

ITEM NO.301

COURT NO.1

SECTION XII

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

IA /2017 (D.No.35301/2017), IA /2017 (D.No.36424/2017), IA /2017 (D.No.51716/2017) and IA /2017 (Dy.No.29772/2017) in Civil Appeal No(s). 12164-12166/2016

THE STATE OF TAMIL NADU REP. BY SEC.&ORS & ANR. Appellant(s)

VERSUS

K. BALU & ANR. Respondent(s)

(for directions and extension of time)

WITH

C.A. No. 12169/2016 (XII)

Date : 12-07-2017 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Applicant(s) Mr. Rajiv Dutta, Sr. Adv.  
In D.No.35301/2017 Mr. Anil Shrivastav, Adv.  
(State of Arunachal Pradesh)

For Applicant(s) Mr. Mukesh K. Giri, AAG  
(State of Mr. Farrukh Rasheed, Adv.  
Uttarakhand  
D.No.36424/2017)

For Applicant(s) Ms. G. Indira, Adv.  
(Andaman & Nicobar Admn., D.No.51716/2017)

For Applicant(s) Mr. G. Prakash, Adv.  
(State of Kerala,  
D.No.29772/2017)

For Appellant(s) Mr. V.G. Pragasam, Adv.  
In CA 12169/2016 Mr. S. Prabu Ramasubramanian, Adv.

For Respondent(s) Ms. Pinky Anand, ASG  
Mr. N.K. Kaul, ASG  
Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. A.K. Panda, Sr. Adv.  
Ms. Binu Tamta, Adv.  
Mr. S.S. Rawat, Adv.  
Mr. Hemant Arya, Adv.  
for Mr. G.S. Makkar, AOR

Mr. Manoj V. George, Adv.  
Ms. Shilpa Liza George, Adv.  
Mr. Towseef Ahmad Dar, Adv.  
Mr. Amit Masih, Adv.

Mr. M. Yogesh Kanna, Adv.

Mr. P.I. Jose, Adv.  
Mr. HariKumar V, Adv.

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

IA No. /2017(D.No. 35301/2017 - State of Arunachal Pradesh)

Mr. Rajiv Dutta, senior advocate, represents the State of Arunachal Pradesh. He informs us that as a consequence of the directions issued by this Court, out of a total of 1011 liquor shops, 960 of them will have to be shut down. It is pointed out, that out of a total revenue of the State of Arunachal Pradesh of Rs.441.61 crores, the earning of the State out of liquor vends is to the tune of Rs.210.00 crores, namely approximately 50% of the entire annual revenue. It is also submitted, that the terrain in the State of Arunachal Pradesh is similar to that in the States of Sikkim and Meghalaya, and accordingly, the State of Arunachal Pradesh deserves to be granted parity with the States of Sikkim and Meghalaya, as has been allowed by this Court in paragraph 25 of the order dated 31.03.2017.

The application filed by the State of Arunachal Pradesh is fully justified, and being on the ground of parity which has been clearly substantiated, is allowed in terms of the prayer made.

IA No. /2017(D.No. 36424/2017 - State of Uttarakhand)

Mr. Mukesh Giri, learned Additional Advocate General representing the State of Uttarakhand seeks an adjournment, so as

to enable him to file further particulars.

Prayer is allowed. Needful be done within one week from today.

Post for hearing on 25.07.2017 at 2:00 p.m.

IA No. /2017(D.No.51716/2017 - Andaman & Nicobar Administration)

This interlocutory application has been filed on behalf of the Administration of Andaman & Nicobar. In order to seek exemption of the different orders passed by this Court, learned counsel representing the applicant invited our attention to the factual position depicted in paragraphs 5 and 6 of the application. Relevant extract thereof is being reproduced hereunder:

"5. ...There are 572 Islands in the Territory having an area of 8,249 km(3,185 sq. mi). Of these, about 38 are permanently inhabited. The islands extend from 6° to 14° North latitudes and from 92° to 94° East longitudes. The Andamans are separated from the Nicobar group by a channel (the Ten Degree Channel) some 150 km (93 mi) wide. The reserved and protected forests extend over 86% area of the territory and the forest cover is claimed to be 94%. About 50% of the forests has been set aside as Tribal Reserves, National Parks and Wildlife Sanctuaries. It has no open valley or plains. The existing roads in the Union Territory of Andaman and Nicobar Islands have steep gradient and sharp curves and are mostly single lane roads. Due to hilly topographical features and the Dense Forest Area of State, the Highways in Union Territory of Andaman and Nicobar Islands pass through hills, forests and also at some stretches are having the reserved forest on one side and Sea on the other side of the Highway. A true copy of the forest cover (in square kilometers) in India by State and Union Territory as published by the Forest Survey of India in 2013 is annexed and marked hereto as Annexure A-2 (Pg. Nos. 43-45).

6. It is submitted that the total geographical area of Union Territory is 8249 sq. km. Out of the said area, about 5686 sq. km. is recorded very dense

forest, 685 sq. km. is moderate Dense forest land, 380 sq. km. Is recorded as open forest, the Mangrove (tidal swamp) forest constitute 966 sq. km. As such, areas where habitations and agricultural activities and other incidental commercial activities exist are very limited, which is about 6.31% of the geographical area of the Union Territory. Even in the said 6% of land area, the part of land has been water inundated due to Tsunami and Part of Land is under CRZ...."

Based on the above, learned counsel seeks parity with the States of Sikkim and Meghalaya in terms of the order passed by this Court on 31.03.2017, as also, with the State of Arunachal Pradesh in terms of the order passed by this Court on 12.07.2017.

We find that the prayer made on behalf of the Administration of Andaman and Nicobar Islands is on the ground of parity, which has been fully demonstrated through the factual position disclosed in the interlocutory application, as has been extracted hereinabove. The prayer made by the Administration of Andaman and Nicobar Islands is accordingly allowed.

IA No. /2017(D.No. 29772/2017 - State of Kerala)

Learned counsel for the State of Kerala acknowledges, that the instant application has been rendered infructuous.

The instant application made on behalf of the State of Kerala is accordingly disposed of, as having been rendered infructuous.

(PARVEEN KUMAR)  
AR CUM PS

(RENUKA SADANA)  
ASST.REGISTRAR