F. No. 8-34/2017-FC
Government of India
Ministry of Environment, Forests & Climate Change
(FC Division)

Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110003
Dated: 20th May, 2019.

To

The Principal Secretary (Forests),
All States / Union Territory Governments,

Sub: **Order of the Hon'ble Supreme Court dated 28.01.2019 on I.A. No.3924/2015 in WP (Civil) 202/1995 regarding changing status of forest land to revenue land in case of voluntary relocation of villages, reg.**

Sir,

I am directed to refer to Hon'ble Supreme Court order dated 28th January, 2019 wherein the Hon'ble Supreme Court, based on recommendation made in the CEC report dated 28.09.2018, in which it has extended the scope of its order dt. 21.11.2008 to all such cases of relocation/rehabilitation of the villages from the core/critical Tiger reserves and core of the Protected Areas (National Park and WL Sanctuaries) to the periphery of Reserved forests/Sanctuaries/National Parks subject to following conditions:

a) resettlement / relocation within the boundaries of the notified forest land be considered only if suitable non-forest land is not available within the vicinity of the protected area from where the relocation is proposed;

b) the District Collector concerned shall furnish to the NTCA a certificate of non-availability of land suitable for relocation of the villages located within the Protected Area and Tiger Reserves before any proposal of relocation within the forest is approved;

c) the land identified for relocation/rehabilitation should not result in fragmentation of the forest/wildlife habitat;

d) the relocation activity shall be undertaken solely as a process of consolidation of the wildlife habitat;

e) the relocation shall be undertaken only along the fringes of the forest such that all facilities to the resettled families can be provided without recourse to further diversion of forest land for providing infrastructure;

f) the land / villages within the forest which have been vacated shall be brought under the protected area network through enabling notification under the Wildlife Protection Act after extinguishing all the existing rights over the vacated land;

g) the extent of land de-reserved / de-notified for resettlement shall not be more than the extent vacated by the settlers in the core area; and

20/05/2019

h) the payment of NPV and cost of CA may be exempted in all such cases of voluntary relocation/rehabilitation of families from the protected areas undertaken within the forest land.

2. In this regard, it is informed that in compliance of the above order of the Hon'ble Supreme Court dt. 28.01.2019, the approval of the competent authority of the MoEF&CC is hereby conveyed for change in the legal status of forest land to revenue land in respect of all the 122 villages in 18 states (as mentioned in letter vide 12-12/2015-NTCA dated 20.12.2018 of NTCA to Member Secretary, CEC), which have been relocated to forest areas from the National Parks/Wildlife Sanctuaries/Tiger Reserves. Copies of letter of NTCA to CEC dt. 20.12.2018, Hon'ble Supreme Court orders dt. 21.11.2008 & 28.01.2019, Report of CEC dt. 26.12.2018 are enclosed.

3. It is also to inform that in future, all relocation/rehabilitation cases involving forest land shall be considered for change in legal status of the forest land on case to case basis as per the provisions under Forest (Conservation) Act, 1980, subject to conditions at para-1 above.

This issues with approval of the Hon'ble Minister, EF&CC.

Yours faithfully,

29/05/2019

(Shrawan Kumar Verma)
Deputy Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all States/UTs Governments.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all States/UTs Governments.
3. All Regional Offices, MoEF&CC
4. PPS to Member Secretary, CEC
5. PPS to the Secretary, EF&CC/PPS to the DG of Forests & Spl. Secretary, MoEF&CC
6. PPS to all ADGFs (Incl. NTCA)/IGFs, MoEF&CC
7. Monitoring cell (FC Division)
8. Guard file

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CENTRAL EMPOWERED COMMITTEE

REPORT No. 50 of 2018

IN

I.A. No. 3924 of 2015

IN

I.A. No. 1658

IN

W.P. No. (C) of 202 of 1995

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Filed by :-

Government of India, MoEF&CC
National Tiger Conservation Authority
(NTCA)

Dated : 26th December 2018

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CENTRAL EMPOWERED COMMITTEE

REPORT OF THE CEC IN IA NO. 3924 OF 2015 IN IA NO. 1658 IN WRIT PETITION (CIVIL) NO. 202 OF 1995 FILED BY THE GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MOEF&CC) THROUGH THE NATIONAL TIGER CONSERVATION AUTHORITY SEEKING CLARIFICATION OF THE ORDER DATED 21.11.2008 OF THE HON'BLE SUPREME COURT PERMITTING CHANGE IN LEGAL STATUS OF FOREST LAND APPROVED UNDER THE FOREST (CONSERVATION) ACT, 1980 TO REVENUE LAND IN RELOCATION/REHABILITATION CASES FROM CRITICAL TIGER HABITATS AND CORE AREAS OF PROTECTED AREAS (NATIONAL PARKS AND WILDLIFE SANCTUARIES)

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The Assistant Inspector General, National Tiger Conservation Authority (NTCA) has filed IA No. 3924 of 2015 in IA No. 1658 in WP (C) No. 202 of 1995 before this Hon'ble Court with the following prayer:

"(a) Clarify its order dated 21.11.2008 in IA No. 1658 in W.P. (C) No. 202 of 1995 permitting change in legal status of forest land approved under the FC Act, 1980 to revenue land in all such relocation /rehabilitation cases from Critical tiger habitats and core areas of Protected Areas (National Parks and Wildlife Sanctuaries); and

(b) Pass such other order and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. This Hon'ble Court in the above IA has vide its order dated 03.08.2018 directed the CEC to file its Report within six weeks. This Report is being filed after hearing the officials of the MoEF&CC and the Member Secretary, National Tiger Conservation Authority (NTCA) in a meeting taken by CEC on 26th September, 2018 and after going through the records made available to the CEC.

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3. Earlier the CEC has filed its Report dated 28.9.2006 before this Hon'ble Court on an Application filed before it by the Member Secretary, Tiger Conservation Authority seeking permission of this Hon'ble Court for change in the legal status of the forest land approved under FC Act by MoEF&CC to revenue land for rehabilitation of villagers of three villages namely, Kosla, Botezari and Palasgaon in Andhari Wildlife Sanctuary in District Chandrapur, Maharashtra. The CEC has in its above Report recommended modification of the following order dated 13.11.2000 of this Hon'ble Court in Writ Petition

(Civil) No. 337 of 1995 "*.....pending further orders, no de-reservation of forests / Sanctuaries / National Parks shall be affected*".

