



**IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION**

I.A. NOS. 20650 AND 75033 OF 2023
WITH
I.A. NO. 199355 OF 2024
IN
WRIT PETITION (C) NO. 202 OF 1995

IN RE:
T. N. GODAVARMAN THIRUMULPAD ... PETITIONER

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

WITH

TRANSFERRED CASE (CRIMINAL) NO. 2 OF 2025

J U D G M E N T

B.R. GAVAI, CJI

- 1.** These proceedings arise out of unfortunate circumstances.
- 2.** This Court, for almost a period of the last two years has been seized of a Suo Moto action pertaining to the illegal construction and rampant felling of trees in the Corbett Tiger Reserve and has been passing orders from time to time.

3. Prior to this Court taking cognizance of the matter, the High Court of Uttarakhand had directed an investigation to be carried out by the Central Bureau of Investigation (CBI). Thereafter, since this Court took cognizance of the matter, the CBI had parallelly conducted the investigation. The investigation, as conducted by the CBI, was monitored by this Court and various orders were passed to that effect from time to time.

4. It will be relevant to refer to the order dated 23rd July 2024 passed by this Court, which reads thus:

“[9] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH I.A. NO. 75033 OF 2023 IN RE : GAURAV KUMAR BANSAL

1. In pursuance of our orders dated 06.03.2024, a Status Report has been filed by the State of Uttarakhand pointing out various actions taken against the officers of the Forest Department. Learned counsel appearing for the State of Uttarakhand seeks three months' time for filing a further affidavit. Time as prayed for is granted.

2. The Inspector General of Forest (Wildlife), Ministry of Environment, Forest and Climate Change (Wildlife Division), has also sent a communication dated 20.07.2024 to Shri K. Parameshwar, learned Amicus Curiae, pointing out various steps taken in pursuance of the aforesaid order with regard to

finalization of the Standard Operating Procedure (SOP) for tiger projects/wildlife sanctuaries, the same is taken on record. It has been requested in the said communication to grant eight more weeks for submission of final report. Time as prayed for is granted.

3. The CBI also filed its status report, in pursuance of the directions issued by this Court on 06.03.2024. The same is taken on record and be resealed and kept in safe custody. As requested in the said Report, a further time of six months' is granted to complete the investigation. However, the CBI also shall file a further Status Report after a period of three months.

4. List after three months.”

5. Thereafter, another status report came to be filed by the CBI before this Court on 16th October 2024. The matter was thereafter listed on 20th November 2024. On the said date, this Court passed the following order:

“[8] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC WITH I.A. NO. 75033 OF 2023:

1. We have perused the report of the Superintendent of Police, Central Bureau of Investigation dated 16.10.2024.

2. We are satisfied with the progress of the investigation.

3. The report is directed to be kept again in sealed cover.

4. The CBI is directed to submit its further report after a period of three months from today.

5. List on 19.03.2025.

6. The State is also at liberty to file reply within two weeks from today.”

6. Subsequently, again when the matter was listed on 16th January 2025, this Court again granted time to the CBI to file a report of further investigation carried out. The CBI filed its 3rd status report stating therein that investigation is complete. This Court, thereafter, passed the following order dated 19th March 2025:

“[7] IA No. 20650 of 2023 AND I.A. No. 75033 of 2023 AND I.A. No. 199355 of 2024:

1. With regard to the departmental proceedings against the officers involved in illegal construction in the Corbett Tiger Reserve, an affidavit is filed by one Shri Dharendra Kumar Singh, who is presently posted as Deputy Secretary, Forest Department, Government of Uttarakhand.

2. In the affidavit, the details of the departmental proceedings against the forest officers have been given.

3. In the said affidavit, two charts have been placed on record.

4. Insofar as the first chart is concerned, out of 17 officers, who are in the rank of Ranger, Deputy Ranger, Foresters and Forest Guards, the proceedings are completed insofar as 16 officers are concerned. Unfortunately one of them has died in the road accident.

5. However the second chart which pertains to the IFS officers is concerned, the charts would reveal that the proceedings are moving at a snail's pace.

6. In one of the cases, though the reply to chargesheet is received as way back as on 22.05.2023, nothing has been done.

7. In case of officer at Sr. No.5, though the comments of delinquent officers has been received as early as on 27.01.2025, no further action has been taken.

