

ITEM NO.25

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

CONTEMPT PETITION (C) No. 388/2009 in
INTERLOCUTORY APPLICATION Nos. 1424-1425 in
Writ Petition(s)(Civil) No(s).202/1995

BHUPESH BAGHEL

Petitioner(s)

VERSUS

MR. ANIL AGARWAL

Respondent(s)

WITH

[2] [i] INTERLOCUTORY APPLICATION NOS. 1424-1425, 2118, 2442,
and 2749[APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T.
AND STAY)

IN RE : ALLEGED NON-FORESTRY ACTIVITIES AND ENCROACHMENT BY
BALCOAND

[ii] INTERLOCUTORY APPLICATION NOS. 2211[APPLICATIONS FOR
CLARIFICATION OF COURT'S ORDER DATED 29.02.2008]In Re : BALCOAND

[iii] INTERLOCUTORY APPLICATION NOS. 3427[APPLICATIONS FOR
DIRECTIONS]IN RE : BALCO, RESPONDENT NO. 7 IN I.A.NO. 1424-1425

Date : 17-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. A.D.N. Rao, Adv. (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Mr. Prashant Bhushan, Adv.
Mr. Sudiep Shrivastava, Adv.
Mr. Pranav Sachdeva, Adv.
Mr. L.R. Singh, AOR

For Respondent(s) Mr. C.A. Sundaram, Sr. Adv.
Mr. Prashanto Chandra Sen, Sr. Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Shivanshu Singh, Adv.
Mr. P.S. Sudheer, AOR

Mr. Haris Beeran, AOR

UOI Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.

Mr. Ravindara Bana, Adv.
Ms. Anil Katiyar, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Zaid Ali, Adv.
Mr. Saeed Qadri, Adv.
Mr. Ritesh Kumar, Adv.
Mr. G.S. Makker, Adv.

Mr. E.C. Agrawala, AOR

Mr. Apoorv Kurup, AOR
Mr. Girjapati Kaushal, Adv.
Ms. Nidhi M., Adv.

Mr. Harsh Pathak, Adv.
Mr. Farrukh Rasheed, AOR
Mr. Siddharth Shukla, Adv.
Mr. Mohit Choubey, Adv.

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

The allegation in this contempt petition is that large areas have been used for non-forest purposes by M/s. Balco in spite of the order passed by this Court on 29.02.2008. The order passed by this Court reads as follows:

"CEC has filed its report only qua BALCO. It is alleged that BALCO is in possession of illegal encroachment to the extent of forest land/Revenue forest land, they are using the forest land for non- forest purpose. BALCO may file its response about the report of CEC. Meantime, BALCO shall not cut/remove trees, if any. Forest Department/Revenue Department shall not permit to remove the trees which are already cut.

Learned counsel appearing for BALCO seeks time to file its response.

It is also alleged that illegal mining activities are being done in the State of Chhattisgarh. CEC may file its response to the counter affidavit filed by the State.

Mr. Anil Lunia may file his response to the counter affidavit filed by the State Government.

Meanwhile, no forest land shall be used for non-forest purpose.

It is alleged that there are violation of conditions for laying of pipelines for 63 km. in forest land in Bastar. CEC may also file its report in the meanwhile.

List on 11th April, 2008."

Of course, the allegation is disputed by learned counsel appearing on behalf of the alleged contemnor.

There are some reports on the subject available on record, but the CEC in its Report of 30th May, 2012 has recorded in Paragraph 24 that it would be more appropriate if a direction is given to the Forest Survey of India, Ministry of Environment and Forest, Government of India to undertake a detailed study in a time bound manner by using high resolution satellite imageries obtained from the National Remote Sensing Agency, Hyderabad, Government of India to find out whether any tree felling and/or non-forest use has taken place after 29.02.2008 in the revenue forest land and/or deemed forest in possession of M/s. Balco.

It is also recommended by the CEC that the State of Chhattisgarh should be directed to get marked on the revenue maps the survey number-wise details of the revenue forest area, deemed forest area and non-forest area in possession of M/s. Balco and the same (hard copy and the soft copy) should thereafter be forwarded to the Forest Survey of India.

After digitization and geo recertification of the above said revenue map, the satellite imageries showing the forest/tree cover as on 29.02.2008 (or at the nearest data for which the satellite imageries are available) and in the subsequent years may be superimposed by the Forest Survey of India to ascertain the details of the areas under forest/vegetation cover existing at different times, the changes in the forest/vegetation cover and non-forest use of the forest area under possession of M/s Balco including the revenue forests.

In our opinion, the recommendations made by the CEC deserve to be accepted and we, accordingly, accept them. In view thereof, we direct the Forest Survey of India to undertake a detailed study as above in a time bound manner in coordination with the CEC and the National Remote Sensing Agency, Hyderabad.

We also direct the State of Chhattisgarh to mark on the revenue maps the survey number-wise details of the revenue forest area in terms of the recommendations of the CEC and in consultation with the CEC.

Learned *amicus curiae* says that the Report of the CEC will be available within six weeks.

Any information that the applicant or the alleged contemnor wishes to give may be given to the CEC.

List the petition along with I.A. No.1424-1425 etc. in Writ Petition (Civil) No.202/1995 on 5th September, 2018.

INTERLOCUTORY APPLICATION NOS. 2211 AND INTERLOCUTORY APPLICATION NOS. 3427

Detag and list these applications with SLP (C)
No.37511 of 2013.

**(SANJAY KUMAR-I)
AR-CUM-PS**

**(KAILASH CHANDER)
COURT MASTER**

ITEM NO.25

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. & ORS.

Respondent(s)

([1] [i] INTERLOCUTORY APPLICATION NO. 127361/2017[APPLICATION FOR IMPLEADMENT]WITH

[ii] INTERLOCUTORY APPLICATION NO. 120738/2017[APPLICATION FOR DIRECTIONS]

IN RE : SHIVRAM TANAJI JAGADE AND ORS., PUNE, MAHARASHTRAAND

Date : 17-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)

For Respondent(s)

UOI

Mr. A.N.S. Nadkarni, ASG

Mr. S. Wasim A. Qadri, Adv.

Mr. Ravindara Bana, Adv.

Ms. Anil Katiyar, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Zaid Ali, Adv.

Mr. Saeed Qadri, Adv.

Mr. Ritesh Kumar, Adv.

Mr. G.S. Makker, Adv.

MR. Yashraj Singh Deora, AOR

Mr. Shyam Agarwal, Adv.

Mr. Anil Tambe, Adv.

Mr. Nishant R. Katneshwarkar, AOR

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

List these applications on 23rd August, 2018.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
COURT MASTER**

ITEM NO.25

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)

[3] INTERLOCUTORY APPLICATION NO. 2310-2311 [APPLICATIONS FOR PERMISSION AND DIRECTIONS]

IN RE : M/S R. KANT AND CO.

Date : 17-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. A.D.N. Rao, Adv. (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)

For Respondent(s)

UOI

Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. Ravindara Bana, Adv.
Ms. Anil Katiyar, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Zaid Ali, Adv.
Mr. Saeed Qadri, Adv.
Mr. Ritesh Kumar, Adv.
Mr. G.S. Makker, Adv.

MR. Dinesh Chandra Pandey, AOR

Mr. Sanjay Kumar Visen, AOR

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

List these applications with Kant Enclave matters (I.A. No.2377 in WP(C) No.4677 of 1985) tomorrow (18.07.2018).

(SANJAY KUMAR-I)

(KAILASH CHANDER)

AR-CUM-PS

COURT MASTER