4. After considering the Report dated 28.9.2006 of the CEC this Hon'ble Court by order dated 21.11.2008 permitted MoEF&CC to change the legal status of the forest land approved under the FC Act, 1980 for relocation of the three villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing therein.

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5. Pursuant to the above order dated 21.11.2008 of this Hon'ble Court MoEF&CC vide letter dated 8.9.2009 conveyed approval of the Central Government for changing legal status of the forest land to revenue land with retrospective effect covering all such cases of diversion of forest land diverted under FC Act, 1980 for relocation / rehabilitation of villages from National Parks / Wildlife Sanctuaries / Tiger Reserves (Annexure A-4 of IA No. 3924 of 2015). While the order dated 21.11.2008 of this Hon'ble Court is specific to the relocation of the three villages in Andhari Wildlife Sanctuary in District Chandrapur, Maharashtra the letter dated 8.9.2009 of

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MoEF&CC has conveyed the general approval for changing the legal status of forest land diverted under FC Act, 1980 for relocation of villages in respect of all such cases from the Sanctuaries and National Parks.

6. It has been stated by NTCA that as per the records available with them pertaining to the 18 States so far 177 villages (out of the 751 identified villages) have been relocated from core / critical tiger reserves as per provisions in Section 38 V(5) of Wildlife (Protection) Act, 1972. Further out of 177 villages as many as 122 villages have been rehabilitated on forest land. However only in 42 cases out of 122 cases the forest land has been de-notified. The remaining 55 villages out of 177 have been rehabilitated on revenue land. A copy of the letter dated 20.12.2018 received from NTCA is enclosed as **ANNEXURE R-1** to this Report.

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7. The Applicant, NTCA, has prayed to extend the exception to the directions in the order dated 13.11.2000 granted in the order dated 21.11.2008 in IA No. 1658 in Writ Petition (Civil) No. 202 of 1995 to all such cases of voluntary village relocation / rehabilitation from core critical tiger habitats

and core areas of Protected Areas (National Parks and Wildlife Sanctuaries) to the periphery of forest land being undertaken as per provisions in Section 38 of Wildlife Protection Act, 1972. The prayer has been made on the following grounds:

i) Section 38 V (5) Wildlife (Protection) Act, 1972 has outlined the procedure for voluntary village relocation from core/critical tiger habitat areas of tiger reserves which has been operationlised through the NTCA;

ii) retention of the legal status of the relocated forest land as forest deprives of developmental benefits to the relocated families who are mainly tribals and which is working counterproductive to voluntary relocation as well as protection and conservation of the wildlife;

iii) a total of 751 villages have been identified in notified / core / critical tiger habitats for relocation out of which only 177 villages have so far been relocated. The change in legal status of the relocated land to revenue will encourage the villagers to come forward for voluntary relocation;

iv) the change in status of the relocated land from forest to revenue fosters several on-going

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developmental activities in the relocated areas which is precluded if status remains that of forest land;

v) relocation of the villages from the core of the protected areas and the tiger reserves helps in conservation of the natural resources and will result in significant improvement in the ecological function of National Parks / Wildlife Sanctuaries;

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8. The CEC after detailed deliberation with the officials of the MoEF&CC and the NTCA is of the considered view that the order dated 21.11.2008 of this Hon'ble Court in I.A No. 1658 in WP (C) 202 of 1995 may be extended to all such cases of relocation / rehabilitation of the villages from the core/critical tiger reserves and core of the protected areas (National Parks and Sanctuaries) to the periphery of Reserve Forest / Sanctuaries / National Parks subject to the following conditions:

i) resettlement / relocation within the boundaries of the notified forest land be considered only if suitable non-forest land is not available within the

vicinity of the protected area from where the relocation is proposed;

ii) the District Collector concerned shall furnish to the NTCA a certificate of non-availability of land suitable for relocation of the villages located within the protected area and tiger reserves before any proposal of relocation within the forest is approved;

iii) the land identified for relocation / rehabilitation should not result in fragmentation of the forest / wildlife habitat;

iv) the relocation activity shall be undertaken solely as a process of consolidation of the wildlife habitat;

v) the relocation shall be undertaken only along the fringes of the forest such that all facilities to the resettled families can be provided without recourse to further diversion of forest land for providing infrastructure.

vi) the land / villages within the forest which have been vacated shall be brought under the protected area network through enabling notification under

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the Wildlife Protection Act after extinguishing all the existing rights over the vacated land;

vii) the extent of land de-reserved / de-notified for resettlement shall not be more than the extent vacated by the settlers in the core area; and

viii) the payment of NPV and cost of CA may be exempted in all such cases of voluntary relocation / rehabilitation of families from the protected areas undertaken within the forest land;

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This Hon'ble Court may please consider the above Report and may please pass appropriate order in the matter.

(Amarnatha Shetty)
Member Secretary

Dated : 26th December, 2018

ANNEXURE -R1

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F. No. 12-12/2015-NTCA
Government of India
Ministry of Environment, Forest & Climate Change
National Tiger Conservation Authority

B-I Wing, 7th Floor,
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CGO Complex, Lodhi Road, New Delhi – 110003
Email: aig3-ntca@nic.in
Tel. (EPABX): +91 11 24364837-42
FAX: +91 11 24367836

Dated: 20.12.18

To

The Member Secretary
Central Empowered Committee
II Floor, Chanakya Bhawan,
Chanakyapuri
New Delhi 110021

Sub : **Information in respect of I.A. No. 3924 of 2015 in W.P. (Civil) 202 of 1995 with respect to changing status of land from forest to revenue in cases of voluntary village rehabilitation**

Reference : **Your letter no. 1-26/CEC/SC/2018/Pt. 64 dated 27.9.2018**

Sir,

Reference is invited to the subject and correspondence cited above. In this context, I am directed to enclose herewith record of voluntary village rehabilitation from core/critical tiger habitats of tiger reserves (which is constituted of National Parks and Wildlife Sanctuaries) in respect of resettlement of villages on forest/revenue land and status of these rehabilitated land vis-a-vis their de-notification as per provisions of the Forest (Conservation) Act, 1980, as received from the States.

An abstract of the same is as follows;

Number of villages rehabilitated	On Forest Land	On Revenue land	If Forest, whether denotified
177	122	55	42
Percent wise	68.93	31.07	34.43

No relocation has been done in a National Park or Wildlife Sanctuary but only on notified forest land in 68.93% of the cases. Nearly 35% of these notified forest areas have been de-notified in order to make available amenities and welfare facilities to the resettled families.

