

SUPREME COURT OF INDIA

T.N. Godavarman Thirumulpad (80)

Vs.

Union of India

IA No. 1175 in WP (C) No. 202 of 1995

(S.H.Kapadia and Y.K.Sabharwal and Arijit Pasayat JJ.)

01.04.2005

JUDGMENT

Y.K.Sabharwal, J.

1. The report submitted by the Member-Secretary, Central Empowered Committee dated 16-7-2004 regarding use of forest land falling within the Sanjay Gandhi National Park for IIIA Mumbai Water Supply Project without obtaining approval of this Court is accepted. In respect of the recommendation as contained in para 13(i) of the said report, we direct BMC to deposit a sum of Rs 1 crore, within a period of 4 weeks. The said amount will be utilised in trft manner recommended in para 13(ii) of the report. We hope that henceforth MoEF would not grant any approval under the *Forest Conservation Act and/or the Wild life (Protection) Act, 1972* for use of the forest land falling within national parks and sanctuaries without complying with the directions of this Court.

2. The IA is disposed of.

IANo. 1177 in IAs Nos. 742-43 in WP (C) No. 202 of 1995

3. Issue notice to the State of Rajasthan.

Contempt Petition (C) No. 479 of 2002 in WP (C) No. 202 of 1995

4. The copies of the entire records including the papers filed in this Court shall be sent to CEC for examination and comment. The State Government shall produce the original records before CEC, which shall make its report on examination of the records within eight weeks.

Contempt Petition (C) No. 442 of 2004 with IA No.1 in WP (C) No. 202 of 1995

5. This contempt petition along with Annexure P-2 containing a list of 14 factories has been filed. The allegations are that through it is claimed that the ply industries have been closed, in fact they are running. Let CEC examine and report.

IAs No. 1291-93 in / WP (C) No. 202 of 1995.

6. Learned counsel appearing on behalf of the State of Chhattisgarh prays for two weeks' time to file response to the applications. Allowed as prayed for.

7. List after 2 weeks.

IAs Nos. 989, 1221 in IAs Nos. 857-58, IAs Nos. 997-98, IAs Nos. 1128 and 1187, 1282-84, 1295 and 1296 in WP (C) No. 202 of 1995

8. The details of the studies conducted by the Regional Remote Sensing Service Centre, Department of Space, West Deepak Mines, Ratija village, Koraba District CG, Nagpur have been brought to our notice. If that is correct, the report submitted by CEC, prima facie, would represent the correct position. Let CEC examine the entire matter in the light of the documents which have been brought to our notice and place on record and file a fresh report which should also indicate the other parties in the area. The Forest Survey of India, Regional Remote Sensing Agency and the South Eastern Coal Field Ltd., shall render such assistance as may be required for the preparation of the report by CEC. The State of Chhattisgarh shall also file its response.

9. List the matter on 15-4-2005.

IA No. 1287 in WP (C) No. 202 of 1995

10. Issue notice to the State of Andhra Pradesh, Kerala, Karnataka, Maharashtra, Tamil Nadu and the Union of India.

11. Mr. A.D. N. Rao accepts notice on behalf of the Union of India. He will file his response.

IAs No. 1276-77 in WP (C) No. 202 of 1995

12. Issue dasti notice. Contempt Petition (C) No. 412 of 2004 in IA No. 833 in WP (C) No. 202 of 1995

13. List on next Friday (8-4-2005). SLP(C)No. 6266 of 2000

14. Delink and list before the regular Bench.

15. Rest of the matters are adjourned. 26. As far as Kerala is concerned [IA No. 1137 in WP (C) No. 202 of 1995] the report by CEC shall be filed by the end of this month.