

ITEM NO.304

COURT NO.4

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. 26893/2018 AND 27160/2018 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS]IN RE : MANOJ KUMAR MISHRAAND[2][i] IN RE : STATUS OF FUNDSAND[ii] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS]AND[3] IN RE : ILLEGAL USE OF FOREST LAND FOR MINING IN JABALPUR, MADHYA PRADESH [i] INTERLOCUTORY APPLICATION NO. 1349[RECOMMENDATION OF CEC IN I.A.NOS. 1246-1247]WITH[ii] INTERLOCUTORY APPLICATION NO. 1378-1379[APPLICATIONS FOR DIRECTIONS AND STAY]WITH[iii] INTERLOCUTORY APPLICATION NO. 2300[APPLICATIONS FOR DIRECTIONS]WITH[iv] INTERLOCUTORY APPLICATION NO. 2652[APPLICATIONS FOR DIRECTIONS]WITH[v] INTERLOCUTORY APPLICATION NO. 2952[APPLICATIONS FOR VACATING STAY]WITH[vi] INTERLOCUTORY APPLICATION NO. 2955[APPLICATIONS FOR DIRECTIONS]WITH[vii] INTERLOCUTORY APPLICATION NO. 3407[APPLICATION FOR DIRECTIONS]WITH[viii] INTERLOCUTORY APPLICATION NO. 3514[APPLICATIONS FOR DIRECTIONS]WITH[ix] INTERLOCUTORY APPLICATION NO. 3520[APPLICATIONS FOR DIRECTIONS]WITH[x] INTERLOCUTORY APPLICATION NO. 3522[APPLICATIONS FOR DIRECTIONS]WITH[xi] INTERLOCUTORY APPLICATION NO. 3583[APPLICATIONS FOR DIRECTIONS]WITH[xii] INTERLOCUTORY APPLICATION NO. 3925[APPLICATIONS FOR DIRECTIONS]WITH[xiii] INTERLOCUTORY APPLICATION NO. 160967/2018(APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)AND[xiv] CONTEMPT PETITION (C) NO. 390/2012AND[4] [i] INTERLOCUTORY APPLICATION NO. 2343[APPLICATION FOR PERMISSION]WITH[ii] INTERLOCUTORY APPLICATION NO. 2784[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 12.12.1996]WITH[iii] INTERLOCUTORY APPLICATION NO. 3735[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002/DIRECTIONS]WITH[iv] INTERLOCUTORY APPLICATION NO. 1659[REPORT OF CENTRAL EMPOWERED COMMITTEE]WITH[v] INTERLOCUTORY APPLICATION NO. 179389/2018[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002 IN I. A. NO. 502]In Re: REHABILITATION OF FARMERS FROM ANDAMAN AND NICOBAR ISLANDAND[5] INTERLOCUTORY APPLICATION NO. 3840 (Disposed of) [APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES]WITHINTERLOCUTORY APPLICATION NO. 126443 AND 127628 OF 2019(APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)IN RE : SILVICULTURE FELLING OF TREES IN THE STATE

OF HIMACHAL PRADESH IN WRIT PETITION (CIVIL) NO. 202/1995 AND [6]
 [i] INTERLOCUTORY APPLICATION NOS. 39 [APPLICATIONS FOR
 FURTHER DIRECTIONS] WITH [ii] INTERLOCUTORY APPLICATION NOS.
 74162/2018 [APPLICATIONS FOR FURTHER DIRECTIONS] IN RE :
 ENVIRONMENT AWARENESS FORUM, PETITIONER AND [iii]
 INTERLOCUTORY APPLICATION NOS. 86240/2017 [APPLICATIONS FOR
 DIRECTIONS] IN RE : GURU NANAK KATHA INDUSTRIES (RESPONDENT NO.
 11) WITH [iv] INTERLOCUTORY APPLICATION NOS. 30 AND
 32646/2018 [APPLICATIONS FOR DIRECTIONS AND SEEKING PERMISSION
 TO FILE ADDITIONAL DOCUMENTS] IN RE : JAMMU AND KASHMIR STATE
 FOREST CORPORATION IN W.P.(C) NO. 171/1996 "ONLY" ARE LISTED IN
 W.P.(C) Nos. 202/1995 AND W.P. (C) No. 171/1996 "ONLY" ON
 26.08.2019

WITH
 W.P.(C) No. 171/1996 (PIL-W)
 (FOR
 FOR [DIRECTION] ON IA 30/2016
 FOR ON IA 32646/2018
 IA No. 30/2016 - DIRECTION
 IA No. 32646/2018 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Date : 26-08-2019 These applications were called on
 for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N Salve, Sr. Adv. [A.C.] (NP)
 Mr. A.D.N. Rao, Adv. [A.C.],
 Mr. Siddhartha Chodhury, Adv. [A.C.]
 Ms. Aprajita Singh, Sr. Adv. [A.C.]

Ms. Anitha Shenoy, Sr. Adv.
 Mr. Ritwick Dutta, Adv.
 Ms. Rashmi Nandakumar, Adv.
 Ms. Geetanjali Sridhar, Adv.
 Ms. Ayushma Awashti, Adv.

Mr. ANS Nadkarni, ASG
 Ms. Shraddha Deshmukh, Adv.
 Ms. Suhasini Sen, Adv.
 Ms. Archana Pathak, Adv.
 Mr. S.S. Rebello, Adv.
 Ms. Archana Pathak Dave, Adv.
 MR. G.S. Makker, AOR
 Mr. Bhawani Shamker Gadnis, Adv.