This is for favour of your kind information.

Encl: As above.

Yours faithfully,

(Dr. Vaibhav C. Mathur)
Assistant Inspector General (NTCA)

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S. No	State	Tiger Reserve	Number of villages rehabilitated	On Forest Land	On Revenue land	If Forest, whether denotified	Remarks
1	Andhra Pradesh	Nagarjunsagar Srisailam	1	0	1	0	
2	Arunachal Pradesh	Pakke	1	1	0	0	
3	Assam	-	0	0	0	0	
4	Bihar	-	0	0	0	0	
5	Chattisgarh	Achanakmar	6	6	0	0	Under process of denotification
6	Jharkhand	-	0	0	0	0	
7	Karnataka	Nagarahole	9	9	0	9	
8	Kerala	Periyar	2	2	0	2	
9	Madhya Pradesh (65)	Kanha	35	23	12	0	
		Panna	8	8	0	0	
		Pench	2	1	1	0	
		Satpura	20	20	0	0	
10	Maharashtra (60)	Bor	1	1	0	0	
		Melghat	19	5	14	5	
		Navegaon Nagzira	5	5	0	0	
		Pench	1	1	0	0	
		Sahyadri	29	9	20	9	
		Tadoba Andhari	5	5	0	4	Under process of denotification
11	Mizoram	Dampa	2	0	2	0	
12	Odisha (6)	Similipal	5	3	2	3	
		Raigoda	1	0	1	0	
		Mukundra	2	0	2	0	
13	Rajasthan (12)	Ranthambhore	5	5	0	2	Under process of denotification
		Sariska	5	5	0	5	
14	Tamil Nadu	Mudumalai	6	6	0	0	
15	Telangana	Kawal	2	2	0	0	Under process of denotification
16	Uttarakhand	Corbett	4	4	0	3	
17	Uttar Pradesh	-	0	0	0	0	
18	West Bengal	Buxa	1	1	0	0	
		TOTAL	**177**	**122**	**55**	**42**	
			Percent wise	68.93%	31.07%	34.43%	

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REVISED

ITEM NO.303 COURT NO.5 SECTION PIL-W

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. & ORS. Respondent(s)

("ONLY"[1]INTERLOCUTORY APPLICATION NO. 153299/2018[APPLICATION FOR DIRECTIONS] IN RE :ALLOTMENT OF RESIDENTIAL ACCOMMODATION TO SHRI AMARNATHA SHETTY, MEMBER SECRETARY, CECAND[2]INTERLOCUTORY APPLICATION NO. 166530/2018[APPLICATION FOR PERMISSION] IN RE :[CEC REPORT NO. 46 OF 2018 - REPORT OF CEC IN APPLN. NO. 1427/2018FILED BEFORE IT BY POWER GRID CORPORATION OF INDIA LTD.]IN RE : POWER GRID CORPORATION LTD.AND[3]INTERLOCUTORY APPLICATION NO. 111489/2018[REPORT NO. 32 OF 2018 OF CEC IN APPLN. NO. 1421 OF 2018 FILED BEFORE IT BY MINISTRY OF DEFENCE, UNION OF INDIA]IN RE : MINISTRY OF DEFENCE, UNION OF INDIAAND[4][i] IN RE : STATUS OF FUNDSAND[ii] INTERLOCUTORY APPLICATION NO. 135724/2017[APPLICATION FOR DIRECTIONS]IN RE :COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDSWITH[iii] INTERLOCUTORY APPLICATION NOS. 3922-3923[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]WITH[iv] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS]AND[5]INTERLOCUTORY APPLICATION NO. 3924[APPLICATION FOR CLARIFICATION OF ORDER DATED 21.11.2008]IN RE : NATIONAL TIGER CONSERVATION AUTHORITYAND[6] INTERLOCUTORY APPLICATION NO. 3949[APPLICATIONS FOR DIRECTIONS]IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 28.01.2019 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As.MR. HARISH N. SALVE, SR. ADV. [A.C.],MR. A.D.N. RAO, ADVOCATE [A.C.],MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.]MS. APARAJITA SINGH, ADVOCATE [A.C.], MR. G.S. MAKKER,ANDFOR S.NO. [1]MR. A.D.N. RAO, ADVOCATE (A.C.)MR. G.S. MAKKERFOR S.NO. [2]MR. G. S. MAKKER FOR S.NO. [3]MR. M.K. MARORIAFOR S.NO. [4] [i to iv]MR. G.S. MAKKER, MR. RANJAN MUKHERJEE, MR. SHIBASHISH MISHRA, MR. R.S. JENA,FOR S.NO. [5]MR. G.S. MAKKERFOR S.NO. [6]MR. MOHIT PAUL, MR. NISHANT R. KATNESHWARKAR, MR. G.S. MAKKER, MR. KUNAL CHEEMA, KHAITAN AND CO.)

Date : 28-01-2019 This petition was called on for hearing today.

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

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Mr. D. M. Nargolkar, AOR
Mr. Kamal Mohan Gupta, AOR
Mr. Rajeev Singh, AOR
Mr. Tejaswi Kumar Pradhan, AOR

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Mr. Himanshu Shekhar, AOR
Mr. Rajesh Singh, AOR
Shri. Gaichangpou Gangmei, AOR
Mr. Navin Chawla, AOR

UPON hearing the counsel the Court made the following

O R D E R

I.A.No. 5891 of 2019

As per the order passed by this Court on 05.05.2006, an adhoc arrangement was made before the enactment of National Compensatory Afforestation Fund Act, 2016. Now CAF Act has been enacted, a

prayer has been made by the Central Government, Ministry of Environment and Climate Change to act as per the provisions of the Act. Since the Act has been enacted and this Court's order was for adhoc arrangement only, we permit the Ministry to act as per the provisions of the Act. However, at the same time, we direct that the State Funds be created as per the provisions of Section 4 of the Act and a requisite Notification be issued by each of the State Governments with respect to the same within a period of two weeks from today. Within one week thereafter, the amount shall be transferred by the Central Government to the State Fund as envisaged under the aforesaid Act.

With respect to constitution of the Monitoring Committee as per Section 9(3), let the Monitoring Group proposed to be constituted by the Central Government as per the aforesaid provisions be placed before this Court. With respect to interest also, there is a provision made under the Act. Let the concerned Ministry of Government of India inform this Court how and in what manner they intend to implement the provisions under Section 3(6) and also under Sections 4 and 5 with respect to investment to be made in the interest bearing fund under the Public Accounts in India.

The Adhoc Committee is directed to transfer the fund as per the provisions of the Act to the Central Government.

For further consideration, list the application on 18.02.2019.

I.A.No. 153299 of 2018

It is assured that the matter will be resolved before the next date of hearing.

List the application on 18.02.2019.

I.A.No. 166530 of 2018

Considered the CEC Report No. 46 of 2018. The Power Grid Corporation has filed an affidavit to abide by the conditions. The affidavit is taken on record. The report is accepted.

I.A.No. 111489 of 2018

Let the affidavit be filed by the Ministry of Defence to abide by the conditions imposed by the CEC.

I.A.Nos. 135724/2017, 3922-3923

Perused the applications. We find that nothing survives in these applications, which are, accordingly, disposed of.

IA No. 3924

Report No. 50 of 2018 of the CEC dated 26.12.2018 is accepted since it is not objected by the National Tiger Conservation Authority (NTCA). The application is disposed of.

IA No. 3949

List the application on 01.03.2019.

I.A.Nos. 1659, 2343, 2784, 3735 and IA No. 179389/2018

(Andeman & Nicobar Admin.)

Taken on board.

List these applications on 18.02.2019.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

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ITEM NOS.301+302 COURT NO.1 SECTIONS PIL,XIV,XVIA,IIIA,XV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.No.1785 in WP(C)No.4677/1985

M.C.MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)
(For directions on behalf of Ridge Management Board)

AND
I.A.NO.1967 in I.A.1785 in W.P.(C)NO.4677/1985
(For modification of court's order dt.06.05.2002)

AND I.A.NO.2152 in I.A.1785 in W.P.(C)NO.4677/1985
(For clarification of order dt.03.08.07 on behalf of Raman Kr.Sethi & Anr.)

AND I.A.NO.2143 in I.A.1785 in W.P.(C)NO.4677/1985
(For direction)

AND I.A.NO.2186 in I.A.1785 in W.P.(C)NO.4677/1985
(For modification of order dt.6.5.2002 on behalf of Patra Mines & Minerals (P) Ltd.)

WITH W.P.(C)No.624/2002

WITH W.P.(C)NO.661/2002 (With appln.(s) for ex-parte stay and
directions and exemption from filing O.T.)

WITH W.P.(C)No.428/2002 (With appln.(s) for stay and directions and vacating stay and
exemption from filing O.T. and intervention)

WITH CONT.PET.(C)NO.568/2002 IN W.P.(C)NO.428/2002

CONT.PET.(C)NO.542/2002 IN W.P.(C)NO.428/2002

AND I.A.NO.2198@ CONT.PET.NO.125/2006 VIDE COURTS' ORDER DT.25.10.2007
IN W.P.(C)NO.4677/1985
(For direction on b/o. Of Devendra Badana)

WITH I.A.NO.2269 IN I.A.NO.1785 in W.P.(C)NO.4677/1985
(For direction on b/o. Administrator, Haryana Urban Dev.Auth.,
Faridabad)

AND I.A.NO.2270 in I.A.1785 in W.P.(C)NO.4677/1985
(For clarification of court's order dt.10.05.96, 11.10.96 & 06.05.02
on b/o.of Director, Town & Country Planning, Haryana)

AND C.P.(C)NO.186/2003 IN W.P.(C)NO.4677/1985
(With appln.(s) for exemption from filing O.T.)

AND I.A.NO.1866 IN W.P.(C)NO.4677/1985
(For direction on b/o.of Mr.Som Prakash Sethi)

WITH I.A.NO.1858-1859 IN W.P.(C0NO.4677/1985
(For impleadment & directions & permission to file appln. for impleadment on b/o.of Paryavaran
Avam Van Vikas Morcha)

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WITH
I.A.NO.1886 in W.P.(C)NO.4677/1985
(For directions (arising out of Newspaper Clipping in Navbharat Times (Hindi) dt.05.07.04 reg. the mining authority in Mehrauli Ridge Area)

WITH I.A.NO.1888 IN W.P.(C)NO.4677/1985
(For direction reg.implementation of court's order dt.10.05.96, 11.10.96 & 18.03.2004)

WITH I.A.NOS.1891 TO 1893 W.P.(C)NO.4677/1985
(For impleadment, direction and exemption from filing O.T. on b/o.Manoj Kumar)

WITH I.A.NO.1895 IN W.P.(C)NO.4677/1985
(For intervention/direction on b/o. Of Gurgaon Stone Crushers Association c/o.Naurangpura Crusher Union)

WITH I.A.NO.1896 IN W.P.(C)NO.4677/1985
(For direction (Arising out of Photographs given in court by A.C.)

WITH I.A.NO.1906 IN W.P.(C)NO.4677/1985
(For direction on b/o.Bandhua Mukti Morcha)

WITH I.A.NOS.1907-1908 IN W.P.(C)NO.4677/1985
(For direction/clarification and for permission to file appln. for

directions/clarification)

WITH I.A.NOS.1911-1912 IN W.P.(C)NO.4677/1985
(For intervention/directions on b/o.of Mr.Krishan Pal Gujjar)

WITH I.A.NO.1937 IN W.P.(C)NO.4677/1985
(For direction on b/o.of Mr.P.K.Sethi)

WITH I.A.NO.2168 IN I.A.No.1785 in W.P.(C)NO.4677/1985
(For intervention/direction on b/o.Pali Mohatabad Stone Crushers Assn.)

WITH I.A.NOs.2306-2307 IN W.P.(C)NO.4677/1985
(For impleadment and permission to construct Sr.Secondary School on b/o.of M/s.Progressive Charitable Trust)

WITH I.A.Nos.2308-2309 IN W.P.(C)NO.4677/1985
(For impleadment and directions on b/o. Drishti India Ltd.)

WITH I.A.NO.2310 IN I.A.2269 IN 1785 IN W.P.(C)NO.4677/1985
(For intervention/clarification on b/o. Kant Enclave Residents Welfare Society)

WITH I.A.NO.1968 IN W.P.(C)NO.4677/1985
(For intervention on b/o.Pali Mohabatabad Crushers Owners Assocn.)

