

ITEM NO.55

COURT NO.3

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

[1] 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

Date : 16-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

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

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

Mr. Sudipto Sircar, Adv.

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

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

For Petitioner(s)

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Ms. Pinky Anand, ASG

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Zaid Ali, Adv.

Mr. Saeed Qadri, Adv.

Mr. G.S. Makker, Advocate

Mr. Ravindra Bana, Adv.

Mrs. Anil Katiyar, Adv.

Ms. Anitha Shenoy, AOR

Ms. Srishti Agnihotri, Adv.
Ms. Remya Raj, Adv.

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

Maskali Reserve Forest

As per the affidavit dated 1st January, 2018 filed by the Chief Secretary of the State of Karnataka, the rehabilitation package after sanction has been offered to 211 families.

Learned counsel for the State of Karnataka says that the package is in the process of implementation since some constructions may have to be made for residential accommodation of these families.

Insofar as dispossession of 276 families is concerned, it is stated that the possession of 452 acres 8 guntas, which is the subject matter of encroachments by 276 families, has been taken back into the possession of Forest Department.

The only issue that survives with regard to Maskali Reserve Forest is now with regard to the implementation of the rehabilitation package.

Sargodu Reserve Forest

1. With regard to 115 encroachments, it is stated on affidavit that these encroachments have been removed. The issue in this regard is, therefore, closed.

2. With regard to 33 pre-1978 encroachers, it is stated that the land occupied by 15 encroachers is on the fringe

of forests and with regard to 15 of the encroachments, the land has been denotified. With regard to 13 encroachers, a rehabilitation package on the lines of the rehabilitation package given to the families in Maskali Reserve forest has been offered and they have accepted the rehabilitation package.

With regard to the remaining 5 encroachers, discussions are going on. We give one last opportunity to the State of Karnataka to conclude the discussions one way or the other.

3. With regard to 7 Scheduled Tribe encroachers, it is stated that one of them has died without leaving behind any legal heir.

With regard to the remaining 6 Scheduled Tribe encroachers, it is stated that they have not accepted the rehabilitation package and are claiming their rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The State of Karnataka is directed to look into the provisions of the statute and take remedial steps at the earliest and in any case within a period of two months from today.

4. This concerns the land which was wrongly in the possession of B.S. Narayana. It is stated that the possession of the land has since been taken. This issue, therefore, stands closed.

Therefore, the only issue that survives is with regard to the rehabilitation discussions with 5 of pre-1978 encroachers and rights of 6 Scheduled Tribe encroachers.

List the matter for this purpose on 19th September, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER