability of the stock along with its opinion by 03.05.2019.

List on 08.05.2019.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER