

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). 1164/2023

ASHOK KUMAR SHARMA, INDIAN FOREST SERVICE
(RETD) & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ANR.

RESPONDENT(S)

[IA No. 133296/2024 - APPLICATION FOR PERMISSION
IA No. 134865/2024 - APPLICATION FOR PERMISSION
IA No. 134867/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 115428/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 10020/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 133300/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 133298/2024 - EXEMPTION FROM FILING O.T.
IA No. 207035/2024 - EXEMPTION FROM FILING O.T.
IA No. 115430/2024 - EXEMPTION FROM FILING O.T.
IA No. 133301/2024 - EXEMPTION FROM FILING O.T.
IA No. 133297/2024 - INTERVENTION APPLICATION
IA No. 157284/2024 - INTERVENTION APPLICATION
IA No. 134866/2024 - INTERVENTION APPLICATION
IA No. 108937/2024 - INTERVENTION APPLICATION
IA No. 166299/2024 - INTERVENTION/IMPLEADMENT
IA No. 209063/2024 - INTERVENTION/IMPLEADMENT
IA No. 108949/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 28902/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 240922/2023 - STAY APPLICATION
IA No. 214764/2023 - STAY APPLICATION)

WITH

W.P.(C) No. 1336/2023 (PIL-W)
(IA No. 22042/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 209243/2024 - INTERVENTION/IMPLEADMENT
IA No. 10426/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 44469/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 247593/2023 - STAY APPLICATION

W.P.(C) No. 1375/2023 (PIL-W)
(IA No. 217032/2024 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 42/2024 (PIL-W)
(IA No. 14901/2024 - GRANT OF INTERIM RELIEF

**W.P.(C) No. 85/2024 (PIL-W)
(FOR EXEMPTION FROM FILING O.T. ON IA 30155/2024
IA No. 30155/2024 - EXEMPTION FROM FILING O.T.)**

**W.P.(C) No. 152/2024 (PIL-W)
(FOR STAY APPLICATION ON IA 55916/2024
IA No. 55916/2024 - STAY APPLICATION)**

Date : 04-03-2025 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

For Petitioner(s) :

**Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Satyajit Sarna, Adv.
Mr. Prashant Padmanabhan, AOR
Mr. Sudev Juneja, Adv.
Mr. Vishal Sinha, Adv.**

**Mr. Prashanto Chandra Sen, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Ms. Shibani Ghosh, Adv.
Mr. Saksham Garg, Adv.
Mr. Jyotirmoy Chatterjee, Adv.**

**Ms. Anitha Shenoy, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Shreepurna Dasgupta, Adv.
Ms. Tara Elizabeth Kurien, Adv.**

**Mr. Shyam Divan, Sr. Adv.
Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Ms. Pavithra V., Adv.
Mr. Sudipto Sircar, Adv.**

**Mr. Prashant Bhushan, AOR
Ms. Neha Rathi, Adv.
Ms. Kajal Giri, Adv.
Mr. Kamal Kishore, Adv.**

**Mr. Balraj Singh Malik, Adv.
Ms. Seema Sindhu, Adv.
Ms. Tannu, Adv.**

Mr. R. C. Kaushik, AOR

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Bani Dixit, Adv.
Mr. Rajat Nair, Adv.
Mr. Sridhar Pottaraju, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Rohan Gupta, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Ms. Bani Dikshit, Adv.
Mr. Rajat Nair, Adv.
Mr. Sridhar Pottaraju, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Umesh Babu Chourasia, Adv.
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Mr. K.N. Balgopal, Sr. Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kr. Singh, Adv.

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

Mr. Debojit Borkakati, AOR

Mr. Lenin Singh Hijam, Adv. Gen, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mrs. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Prakash Ranjan Nayak, AOR
Mr. Debasis Jena, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. Rashmi Nandakumar, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Yashmita Pandey, Adv.

Dr. Abhishek Atrey, AOR
Ms. Ishita Bist, Adv.
Ms. Ambika Atrey, Adv.
Ms. Jyoti Verma, Adv.

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

Applicant-in-person

Mr. Naveen Kumar, AOR
Ms. Stuti Bisht, Adv.
Mr. Maitreya, Adv.
Mr. Nitesh Bhandari, Adv.
Mr. Prabhat Kumar Rai, Adv.
Mr. Aditya Goyal, Adv.
Mr. Ujjawal Kumar Rai, Adv.
Ms. Esha Kumar, Adv.
Ms. Nidhi Singh, Adv.
Ms. Aprajita Bhardwaj, Adv.
Mr. Shourajeet Chakravarty, Adv.
Mr. Utkarsh Chandra, Adv.

Mr. Anantha Narayana M.G., AOR
Mr. Atul Shankar Vinod, AOR

Mr. Sameer Abhyankar, Adv.
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.
Ms. Yashika Sharma, Adv.
Ms. Ripul Swati Kumari, Adv.
Mr. Krishna Rastogi, Adv.

Mr. Divyanshu Kumar Srivastava, Adv.
Mr. Yash Jain, Adv.

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

1. The main grievance as raised by the petitioners/applicant(s) was that the Forest (Conservation) Amendment Act, 2023 has an effect of diluting the definition of 'forest' as defined by this Court in its order dated 12th December, 1996 rendered in T.N. Godavarman v. Union of India (W.P.(C) No.202/1995). It is their contention that as per the order in T.N. Godavarman (supra) the definition of 'forest' has to be understood in the dictionary sense. It is submitted that Section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (for short, 'the Adhiniyam') is likely to restrict the definition of forest and exclude the aforesaid

category of forest, as understood in accordance with the dictionary sense, from the ambit of the Forest (Conservation) Act, 1980.