WITH I.A.NOs.2334-2335 IN W.P.(C)NO.4677/1985
(For impleadment and directions on b/o.of Sat Veer Singh)

WITH I.A.NO.2336 IN W.P.(C)NO.4677/1985
(For intervention on b/o.Shakti Vahini)

WITH I.A.NO.D 58737 IN W.P.(C)NO.4677/1985
(For intervention on b/o.South Eastern Coalfields Ltd.)

AND WITH I.A.NOS.2355-2357 IN W.P.(C)NO.4677/1985
(For impleadment and directions and exemption from filing O.T. on b/o.M/s.R.D.Konsultants)

HARYANA MINING:
I.A.Nos.828, 839, 840, 850, 853-854, 855-856, 866-868, 869-870,
871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 891-892,
900, 905, 1276-1277, 1465, 1590, 1612-1613, 1700-1703, 2007-2008,
1488, 2138-2139 in 891-892, 2205 & 2417, 2426-2427 in W.P.(C)No.202/1995
(Monitoring Report of CEC reg. Illegal mining in Aravali Hills and
appln.for directions/impleadment/modification/clarification/ exemption from filing O.T./permis
sion

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to file addl.documents/ addl.submission/ addl.facts and grounds)

AND I.A.Nos.1868, 2091, 2225-2227 & 2380 in W.P.(C)NO.202/1995
(For direction & intervention on b/o.Lafonge Union Mining P.Ltd. And vacation of interim order dt.23.11.07 and seeking permission to bring addl.facts and documents on record)

WITH SLP(C) NO.19012/2008
(With appln.(s) for exemption from filing c/c of the impugned judgment and deletion of the nam
e
of respondent and with prayer for interim relief and office report)

AND T.C.(C)No.7/1997 (with office report)

AND I.A.No.2176 in 548 in W.P.(C)NO.202/1995
(For permission for construction of High Level Bridge)

AND I.A.Nos.2186-2187 in W.P.(C)NO.202/1995
(For impleadment and directions)

AND I.A.No.1658 in W.P.(C)NO.202/1995
(For permission for construction of High Level Bridge)

AND I.A.No.2318 in W.P.(C)NO.202/1995
(Recommendation of CEC in appln.No.1031)

AND I.A.Nos.2414-2416 in W.P.(C)NO.202/1995
(For impleadment and directions and exemption from filing O.T.)

AND SLP(C)no.24540/2003
(with appln.(s) for impleading party and with prayer for interim
relief and office report)
AND W.P.(C)NO.651/2005 (With appln.(s) for directions)

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AND I.A.Nos.2293-2294, 2298 in 2167 in W.P.(C)NO.202/1995
(Report of CEC (4th), impleadment, permission to file objections to CEC report, permission to file addl.documents)

AND I.A.Nos.2160-2161 in 1399, 2185 in I.A.728, 2248-2249 in 1694,
2254, 2280, 2284-2286, 2314-2315, 2316-2317, 2323-2324, 2325-2327,
2376-2377, 2383-2385, 2393-2394 in W.P.(C)NO.202/1995
(For impleadment, directions/stay, exemption from filing O.T., intervention)

WITH W.P.(C)NO.23/2008
(With appln.(s) for exemption from filing O.T.)

WITH W.P.(C)NO.24/2008

W.P.(C)NO.33/2008
(With appln.(s) for exemption from filing O.T. and office report)
W.P.(C)NO.131/2008
(With appln.(s) for exemption from filing O.T. and ex-parte stay and
office report)
WITH W.P.(C)NO.522/207
(With appln.(s) for exemption from filing O.T.)
WITH W.P.(C)D.No.33560/2006 (With office report)
WITH W.P.(C)NO.D 30339/2006 (With office report)
WITH W.P.(C)NO.116/2007
(With appln.(s) for exemption from filing O.T. and stay and office report)

AND I.A.Nos.2147-2148 in W.P.(C)NO.202/1995
(For intervention and permission)

AND I.A.No.2320 in W.P.(C)NO.202/1995
(For direction)

AND I.A.Nos.1572, 1578, 2190, 2209-2210, 2328, 2366 in W.P.(C)NO.202/1995

(For permission to carry out the project work and bringing on record the addl.grounds and fact
s
and intervention and impleadment and directions and permission to file addl.documents)

WITH CONT.PET.(C)No.114/2007
(With appln.(s) for exemption from appointment of Official Translator and impleadment)

WITH W.P.(C)No.144/2006
(With appln.(s) for interim directions and modification of court's order)

WITH SLP(C)No.958/2008
(with office report)

AND ORIGINAL SUIT NO.4/2007
(With appln.(s) for interim injunction)

AND
RAJASTHAN MINING:
I.A.No.828 with 833, 834-835, 837-838, 846-847, 893-894, 901-902,
903, 904, 1310-1310A in I.A.No.833 in I.A.No.828, 1329, 1330, 1331-1332, 1450-1452 in 1310,
2086 in 1329-1330 in 1310 in W.P.(C)NO.202/1995
(Monitoring report of C.E.C. reg. Illegal mining Aravali Hills and appln. for
directions/impleadment/modification/clarification/ amendment in I.A./Exemption from filing O.T
.,
intervention and permission to file addl.documents)

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WITH SLP(C)No.3353/2003
(With appln.(s) for c/delay in filing SLP and accepting English translation and permission to
place addl.documents on record and exemption from filing O.T. and permission to file
addl.affidavit and
c/delay and office report)
(for final disposal)

WITH C.A.No.7363/2000
C.A.No.7364/2000
C.A.No.7365/2000
(with appln.(s) for directions and permission to place addl. documents on record and office
report)

AND SLP(C)NO.6419/2008
(With prayer for interim relief)

AND I.A.Nos.2194-2196 in W.P.(C)NO.202/1995
(For impleadment & directions and exemption from filing O.T.)

AND I.A.No.2208 in W.P.(C)NO.202/1995
(For modification/clarification)

AND I.A.Nos.2168, 2216, 2291-2292, 2336, 2392 in W.P.(C)NO.202/1995
(Report of CEC (5th), impleadment, directions, permission to file addl.documents)

I.A.NOS.2339-2341 in W.P.(C)No.202/1995
(For impleadment, direction and exemption from filing O.T.)

AND I.A.NOS.2428-2429 in I.A.NO.2167 in W.P.(C)No.202/1995
(For impleadment and direction)

AND I.A.NOS.2430-2431 in I.A.NO.2168 in W.P.(C)No.202/1995
(For impleadment and direction)

Date: 21/11/2008 These Applns./Petitions were called on for
hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

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Mr. Harish N. Salve, Sr.Adv. (A.C.)
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Mr. A.D.N. Rao, Adv. (A.C.)

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Mr.Kamal Gupta, Adv.(A.C.)

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Mr.Rameshwar Prasad Goyal, Adv.

Mr.M.K.D.Namboodiri, Adv.

Mr.Lakshmi Raman Singh, Adv.

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Ms.Shiel Sethi, Adv.

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For Mr.T.V.George, Adv.

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Mr.Manoj Saxena, Adv.
Mr.Rajnees Kr.Singh, Adv.
Mr.Rahul Shukla, Adv.
mr.Shyam Mohan,Adv.
For Mr.T.V.George, Adv.

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Mr.Y.Ramesh, Adv.

Mr.K.B.Rohtagi, Adv.

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Mr.S.K.Dubey, Adv.
Mr.Nitin Kumar Sharma, Adv.
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Mr.R.C.Kohli, Adv.

Mr.Bimal Roy Jad, Adv.

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Mr.Vishwajit Singh, Adv.

Mr.Krishnand Pandey, Adv.

Mr.Kamal Mohan Gupta, Adv.

Mr.Soli Sorabjee, Sr.Adv.
Mr.Anil Mishra, Adv.
Mr.Sanjay Hegde, Adv.
Mr.R.Gopal Krishnan, Adv.

Mr.Sanjay Sen, Adv.
Mr.Rana S.Biswas, Adv.
Mr.Ravi Kant, Adv.
Mr.Sukumar, Adv.
Mr.Mridul Chakraborty, Adv.

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Ms.Sumita Hazarika, Adv.

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Mr.Somesh Chandra Jha, Adv.
Mr.Surajeet A.Sangma, Adv.

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Mr.Sameer Abhyankar, Adv.

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Mrs.Jayashree Wad, Adv.
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Mr.Sunil Kr.Jain, Adv.

Mr.V.G.Pragasam, Adv.

Mr.Pradeep K.Bakshi,Adv.

Mr.Anil Kr.Jha, Adv.
Mohd.Fuzail Khan, Adv.
Mr.Yunus Malik, Adv.

Mohd.Fuzail Khan, Adv.
Mr.Yunus Malik, Adv.

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Dr.Kailash Chand, Adv.

Mr.Ravi Shankar Jandhyala, Adv.
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Mr.Avijit Bhattacharjee, Adv.
Mr.Soumya Kundu, Adv.

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Mr.V.B.Joshi, Adv.
Mr.Krishan Kumar, Adv.
Mr.Sumit Gupta, Adv.
Mr.Mohd.Yasir Abbasi, Adv.
For M/s.M.V.Kini & Associates, Advs.

UPON hearing counsel the Court made the following
ORDER

I.A.No.1785 in WP(C)No.4677/1985:
I.A.NO.1967 in I.A.1785 in W.P.(C)NO.4677/1985:
I.A.NO.2152 in I.A.1785 in W.P.(C)NO.4677/1985:
I.A.NO.2143 in I.A.1785 in W.P.(C)NO.4677/1985:
I.A.NO.2186 in I.A.1785 in W.P.(C)NO.4677/1985:
WITH W.P.(C)No.624/2002
WITH W.P.(C)NO.661/2002
WITH W.P.(C)No.428/2002
WITH CONT.PET.(C)NO.568/2002 IN W.P.(C)NO.428/2002
CONT.PET.(C)NO.542/2002 IN W.P.(C)NO.428/2002
I.A.NO.2198@ CONT.PET.NO.125/2006 VIDE COURTS' ORDER DT.25.10.2007
IN W.P.(C)NO.4677/1985:
I.A.NO.2269 IN I.A.NO.1785 in W.P.(C)NO.4677/1985:
I.A.NO.2270 in I.A.1785 in W.P.(C)NO.4677/1985
C.P.(C)NO.186/2003 IN W.P.(C)NO.4677/1985:
I.A.NO.1866 IN W.P.(C)NO.4677/1985:
I.A.NO.1858-1859 IN W.P.(CONO.4677/1985:
I.A.NO.1886 in W.P.(C)NO.4677/1985:
I.A.NO.1888 IN W.P.(C)NO.4677/1985:

I.A.NOS.1891 TO 1893 W.P.(C)NO.4677/1985:
I.A.NO.1895 IN W.P.(C)NO.4677/1985:
I.A.NO.1896 IN W.P.(C)NO.4677/1985:
I.A.NO.1906 IN W.P.(C)NO.4677/1985:
I.A.NOS.1907-1908 IN W.P.(C)NO.4677/1985:
I.A.NOS.1911-1912 IN W.P.(C)NO.4677/1985:
I.A.NO.1937 IN W.P.(C)NO.4677/1985:
I.A.NO.2168 IN I.A.No.1785 in W.P.(C)NO.4677/1985:

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I.A.Nos.2306-2307 IN W.P.(C)NO.4677/1985:
I.A.Nos.2308-2309 IN W.P.(C)NO.4677/1985:
I.A.NO.2310 IN I.A.2269 IN 1785 IN W.P.(C)NO.4677/1985:
I.A.NO.1968 IN W.P.(C)NO.4677/1985:
I.A.NOs.2334-2335 IN W.P.(C)NO.4677/1985
I.A.NO.2336 IN W.P.(C)NO.4677/1985:
I.A.NO.D 58737 IN W.P.(C)NO.4677/1985:
I.A.NOS.2355-2357 IN W.P.(C)NO.4677/1985 and
HARYANA MINING:
I.A.Nos.828, 839, 840, 850, 853-854, 855-856, 866-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 891-892, 900, 905, 1276-1277, 1465, 1590, 1612-1613, 1700-1703, 2007-2008, 1488, 2138-2139 in 891-892, 2205 & 2417, 2426-2427 in W.P.(C)No.202/1995:

CEC has filed a report regarding the mining activities in the Aravalli Hill area in Haryana. CEC, with the help of the State of Haryana and other agencies, prepared a large-scale map of villages in Gurgaon and Faridabad districts falling within Aravalli hills by fixing of about 20 ground control points (GCP) in each village through intensive field work using village map, GPS and satellite imagery of the corresponding village and it was drawn by super imposition of each village map on satellite imagery and overlaying of areas. The map is now made available to the Court. But many of the applicants who have either no permission for mining activities or have filed applications which are pending, have not been able to peruse the map so that they may respond in respect of findings of C.E.C. Learned counsel/amicus curiae appearing for CEC has stated that those applicants would be permitted to peruse the map in the office of the CEC. Those who want to have perusal of the map may give advance intimation to Mr.A.D.N.Rao, learned counsel/amicus curiae. Those applicants would be at liberty to file objections, if any, before the next date of hearing.

List on 28.11.2008.

I.A.Nos.1868, 2091, 2225-2227 & 2380 in W.P.(C)NO.202/1995:

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List in January, 2009.

T.C.(C)No.7/1997:

Adjourned.

SLP(C)No.19012/2008:

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Leave granted.

The appeal is disposed of, in terms of the signed order.

I.A.No.2176 in 548 in W.P.(C)NO.202/1995:

The State of Tamil Nadu proposes to construct a high level bridge across Pulicat Lake in Pulikat lake Bird sanctuary in Ponneri Taluk of Turuvallore district. CEC has examined the matter and suggested that the project could be approved subject to fulfillment of the following conditions:

i) work will be carried out only during day time only;

ii) construction material will be brought from outside the sanctuary area;

iii) disposal sites will be located outside the park area;

iv) machineries will be removed from work site immediately after the work is over; and

v) no labour camps will be erected in the sanctuary and

vi) approval under the F.C.Act will be obtained for use of forest land;

vii) 5% of the project cost of Rs.10.00 crores i.e. Rs.50 lacs

will be deposited in the Compensatory Afforestation Fund for conservation and protection of the sanctuary; and

viii) the conditions on which the proposed use of forest land within the sanctuary has been recommended by the Standing Committee of the National Board of Wildlife will be strictly complied with.

Learned counsel appearing for the State has submitted that the conditions are acceptable to the State. Subject to fulfillment of these conditions, the project is cleared.

I.A. is disposed of accordingly.

I.A.Nos.2186-2187 in W.P.(C)NO.202/1995:

The applicant -M/s.Airtech Pvt. Ltd. has filed these applications seeking

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permission for establishment of the furniture making unit at plot nos.50A & 50B, Sahibabad industrial area, Ghaziabad. CEC has examined the matter in consultation with the Principal Secretary, (Forests) and the Principal Chief Conservator of Forests, U.P. Forest Department. The applicant had submitted that unit will not be having any facility for conversion of round timber into saw timber and also other conditions prescribed in the U.P.Forest Act. It is stated that no sawing activity as done in a saw mill shall be undertaken. The applicant has submitted before us that the they have filed an application for issuance of a license in view

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of the definition of "saw mill" under the U.P.Establishment and Regulation of Saw Mill Rules, 1978. It is made clear by the learned counsel appearing for the applicant that they will not be running a saw mill and are only wanted to run a furniture making unit to cater to the needs of general public. The applicant is allowed to establish the unit subject to filing an undertaking before this Court that the unit will not be having any facility for conversion of round timber to sawn timber within two days and that activities done in a saw mill shall not be undertaken. Subject to this condition, necessary license may be granted by the Govt. of

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U.P. and also subject to other regulations if any concerning the grant of license for starting such unit.

I.A. is disposed of accordingly.

I.A.No.1658 in W.P.(C)NO.202/1995:

CEC has filed a report regarding the permission for change in the legal status of the forest land approved under the F.C.Act by the MoEF for the rehabilitation of villagers of the three villages namely Kosla, Botezari and Palasgaon (Single) in Andhari Wildlife Sanctuary in District Chandrapur, Maharashtra. It was also stated therein that the relocation of these villages is required because the boundary of the national park is to be extended and therefore, modification in the order passed by this Court on 13.11.2000 in Writ Petition (C)No.337/1995 is sought for. We make it clear that despite the order passed by this Court

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on 13.11.2000, the MoEF is permitted to change in the legal status of the forest land approved under the F.C.Act for relocation of these villages for the purpose of extending the boundary and for rehabilitation of the tribal people residing there.

Application is disposed of accordingly.

I.A.No.2318 in W.P.(C)NO.202/1995:

The Department of Public Health Engineering, Government of West Bengal seeks to implement a drinking water supply project namely "Darjeeling Water Supply Pumping Scheme" at an estimated cost of Rs.49.17 crores and as part of the project seeks permission for diversion of 0.99 ha. of forest land falling in Senchal Wildlife

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Sanctuary. The CEC has suggested that a sum of Rs.2.46 crore i.e. 5% of the project cost be deposited in the Compensatory Afforestation Fund for undertaking conservation and protection of National Parks and Sanctuaries in the State of West Bengal by the State Government. Learned counsel appearing for the State of West Bengal submits that as only a portion of the project is falling within the sanctuary area, they may not be burdened with the cost of paying in relation to the total project. As this amount is paid for afforestation purp ose,

we do not think that the State should be excluded from such payment. Permission is

granted to the project subject to the payment of Rs.2.46 crores in the CAMPA Fund and such amount will be utilised for the purpose for which it was established; and fulfillment of other conditions stipulated by C.E.C.

I.A. is disposed of accordingly.

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W.P.(C)NO.651/2005:

Adjourned to January, 2009.

I.A.Nos.2414-2416 in W.P.(C)NO.202/1995

Issue notice to CEC. Reply, if any, be filed within four weeks.

SLP(C)No.24540/2003:

Adjourned.

I.A.Nos.2293-2294, 2298 in 2167 in W.P.(C)NO.202/1995:

This is with regard to the construction of a Human River Project in Chandrapur district of State of Maharashtra. The Assistant Inspector General of Forests (Forest Conservation Division), Ministry of Environment and Forest (MoEF), Government of

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India has filed an affidavit stating that the entire amount of NPV and Compensatory Afforestation would be deposited by the user agency in the CAMPA fund and the user agency has also agreed to all the conditions prescribed by Wildlife Institute of India. In vie

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of the affidavit filed by the Assistant Inspector General of Forests (Forest Conservation Division), Ministry of Environment and Forest (MoEF), Government of India, the application is allowed and necessary action be taken in this regard.

Application is disposed of accordingly.

