

REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****Civil Appeal No(s). 2590/2019****SUGRA ADIWASI & ORS.****Appellant(s)****VERSUS****PATHRANAND & ORS.****Respondent(s)****WITH
CONMT.PET.(C) No. 554/2022 in C.A. No. 2590/2019****O R D E R**

1. The issue that arises for consideration is a matter of great importance, for it requires the court to balance two important values; first, to provide minimum basic housing even to those who are forest dwellers, and the second, obligation of State and its citizenry to protect the national forest resource.

2. While Section 4 of the Forest Rights Act, 2006 recognises and vests certain forest rights on the forest dwellers, Section 3, in turn, delineates what those forest rights are. Sub-section (2) of Section 3 empowers the Government to provide certain specified facilities to the forest dwellers, notwithstanding the mandate under the Forest (Conservation) Act, 1980. This exemption under Section 3(2) is only for activities undertaken by the Government, and more importantly it is

restricted to activities that are specifically provided therein. This does not include construction of a *pakka* dwelling house.

3. Ms. Anitha Shenoy, learned senior counsel appearing for the petitioner(s), who are declared as forest dwellers and Ms. Aishwarya Bhati, learned ASG appearing for respondent(s) have submitted that the purpose and the object of the Forest Rights Act, recognizing the rights of forest dwellers should be interpreted in a manner that would enable them to raise and construct a safe and a habitable *pakka* house within the forest, which is at a minimal intrusive non-forest activity.

4. We are of the opinion that even assuming that State can permit a minimalistic measure to build a *pakka* house for forest dwellers, the real question is whether such a measure could be notwithstanding the regulatory mandate of Forest Conservation Act, 1980. The Forest Conservation Act 1980, in our opinion, should not be treated as a law which prohibits certain activities, for it is a legislative measure that introduces the value of regulation and monitoring of non-forest activity within the forest. This is absolutely necessary for safe and good governance of our forest resources.

5. It is therefore necessary to develop and evolve a system where there is a convergence in the working of

the Forest Rights Act on the one hand and the Forest Conservation Act on the other. These legislations can supplement and complement one another and can be implemented benefiting the forest dwellers, as they are so inextricably connected to the forest, and at the same time regulate non-forest activity in the forest.

6. We direct that the MOEF&CC and Ministry of Tribal Affairs to hold detailed consultations and file an affidavit indicating the scope, method and manner of enabling construction of dwelling houses (under the scheme) within the forest, keeping in mind the mandate of Forest Conservation Act, 1980.

7. The affidavit shall be filed within a period of four weeks. List immediately thereafter.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
SEPTEMBER 23, 2025

ITEM NO.17

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2590/2019

SUGRA ADIWASI & ORS.

Appellant(s)

VERSUS

PATHRANAND & ORS.

Respondent(s)

IA No. 28150/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 35091/2019 - EX-PARTE STAY
 IA No. 93456/2019 - EXEMPTION FROM FILING O.T.
 IA No. 93448/2019 - EXEMPTION FROM FILING O.T.
 IA No. 93454/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES

WITH

CONMT.PET.(C) No. 554/2022 in C.A. No. 2590/2019 (XVII)
 IA No. 115132/2022 - EXEMPTION FROM FILING O.T.

Date : 23-09-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) :

Mr. Gaurav Agarwal, Sr. Adv.
 Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.

Ms. Anitha Shenoy, Sr. Adv.
 Ms. K. V. Bharathi Upadhyaya, AOR
 Ms. Sadhana Madhavan, Adv.
 Ms. Kavana Rao, Adv.
 Ms. Pritama, Adv.

For Respondent(s) :

Mr. Gaurav Agarwal, Sr. Adv.
 Mr. Pradeep Misra, AOR
 Mr. Daleep Dhyani, Adv.
 Mr. Suraj Singh, Adv.

Mr. V.V.V. Pattabhiram, D.A.G.
 Ms. Mrinal Gopal Elker, AOR
 Mr. Mukesh Kumar Verma, Adv.

Ms. Chhavi Khandelwal, Adv.

Ms. Aishwarya Bhati, A.S.G.

Mr. Gurmeet Singh Makker, AOR

Ms. Ruchi Kohli, Adv.

Mr. Bhuvan Kapoor, Adv.

Ms. Chitrangda Rastravara, Adv.

Mr. Rohan Gupta, Adv.

Mr. Raman Yadav, Adv.

Mrs. Aishwarya Bhati, A.S.G.

Ruchi Kohli, Adv.

Bhuvan Kapoor, Adv.

Chitrangda Rastravara, Adv.

Raman Yadav, Adv.

Brajesh Kumar, Adv.

Shivika Mehra, Adv.

Dr. N. Visakamurthy, AOR

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

We direct that the MOEF&CC and Ministry of Tribal Affairs to hold detailed consultations and file an affidavit indicating the scope, method and manner of enabling construction of dwelling houses (under the scheme) within the forest, keeping in mind the mandate of Forest Conservation Act, 1980.

The affidavit shall be filed within a period of four weeks.

List immediately thereafter.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(NIDHI WASON)
COURT MASTER (NSH)

(signed reportable order is placed on the file)