Mr. Arjun Garg, Adv.

Mr. Neeraj Shekhar, AOR
Mr. Animesh Kumar, Adv.
Mr. Sumit Kumar, Adv.
Mr. Ashutosh Thakur, Adv.

M/s. Lawyers' Knit and co. Advs.

Mr. Ajit Pudussery, Adv.

Mr. Pallav Shishodia, Sr. Adv.
Mr. Santosh Mishra, Adv.
Mr. Dinesh Deopura, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Anupam Lal Das, Sr. Adv.
Ms. Sharmila, Adv.
Mr. S. Arora, Adv.
Ms. Neha Chaudhary, Adv.
Mr. Badri Prasad Singh, Adv.
MR. R.C. KOHLI,

Ms. Pragati Neekhara, Adv.

Mr. Arvind Kumar Sharma, Adv. [MINISTRY OF MINES]

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

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Ms. Purnima Bhat, AOR

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Mr. S.K. Bhattacharya, AOR

Ms. S.Janani, AOR

Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngloh, Adv.

Mr. Jagdev Singh Manhas, Adv.

Ms. Hemantika Wahi, Adv.

Mr. Gopal Singh, AOR

Mr. K.R. Sasiprabhu, Adv.

Mr. Anant Vijay Palli, Adv.
 Mr. Nikhil Palli, Adv.
 Mr. Deepak Goel, Adv.
 Mr. Anupam Raina, Adv.

Mr. P.S. Patwalia, Sr. Adv.
 Mr. M. Shoeb Alam, Adv.
 Mr. Ujjwal Singh, Adv.
 Mr. Gautam Parbhakar, Adv.
 Mojahid Karim Khan, Adv.

Mr. Ashok Sharma, Adv. Gen.
 Mr. Vikas Mahajan, AAG
 Mr. Vinod Sharma, AOR

Ms. Monika Gusain, Adv.
 Ms. Manpreet Kaur, Adv.

Ms. Pragya Parijat Singh, Adv.
 Mr. Pritam Bishwas, Adv.
 Mr. Sandeep Kr. Jha, Adv.
 Mr. Niteen Kr., Adv.
 Mr. Ankit Pandey, Adv.

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

(1) I.A. Nos. 26893/2018 and 27160/2018
 (Applications for intervention and directions)
 In RE : MANOJ KUMAR MISHRA

List after two weeks.

(2) IN RE: STATUS OF FUNDS AND I.A. NO. 5891/2019
 (Application for directions)

Compliance affidavit on behalf of the Union of
 India is submitted in Court.

Let an affidavit be filed with regard to
 constitution of monitoring committee under Section
 9(3) of the Act within six weeks.

List after six weeks.

(3) I.A. No. 1349 Etc.
 IN RE: ILLEGAL USE OF FOREST LAND FOR MINING IN
 JABALPUR, MADHYA PRADESH

CEC may examine the issue and submit a report.

List on 14.10.2019.

(4) I.A. Nos. 2343, 2784, 3735, 1659 and I.A. 179389/2019 in I.A. No. 502
IN RE: REHABILITATION OF FARMERS FROM ANDAMAN AND NICOBAR ISLAND

Let the Secretary, MOEF & CC and Chief Secretary, Andaman and Nicobar Islands, decide the alternatives to compensatory afforestation. Report be submitted within six weeks. Let CEC be also involved in the matter.

List after six weeks.

(5) I.A. NO. 126443 & 127628
(Applications for directions and exemption from filing O.T) in I.A. No. 3840 (Disposed of)

IN RE: SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESH)

The BRO has informed that the works inside the Rohtang Highway tunnel are proposed to be completed by December, 2019, which is a strategic project of national importance. The completion of pending concrete work inside the tunnel is, however not possible without immediate supply of stones/boulders from M/s paras Stone Crusher, for which State of H.P. needs to issue formal orders for diversion of 2.1754 hac. Of forest land in favour of M/s Paras Stone Crusher, Prop. Shri Pratap Singh.

The condition is imposed that diversion shall be permitted for the purpose of construction of Rohtang Highway Tunnel and not for any other purpose.

The permission granted shall be co terminus with the completion of the project by December, 2019. In case any violation is found, the officers of the State as well as the contractor shall be held responsible. Let undertaking be furnished by contractor to this Court within ten days that no violation to this Court's order will be made.

The applications are disposed of accordingly.

**(6) I.A. Nos. 39,74162, 86240, 30 & 32646
IN RE: JAMMU AND KASHMIR STATE FOREST CORPORATION**

List after three weeks.

The following applications were taken on Board:

I.A. No. 38800 of 2019 in W.P.© No. 202 of 1995

List the application on 30.08.2019.

I.A. No. 129279 of 2019 in I.A. No. 19010 of 2019 in W.P.© No. 202 of 1995

As prayed for by Ms. Indira Jaising, learned senior counsel, list the application on 30.08.2019.

I.A. No. 129260 of 2019 and I.A. No. 129264 of 2019 in I.A. No. 19010 of 2019 in WP© No. 202 of 1995

As prayed for by Mr. Shekhar Naphade, learned senior counsel, list the applications on 30.08.2019.

[CHARANJEET KAUR]
A.R. -CUM-P.S.

[JAGDISH CHANDER]
COURT MASTER