

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). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 17.05.2023"ONLY"

[1] INTERLOCUTORY APPLICATION NOS. 196062 AND 174896/2019

(ALLOWED VIDE ORDER DT. 24.02.2023)[APPLICATIONS FOR IMPLEADMENT
AND DIRECTIONS]"ONLY LISTED FOR DIRECTIONS IN PURSUANCE OF HON'BLE
COURT'S ORDER DATED 24.03.2023"

IN RE : PATNITOP DEVELOPMENT AUTHORITYAND

[2] INTERLOCUTORY APPLICATION NOS. 90000/2022 [APPLICATIONS FOR
DIRECTIONS] IN RE : STATE OF UTTARAKHAND

WITH

Civil Appeal No(s). 9206/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 15 I.E. W.P.(C) NO.
202/1995.]..... IA No.197916/2022-EXEMPTION FROM FILING C/C
OF THE IMPUGNED JUDGMENT and IA No.197920/2022-EXEMPTION FROM
FILING O.T. and IA No.197919/2022-APPROPRIATE ORDERS/DIRECTIONS)

Date : 17-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANJAY KAROL

Counsel for parties

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

Mr. K. Parameshwar, Advocate [A.C.]

Mr. M.V. Mukunda, Adv.

Ms. Arti Gupta, Adv.

Ms. Kanti, Adv.

Mr. Harish N. Salve, Sr. Adv. [A.C.] (Not Present)

Ms. Aparajita Singh, Sr. Advocate [A.C.] (Not Present)

Mr. Siddhartha Chowdhury, Advocate [A.C.] (Not Present)

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Archana Pathak Dave, Adv.
Ms. Suhashini Sen, Adv.
Mr. S. S. Rebello, Adv.
Mr. Shyam Gopal, Adv.
Mr. Raghav Sharma, Adv.
Mr. Sughosh Subramanyam, Adv.
Dr. Arun Kumar Yadav, Adv.

Mr. Shailesh Madiyal, AOR
Mr. Vaibhav Sabharwal, Adv.
Mr. Akshay Kumar, Adv.

Mr. Kaushal Pati Gautam, A.A.G.
Mr. Ravindra S. Garia, AOR
Mr. Shashank Singh, Adv.
Mr. Vikas Negi, Adv.
Mr. Snehpreet Kaur, Adv.
Mr. Madan Chandra Karnatk, Adv.
Mr. Ambuj Ojha, Adv.

Ms. Shibani Ghosh, AOR

Dr. Surender Singh Hooda, AOR

Mr. Nishant Awana, Adv.
Ms. Rini Badoni, Adv.
Mr. Tirupati Gaurav Shahi, Adv.
Mr. Niteen Kumar Sinha, AOR

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

[1] INTERLOCUTORY APPLICATION NOS. 196062 AND 174896/2019

List tomorrow i.e. on 18.05.2023 before the three-Judges Bench.

[2] INTERLOCUTORY APPLICATION NOS. 90000/2022

1. The present application has been filed with the following prayers:-

"a. Permit the State Government to maintain Fire-lines in Forest areas in Forests of Uttarakhand even if it ordains felling of green

trees.

b. Permit the State Government of Uttarakhand to carry out Silviculture Operations including felling, thinning, pollarding and other cultural operations, in accordance with the prescriptions of Working Plans approved by MoEF&CC, Government of India.

c. Pass an Order to Central Government and to CAMPA to provide for requisite funds under Rule 5 and Rule 6 of the Compensatory Afforestation Fund Rules 2018 for preparation of Working Plans as per the National Working Plan Code so as to ensure best management for forest fire management and suppression; Funds may also be provided for undertaking forest research which cover all subjects of forest management."

2. Insofar as prayer clauses 'a' and 'b' are concerned, learned Additional Solicitor General of India states that MoEFF&CC has no objection for the same. Learned Additional Solicitor General submits that, on the contrary, maintaining of Fire-lines and Silviculture Operations are part of the approved Working Plans.

3. In that view of the matter, insofar as prayer clauses 'a' and 'b' are concerned, we are inclined to grant those prayers. Ordered accordingly.

4. Insofar as prayer clause 'c' is concerned, the MoEF&CC may file its reply within a period of six weeks from today.

5. We will consider passing orders on prayer clause 'c' after the reply of the MoEF&CC is received.

6. List after six weeks.

I.A. NOS.85124/23 & 85332/23

Learned senior counsel appearing for the applicant(s) prays for listing of these applications.

List these applications tomorrow i.e. on 18.05.2023.

Civil Appeal No(s). 9206/2022 (ITEM NO.45)

1. We request learned Additional Solicitor General of India to file reply on behalf of MoEF&CC within six weeks from today.
2. If the appellant so desire, they may file rejoinder affidavit within two weeks thereafter.
3. List after eight weeks.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)