I.A.Nos.2160-2161 in 1399, 2185 in I.A.728, 2248-2249 in 1694, 2254, 2280, 2284-2286, 2314-2315, 2316-2317, 2323-2324, 2325-2327, 2376-2377, 2383-2385, 2393-2394 in W.P.(C)NO.202/1995
WITH W.P.(C)NO.23/2008
W.P.(C)NO.24/2008
W.P.(C)NO.33/2008
W.P.(C)NO.131/2008
W.P.(C)NO.522/207
W.P.(C)NO.116/2007

The applicants are transferees of saw mills which were either not given licenses or these saw mills were not being operated. CEC has filed a report and has suggested that along with other applications received for renewal, subject to availability of timber in the State of U.P. and after meeting the requirement of license of wood based industries in the units covered by CEC report dated 6.5.2008 in I.A.No.2185 in 728 of the wood based industries and in terms of the orders passed by this Court on 18.5.2007 and 27.7.2007, these applications will also be considered. The applications for licenses may be considered by the CEC within a period of three weeks.

The applications/petitions are disposed of accordingly.

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W.P.(C)D.No.33560/2006 & W.P.(C)NO.D 30339/2006:

Learned counsel for the petitioner submits that the petitions have become infructuous. The writ petitions are dismissed as having become infructuous.

I.A.Nos.2147-2148 in W.P.(C)NO.202/1995:

List on 9.1.2009.

I.A.No.2320 in W.P.(C)NO.202/1995:

Issue notice to CEC. Reply, if any, be filed within four weeks.

Post along with connected matter.

I.A.Nos.1572, 1578, 2190, 2209-2210, 2328, 2366 in W.P.(C)NO.202/1995
CONT.PET.(C)No.114/2007
W.P.(C)No.144/2006

SLP(C)No.958/2008
ORIGINAL SUIT NO.4/2007:

List on 16.1.2009.

Replication, if any, may be filed in the meanwhile.

RAJASTHAN MINING:
I.A.No.828 with 833, 834-835, 837-838, 846-847, 893-894, 901-902,
903, 904, 1310-1310A in I.A.No.833 in I.A.No.828, 1329, 1330, 1331-1332, 1450-1452 in 1310,
2086 in 1329-1330 in 1310 in W.P.(C)NO.202/1995
WITH SLP(C)No.3353/2003
WITH C.A.No.7363/2000
C.A.No.7364/2000
C.A.No.7365/2000
SLP(C)NO.6419/2008

List on 28.11.2008.

I.A.No.2194-2196 in W.P.(C)NO.202/1995:

Applicant is permitted to reply to the State's affidavit within two weeks.

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I.A.No.2208 in W.P.(C)NO.202/1995:

The Andaman & Nicobar Islands Small Scale Wood Based Industries Association in Andaman & Nicobar Islands has filed this application seeking permission to have saw mills in the Andaman & Nicobar Islands. The CEC has made series of recommendations as to how the regulation of supply of timber and making available the timber to these units will have a serious impact leading to deforestation. The suggestions/recommendations made by the CEC are acceptable to the applicant and it may take further steps in the matter to see that these suggestions/recommendations are complied with.

I.A. is disposed of accordingly.

I.A.Nos.2168, 2216, 2291-2292, 2336, 2392 in W.P.(C)NO.202/1995:
I.A.NOS.2428-2429 in I.A.NO.2167 in W.P.(C)No.202/1995 &
I.A.NOS.2430-2431 in I.A.NO.2168 in W.P.(C)No.202/1995:

List on 5.12.2008.

I.A.NOS.2339-2341 in W.P.(C)No.202/1995:

List on 28.11.2008.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Madhu Saxena)
Court Master

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ITEM NO.MM-J COURT NO.1 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.Nos.2419-20 in WP(C)No.202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 21/11/2008 These Applns./Petitions were mentioned today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)
Mr. Uday U. Lalit, Sr.Adv. (A.C.)(NP)
Mr. Siddhartha Chowdhury,Adv. (A.C.)
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s) Mr. P.K. Manohar, Adv.

For Respondent(s)/ applicant(s) Mr.G.Umapathy, Adv.(Mentioned by)
Mr.P.S.Sudheer, Adv.

UPON hearing counsel the Court made the following
ORDER

List on 28th November, 2008.

(G.V.Ramana)
Court Master
(Mentioned slip enclosed)

(Madhu Saxena)
Court Master

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ITEM NO.MM-K COURT NO.1 SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

C.A.No.8133 of 2003

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

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UNION OF INDIA & ORS Respondent(s)

WITH C.A.NOS.8134/2003 & 8135/2003

Date: 21/11/2008 These Appeals were mentioned today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr.Adv. (A.C.)
Mr. Uday U. Lalit, Sr.Adv. (A.C.)(NP)
Mr. Siddhartha Chowdhury,Adv. (A.C.)
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s) Mr. P.K. Manohar, Adv.

For Respondent(s)/ applicant(s) Mr.Sanjay Jain, Adv.(Mentioned by)

UPON hearing counsel the Court made the following
ORDER

List on 9.1.2009 before the Forest Bench.

(G.V.Ramana)
Court Master

(Madhu Saxena)
Court Master

(Mentioned slip enclosed)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6752 OF 2008
(@SPECIAL LEAVE PETITION (CIVIL)NO.19012 OF 2008)

SHELLA ACTION COMMITTEE Petitioner(s)

VERSUS

STATE OF MEGHALAYA & ORS. Respondent(s)

ORDER

Leave granted.

2. Application for deletion of proforma respondent nos.12 to 18 is allowed.

3. The appellant herein, has filed a writ petition before the Guahati High Court

alleging that the Government had sanctioned transfer of 100 ha. of land to respondent no.7 and 8. The appellant contended that this transfer is violative of the provisions of Meghalaya Transfer of Land (Regulation) Act, 1971, which prohibits transfer of land to private parties. The High Court, by the impugned interim order, deferred hearing of the writ petition on the ground that the issues are pending before this Court. We make it clear that there is no such proceedings pending before this Court regarding alleged violation of the provisions of the Meghalaya Transfer of Land (Regulation) Act, 1971 and the High Court is at liberty to proceed with the writ petition filed by the appellant and pass appropriate orders.

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The appeal is disposed of accordingly. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(Dr.ARIJIT PASAYAT)

.....J.
(S.H. KAPADIA)

NEW DELHI;
21ST NOVEMBER, 2008.

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