8. We deprecate the practice of the State in proceeding at a great speed against the lower rank officers but proceeding against the IFS Officers at a snail's pace.

9. In respect of one of the officers, the matter has been pending with the MoEF&CC for a long time. The chart would show in spite of various reminders, the MoEF&CC has not responded.

10. We, therefore, direct the State to conclude all the departmental proceedings with respect to all the officers within the period of three months from today.

11. In case of the officer at serial No.4, the MoEF&CC shall send the information to the State Government as sought by it within a period of a fortnight from today.

12. We have also perused the report submitted by the Central Bureau of Investigation. We are satisfied with the progress of the investigation. The report would reveal that the investigation is complete and the final report under Section 173 of Code of Criminal Procedure, 1973 would be filed before the Trial Court in due course.

13. List these applications after three months for further orders.

14. We expect the final report to be filed before the competent Court prior to the next date.”

7. Thereafter, the CBI filed its final charge-sheet under Section 173(2) of the Code of Criminal Procedure, 1973. On 08th

September 2025, the State handed over a copy of an affidavit dated 06th September 2025, insofar as the officer concerned, i.e., Mr. Rahul, the observations in the affidavit were as under:

Status of CBI enquiry:

S. No.	Name of the Officer	Post	Status of CBI enquiry
1.	Shri Rahul	The then Director Corbett Tiger Reserve	25.04.2025- CBI report submitted. -Sanction for prosecution has been sought under Section 19 of the Prevention of Corruption Act, 1988 (amended 2018) and Section 197 of the Code of Criminal Procedure (Section 218 of the CRPC) -Legal advice is being sought from the Legal Department after approval of the competent authority. 04.08.2025- In view of the fact that in consultation with the Legal Department there was no basis for granting sanction for prosecution, it has been decided by the competent authority not to grant sanction for prosecution.

8. The Court thereafter noticed that though sanction was granted by the State Government in respect of all the other officers, the sanction was refused in case of said Mr. Rahul. Certain oral observations were made by this Court when the matter was heard on 08th September 2025 in the presence of the learned Standing Counsel for the State of Uttarakhand. The matter was heard by a Bench comprising of two of us (Hon'ble the CJI and Hon'ble Mr. Justice K.Vinod Chandran). *Prima facie*, the Bench was of the opinion that the State was trying to shield the said Mr. Rahul. Though, no written orders were passed to this effect, on 08th September 2025 and though the matter was simply adjourned, it appears that the State sensed what was going on in the Court. The State granted sanction *vide* order dated 16th September 2025 and an affidavit came to be filed on the same day stating therein that the State Government has decided to grant sanction for the prosecution of the said Mr. Rahul.

9. This Court accepted the stand of the State Government in the affidavit dated 16th September 2025 and passed the order dated 17th September 2025 as under:

“[1] I.A. NOs. 20650 OF 2023, WITH I.A. NO. 75033 OF 2023 AND I.A. NO. 199355 OF 2024”

1. The matter is listed today since on the last date of hearing it was found that though the State Government has granted sanction in respect of the prosecution of all the officers except one, this Court wanted to find out as to why special treatment was being given to the said officer. This was also in the background that on an earlier occasion, this Court has found that the said officer was given a special posting despite the prima facie findings against him by the CEC, which were affirmed by this Court.

2. Today, an affidavit has been filed by the State of Uttarakhand wherein it is stated that the State Government has granted sanction for prosecution against the said officer under Section 218 of BNSS/197 of the Cr.P.C. It is submitted that insofar as the sanction under Section 19 of the Prevention of Corruption Act, 1988 (for short ‘the PC Act”), the State Government has also forwarded the papers for sanction of the Union of India.

3. Insofar as the delay in departmental proceedings is concerned, the learned Solicitor General submitted that earlier the department proceedings were initiated against the said officer for a minor penalty. However, upon the charge sheet being filed by the CBI, it has been noticed that he is liable to be charged for major penalty and therefore, now the charge sheet is issued to him for major penalty.

4. We accept the submissions of the State Government. However, we direct the State Government to conclude the departmental proceedings against the said officer as expeditiously as possible, and in any case within a period of three months from today.

5. We also direct the Union of India to consider the proposal submitted by the Government of

Uttarakhand for grant of sanction under Section 19 of the PC Act.”

10. When the matter was listed before this Court on 15th October 2025, it was brought to the notice of this Court that the said Mr. Rahul has challenged the sanction order dated 16th September 2025, by way of a Writ Petition (Criminal) No. 1220 of 2025 before the High Court of Uttarakhand. It was also noticed that the High Court *vide* order dated 14th October 2025 had granted a stay to the proceedings against the said Mr. Rahul. Taking notice of this, this Court passed the following order on 15th October 2025:

“[1] I.A.NOS.20650/2023 WITH I.A. NOS. 75033/23 & 199355/2024:

1. We are disturbed by certain events that have taken place during the pendency of the present proceedings.

2. This Court is seized of a suo moto action pertaining to the illegal constructions and rampant felling of trees in the Corbett Tiger Reserve. The Court has been passing orders from time to time.

3. Initially, the Uttarakhand High Court had directed that an investigation be carried out by the Central Bureau of Investigation (CBI). Accordingly, CBI had conducted the investigation and an FIR also came to be filed.

4. The Court has been consistently monitoring the investigation and the CBI is submitting reports to

Court. Parallely, the departmental proceedings are also under progress.

5. When the matter was listed before this Court on 08.09.2025, it was noticed that though the State Government had granted sanction in respect of the prosecution of all the officers except one, the Court had questioned the respondent(s)/State as to why special treatment was given to one officer. It appears that pursuant to the oral observations made by this Court on 08.09.2025, the sanction came to be granted on 16.09.2025.

6. On the next date of hearing i.e. on 17.09.2025, the Court was informed that the State Government had granted sanction for prosecution against the said officer under Section 218 of the 22 BNSS/Section 197 of the Cr.P.C. The Court also recorded that insofar as the sanction under Section 19 of the Prevention of Corruption Act, 1988 (for short, 'P.C. Act') is concerned, the State Government had forwarded the papers for sanction to the Union of India. We had directed the Union of India to consider the proposal submitted by the Government of Uttarakhand for grant of sanction under Section 19 of the P.C. Act.

7. It appears that after the sanction was granted on 16.09.2025, the said officer, namely, Shri Rahul filed Writ Petition (Crl) No.1220 of 2025 before the High Court. In the said proceedings, sanction order dated 16.09.2025 came to be challenged. The learned Single Judge of the Uttarakhand High Court vide order dated 14th October 2025 has admitted the matter and granted stay to the effect and operation of the sanction order dated 16.09.2025.

8. When this fact is brought to the notice of this Court by the learned Amicus Curiae, Shri Tanvir Ahmed, learned senior counsel, suo moto appeared on behalf of Shri Rahul. Shri Ahmed, learned senior

counsel, submits that the sanction order dated 16.09.2025 is totally impermissible in law in view of two judgments by the Constitution Bench of this Court. It is submitted that the sanctioning authority did not have the jurisdiction to review the order dated 4th August, 2024, vide which sanction was refused and subsequently grant the sanction. It is therefore submitted that in these facts the said Shri Rahul was advised to file a petition before the High Court. Shri Ahmed, learned senior counsel, further states that the party is entitled to take recourse to a legal remedy available to him in law, if he is aggrieved by an illegal order.

9. Shri Ahmed, learned senior counsel, states that the said Shri Rahul was watching the proceedings before this Court through video conferencing and therefore noticed the proceedings which were conducted before this Court on 08.09.2025 and 17.09.2025.

10. We are deeply perturbed by the approach of said Shri Rahul as well as the High Court of Uttarakhand. When the said Shri Rahul was continuously following the proceedings before this Court and was aware about the oral observations and the orders passed by this Court, nothing prevented him from intervening in these proceedings if he was of the view that any of the orders passed by this Court or any of the observations made by this Court prejudiced him. However, in the teeth of the sanction which was granted during the pendency of the proceedings before this Court, approaching the High Court to challenge an order virtually amounts to interference in the present proceedings. The High Court, no doubt, is a Constitutional Court and not inferior to this Court. However, in the judicial matters, when this Court is seized of the matter it is expected of the High Courts to keep their hands away. The learned Judge of the High Court does not even find it

necessary to refer to the proceedings before this Court, though according to Shri Ahmed, learned senior counsel, the details of the present proceedings are mentioned in Writ Petition (Crl) NO.1220 of 2025, filed before the High Court.