2. It is further the contention of the petitioners/applicant(s) that the Union of India or the States/Union Territories would be using the land, which in fact is a forest but not recorded as forest like the denuded forest or the private forest etc., for compensatory afforestation. It is submitted that this would, in turn, reduce the forest coverage.

3. This Court, on 30th November, 2023 itself had recorded the statement of the then Additional Solicitor General of India appearing on behalf of the Union of India that there was no intention to dilute the scope of forest, as defined/held in the judgment/order of this Court in T.N. Godavarman (supra). The learned Additional Solicitor General had also stated that the exemptions which will be granted under sub-Section (2) of Section 1A of the Adhihiyam would be granted in accordance with the guidelines that the Central Government would be notifying in accordance with sub-section (3) thereof.

4. The matter was thereafter heard by this Court on 19th February, 2024. On that day, this Court reiterated the directions given in the case of T.N. Godavarman (supra) and also directed that pending the completion of exercise by the administrations of the State Governments and Union Territories under Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 (for short, 'the Rules of 2023'), the principle which was elucidated in the judgment of this Court in the case of T.N. Godavarman (supra) must continue to be observed.

5. Subsequently, when the matter was listed before this Court, on 3rd February 2025, an apprehension was expressed that the States or the Union of India would use forest land for linear projects etc., without doing compensatory afforestation thereby leading to reduction of the forest areas. As such, we passed the following order:-

"4. We make it clear that until further orders, no steps will be taken by the Union of India or any

of the States, which will lead to reduction of the forest land unless a compensatory land is provided either by the State Government or the Union of India for the purpose of afforestation."

6. The learned senior counsel as well as other counsel appearing on behalf of the petitioners/applicant(s) submit that the State Governments or the Union of India would use the forest land which is not yet recorded as forest land for the purpose of compensatory afforestation, which would not be permissible in view of the judgment/order of this Court in the case of T.N. Godavarman (supra).

7. Ms. Aishwarya Bhati, learned Additional Solicitor General, submits that in pursuance to the directions issued by this Court, the Union of India has sought information from various State Governments/Union Territories. She relies on the additional affidavit dated 28.02.2025 filed on behalf of the Ministry of Environment, Forest and Climate Change. A perusal of the same would reveal that certain State Governments and Union Territories have not even appointed Experts Committees, as are required to be constituted as per the directions of this Court. The said affidavit would further show that most of the State Governments and Union Territories have not completed the work required to be undertaken in accordance with Rule 16(1) of the Rules of 2023.

8. Sub-rule (1) of Rule 16 of the Rules of 2023 requires all the State Governments and the Union Territories to prepare a consolidated record of such lands including the forest like areas identified by the Experts Committee constituted for this purpose, unclassified forest lands or community forest lands on which the provisions of the Adhiniyam shall be made applicable.

9. We find that once an exercise, as required to be done under sub-rule (1) of Rule 16 of the Rules of 2023 is complete, it will lead to resolution of many issues. It is therefore necessary that all the State Governments and the Union Territories should make an earnest effort to complete the said exercise within a stipulated

period. While doing so, the State Governments/Union Territories would also be bound to follow the guidelines as issued by this Court in its order dated 6th July, 2011 in the case of Lafarge Umiam Mining Private Limited, (2011) 7 SCC 338, which reads thus:-

“(vii) Creation and regular updating of a GIS based decision support database, tentatively containing inter alia the district-wise details of the location and boundary of (i) each plot of land that may be defined as forest for the purpose of the Forest (Conservation) Act, 1980; (ii) the core, buffer and eco-sensitive zone of the protected areas constituted as per the provisions of the Wild Life (Protection) Act, 1972; (iii) the important migratory corridors for wildlife; and (iv) the forest land diverted for non-forest purpose in the past in the district. The Survey of India toposheets in digital format, the forest cover maps prepared by the Forest Survey of India in preparation of the successive State of Forest Reports and the conditions stipulated in the approvals accorded under the Forest (Conservation) Act, 1980 for each case of diversion of forest land in the district will also be part of the proposed decision support database.”

10. We, therefore, direct all the State Governments and the Union Territories, in which the Experts Committees have not yet been constituted, to constitute such committees within a period of one month from today. The said committees shall complete the exercise, as required under Rule 16(1) of the Rules of 2023 along with the directions issued by this Court in the case of Lafarge Umiam Mining Private Limited (supra), within a period of six months from today and submit a report to the Union of India.

11. The Union of India shall consolidate the reports, prepare state-wise position and place the same before this Court.

12. In the meantime, we reiterate the statement made by the then learned Additional Solicitor General of India, which was recorded by this Court in the order dated 30th November, 2023 as well as the directions issued by this Court in paragraph 18 of the order dated 19th February, 2024 and also the directions which were issued by this Court in its order dated 3rd February, 2025.

13. List on 09.09.2025.

14. The Registrar concerned of this Court shall communicate this order to the Chief Secretary of all the State Governments and also to the Administrator of all the Union Territories.

15. We clarify that if the aforesaid directions are not complied with in letter and spirit by the State Governments and the Union Territories before the next date, we will hold Chief Secretaries/Administrators concerned personally responsible for the said lapse and consider taking such steps as would be found appropriate in the circumstances.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER