

Manjushree Plantations Ltd. and Others

Vs

State of T.N. and Others

Malapuram Timbers

Vs

District Forest Officer and Others

I. R. Goelho (Dead) by Lrs

Vs

State of T.N. Others

IAs Nos. 6-14 of 1996 in CAs Nos. 357-75 of 1997

(J. S. Verma, B. K. Kirpal JJ)

04.03.1997

ORDER

1. In modification of the earlier orders in the Civil Appeals Nos. 367-75 of 1997, 2457 of 1977 and 1344-45 of 1976 and Writ Petition No. 202 of 1995 [See the Order published at (1997) 2 SCC 267], it is directed as under :

(i) As far as shade-trees in the Janmam areas are concerned, they would be governed by para 4(a) of our order dated 12-12-1996 insofar as it applies to the State of Tamil Nadu. However, all trees so felled in the Janmam areas shall be delivered by the Plantation to the State Government which will be free to deal with and dispose of the same. The State Government shall, however, keep a record of all such trees received by it. This will apply also to trees felled prior to the interim orders which are still in the possession of the plantations.

(ii) Insofar as fuel trees are concerned, we direct that felling of fuel trees be carried on strictly in accordance with the Report of TANTEA. After felling of fuel trees, the Plantations shall submit the account of such trees to the State Government. They may consume for their own use such number of fuel trees as are necessary and give an account of the same to the State Government. Any fuel trees not required by them would be surrendered by them to the State Government and the State Government would be free to deal with such trees. The State Government shall, however, maintain an account of any fuel trees received by it.

(iii) we further clarify that the direction that there will be no further expansion of the Plantation so as to involve encroachment (by way of clearing or otherwise of forest) will apply to the Janmam lands as well.

2. IAs Nos. 6-14 of 1996 in CAs Nos. 367-75 of 1977, IA No. 1 of 1996 in CA No. 2457 of 1977, IAs Nos. 3-4 of 1996 in CAs Nos. 1344-45 of 1976 are allowed in the above terms.

3. The Golf Course at Kodaikanal and Udagamandalam are permitted to function subject to the condition that the District Collector and the District Forest officer of the area concerned are associated with the functioning of the same till the approval of the Government of India is received.