11. In that view of the matter, we direct that the proceedings in Writ Petition (Crl) No.1220 of 2025, pending before the High Court, are withdrawn from the High Court of Uttarakhand and transferred to this Court. To be heard along with this matter. The High Court of Uttarakhand is directed to transfer the records of Writ Petition (Crl) NO.1220 of 2025 to this Court forthwith.

12. Until further orders, the order dated 14.10.2025 passed by the High Court of Uttarakhand in Writ Petition (Crl) No.1220 of 2025 shall stand stayed.

13. We also issue notice to Shri Rahul (IFS), Chief Conservator of Forests, (Information Technology), Forest Headquarters, 85, Rajpur Road, Dehradun-248001, to remain present before this Court on 11.11.2025 and show cause as to why an action for committing contempt of this Court be not initiated against him.

14. List on 11.11.2025

15. The Registrar concerned of this Court shall ensure that the notice is served to the noticee/Shri Rahul through the Chief Administrative Officer in the office of the District Judge, Dehradun.”

11. We have no manner of doubt that when the sanction order was passed during the pendency of these proceedings before this Court, and in pursuance of the series of orders passed in the present proceedings, it was not appropriate on the part of

the said Mr. Rahul to have approached the High Court. If he was of the opinion that on account of any of the observations made in the orders passed by this Court, his rights were being prejudiced, then nothing prevented him from approaching this Court to seek appropriate orders. However, it appears that the said Mr. Rahul took such a decision on the basis of legal advice.

12. Though in the first half when the matter was heard, a serious attempt was made to justify the conduct of the said Mr. Rahul, it appears that better counsel prevailed during the lunch recess and when the matter is called out post lunch recess, Mr. R. Basant, learned Senior Counsel appearing for the said Mr. Rahul states that he has already tendered his unconditional apology in his affidavit. He further states that taking into consideration the unblemished record of 21 years of past service and the future 15 years of remaining service, the Court may not take a harsh view.

13. This Court has always said that the majesty of law lies not in punishing, but in forgiving.

14. The said Mr. Rahul is personally present in the Court today. It appears that on account of not getting appropriate legal advice, he took a wrong step of approaching the High Court when the issue was pending before this Court. The High Court, at least, ought to have perused the sanction order in which a reference has been made by the State Government to various orders passed by this Court. Time and again we have stated that the High Courts are not inferior to the Supreme Court. However, as and when, on the judicial side, the Supreme Court is seized of a matter, the High Court is expected to give due respect to the proceedings pending before this Court. In the teeth of the observations made in the sanction order referring to the various orders passed by this Court, the High Court ought not to have entertained the writ petition and passed interim orders.

15. When the sanction order was passed by the State Government taking into consideration the oral observations made by this Court on 08th September 2025, and when the sanction order was passed after referring to the present proceedings and series of orders of this Court, the High Court

in no case should have entertained such a petition and stayed the sanction order. When the sanction was granted in view of the observations made by this Court, no other Court, other than this Court could have considered the issue with regard to the validity of the sanction.

16. We are, therefore, inclined to accept the unconditional apology tendered by the said Mr. Rahul and discharge the notice of contempt issued to him.

17. *Vide* order dated 15th October 2025, we had withdrawn the Writ Petition (Criminal) No. 1220 of 2025 from the High Court and transferred the same to this Court, and the same is registered as Transferred Case (Criminal) No. 2 of 2025.

18. Mr. R. Basant, learned Senior Counsel appearing for the said Mr. Rahul, on instructions, states that he would like to withdraw the said Writ Petition (Criminal) No. 1220 of 2025 reserving his right to challenge the sanction order in the appropriate proceedings.

19. Writ Petition (Criminal) No. 1220 of 2025, which has already been transferred to this Court, is permitted to be

withdrawn. In that view of the matter, Transferred Case (Criminal) No. 2 of 2025 stands disposed of in the aforesaid terms.

20. We clarify that if the said Mr. Rahul desires to apply for discharge or quashing of the proceedings on any other ground available to him except the validity of the sanction, withdrawal of the Writ Petition or pendency of the present proceedings would not come in his way to take recourse to such remedies as per law. However, if he desires to challenge the validity of the sanction order, the same can be done by him only before this Court and no other court.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

.....J
(N. V. ANJARIA)

**NEW DELHI;
NOVEMBER 11, 2025.**