

**SUPREME COURT OF INDIA**

T.N. Godavarman Thirumulpad

Vs.

Union of India

(A Anand, B Kirpal and V Khare JJ.)

23.02.1998

**ORDER**

I.A. No. 254

1. In view of the orders made in IAs 255-257, no orders are required on this application. The application shall be consigned to records.

IAs. 255-257

2. Replies have been filed on behalf of the State of Madhya Pradesh to all the three interim applications. Copies of the replies have been furnished to Mr. Harish Salve, learned amicus curiae. He submits that he may be granted a short adjournment to examine the replies and make further submission on the interim applications. We grant his prayer. The three interim applications shall be listed after two weeks.

IA. 276

3. Reply affidavit has been filed on behalf of the State of Karnataka. Copy of the same has been furnished to learned amicus curiae who prays for two weeks' time to examine the reply and make further submissions.

4. List after two weeks.

IA. 227

5. Dismissed.

IA. 263

6. This I.A. shall also be listed after two weeks alongwith I.As. 255-257.

7. Learned amicus curiae has drawn our attention to some of the photographs taken by the Members of the Task Force (Wildlife Sub Group) during the site inspection in January, 1998 and in December, 1997 in Buffer Zone of Kanha National Park and in adjoining corridors in East Mandla Forests. Mr. Salve submits that these photographs depict that under the garb of removing infected saal trees, the trees which do not have any disease have also been cut and thereby orders of this Court have been frustrated and violated. The Report of the Task Force (Wildlife Sub Group) is not available with the Court or with the learned amicus curiae. Mr. Altaf Ahmad, learned Additional Solicitor General who appears for the Union of India shall furnish copies of the Task Force Report to learned amicus curiae and to the Court within one week. A copy of the report shall also be furnished to learned counsel for the State of M.P. Learned Additional Solicitor General submits that apart from the report of the Task Force, if there are any other reports or materials available with the Union Government, pertaining to the subject matter in issue, the same shall also be furnished to the Court as well as the learned amicus curiae during the same period.

8. Keeping in view the submissions made by the learned amicus curiae and with a view to see that no illegal felling of trees takes place, we restrain the State Government of Madhya Pradesh and its functionaries to cut any of there trees hereafter, even if in the opinion of the state Government, the particular tree or trees are considered to be deceased trees, till further orders.

9. This matter shall be listed on 26th February, 1998 at 3.45 p.m.

10. Report of the Commissioner, Varnasi Division has been received. Copy of the report has been furnished to learned amicus curiae. The same shall come up for consideration alongwith I.A. No. 263 on the date fixed in that I.A.

11. There is another aspect of the case which has caused us concern. The learned amicus curiae, Mr. Salve, has drawn our attention to the State of Forest Report 1997. It is submitted that between 1995 and 1997, dense forest to the extent of 17777 sq. Kms. has been lost to the country. This presents a rather dismal picture and is an alarming situation depicting deforestation on a large scale. We find from a perusal of the Report that major defaulters appear to be the States of Andhra Pradesh, Madhya Pradesh, Assam, Manipur, Nagaland, Orissa & Meghalaya. Copies of the State Forest Report 1997 have not been filed in the Court so far. The learned Additional Solicitor General undertakes to file the copies of the report within two weeks. Copies of the report shall also be furnished to learned counsel, appearing for the abovementioned defaulting States so that they can explain the position of their respective States with regard to the deforestation of that magnitude.

12. List after two weeks.

13. Learned amicus curiae submits that he has received a telegram from which it is revealed that one Shri Ratneshwarnath of Kanker, Baster District has been arrested on February 20, 1998 and is being held at Jagdalpur. A copy of the telegram has been furnished to learned counsel for the State of Madhya Pradesh who shall ascertain the position and state on affidavit about the correct position. The needful shall be done on or before 26th February, 1998.

14. List on 26th February, 1998 for furnishing of the information regarding the detention/arrest of Shri Ratneshwarnath at 3.45 p.m. when the matter concerning the restrain order issued by us today to the State of Madhya Pradesh is listed.

15. A communication has been received from the Officer on Special Duty of the Lokayukta, Madhya Pradesh for extention of time to submit the report. The time is extended by six weeks. The learned Lokayukta shall be informed accordingly.