

T.N. Godavarman Thirumulpad

v.

Union of India & Others

HON'BLE CHIEF JUSTICE MR. V.N. KHARE HON'BLE MR. JUSTICE Y.K.  
SABHARWAL HON'BLE MR. JUSTICE ARIJIT PASAYAT

(Supreme Court Of India)

Interlocutory Application No. 887 In Writ Petition(Civil) No. 202 Of 1995 Interlocutory Application No. 906 In Wp(C) No. 202 Of 95. Interlocutory Application No. 827 In Wp(C) No. 202/95 Interlocutory Application No. 804 In Wp(C) No. 202 Of 95 Interlocutory Application No. 777 In Interlocutory Application No. 754-755 In Wp(C) No. 202/95 Interlocutory Application No. 921 In Interlocutory Application No. 782-784 With 842, 843 And 843A & 793-795 With 844, 845 & 845A & 813-815 In Wp(C) No. 202 Of 95 Interlocutory Application No. 786 In Wp(C) No. 202 Of 95 Interlocutory Application No. 896-898 In Wp(C) No. 202 Of 95 Interlocutory Application No. 60 In Wp(C) No. 202/95 Interlocutory Application No. 884 In Wp(C) No. 202 Of 95 | 14-07-2003

I.A. No. 887 (Recommendations of C.E.C In I.A. Nos. 414, 414A, 173, 423 & 751) and I.A. No. 906.

1. Heard counsel for the parties.

2. The recommendations of the Central Empowered Committee (C.E.C.) dated 27.12.2002 are accepted. The State of Maharashtra is directed to act according to and abide by the aforesaid recommendations. Further, so far as 64 saw-mills which are claimed to be actually eligible for grant of licenses as per notification dated 16.7.1981 are concerned, their cases may be examined by the State Government within a period of two months and if they are found eligible, their applications may be sent to the C.E.C. which may submit a report to this Court.

3. I.As. stand disposed of.

I.A. No. 827.

4. List this matter after eight weeks. In the meantime, the learned counsel appearing for the Central Government will obtain complete instructions.

5. Let Rs. 7.44 lakhs out of the sale proceeds of confiscated timber be paid as award/honorarium. List for further orders after eight weeks.

I.A. No. 804.

6. Await the report of C.E.C.

I.A. No. 777 in I.A. Nos. 754-755 and I.A.No. 941.

7. As prayed, let an affidavit by the Chief Secretary, Government of Orissa be filed within four weeks indicating therein the aerial distance between the saw mills and the forest. List on a date to be given by the Registry.

I.A. No. 921 in I.A. Nos. 782-784, 793-795 and 813-815 (with I.A. Nos. 842, 843 & 843A in 782-784 and I.A. Nos. 844, 845 & 845A in 793-795.

8. Learned counsel appearing for the State of Bihar prays for and is allowed four weeks' time to file a reply to the recommendations made by C.E.C. List thereafter.

I.A. No. 786.

9. Further four weeks' time is allowed to the Ministry of Environment and Forests to file its response. List thereafter.

I.A. Nos. 896-898.

10. Await the report of the Standing Committee of Indian Board of Wildlife.

11. The Central Government is directed to file an affidavit within four weeks indicating therein the constitution of the Standing Committee of Indian Board of Wildlife, the names of new members and their credentials.

I.A. No. 60.

12. Learned counsel appearing for the State of Chhattisgarh prays for and is allowed four weeks' time to file response in regard to the letter sent by the Empowered Committee, Chhattisgarh. List after four weeks.

I.A. No. 884 (Recommendations in I.A. No. 705.)

13. Learned counsel appearing for the State of Karnataka states that the recommendations of C.E.C. in I.A. No. 705 are acceptable to the State. A sum of rupees 15 crores and other sums, which are payable by the Project Authorities shall be deposited with the C.E.C. which in turn shall invest the same in a short term fixed deposit.

14. I.As. stand disposed of.

I.A. Nos. 789 & 790.

15. Await response of the Ministry of Environment & Forests.

I.A. No. 860.

16. Heard counsel.

17. This Court on 29.10.2002 passed an order for removal of encroachments after examining the report of Shri R.M.N. Sahay, Court Commissioner, report of the Survey of India who carried out detailed survey, report of C.E.C. and arguments of the learned counsel. We do not find any fresh ground to review the said order.

18. The I.A. is rejected On 29.10.2002, this Court directed the Chief Secretary, Government of Karnataka to submit monthly report as regards the possession taken in pursuance of ejection of encroachers. Grievance is made that no such report has yet been filed before the C.E.C. The Chief Secretary, Government of Karnataka is directed to file an affidavit within four weeks as regards the actual possession, if any, taken after removing the encroachment.

I.A. Nos. 861 and 862.

19. I.As. are rejected.

I.A. No. 863.

20. I.A. is rejected.

21. Mr. V Laxminarayanan, learned counsel appearing for B.L. Shankar states that possession of the land was handed over on 30th January, 2003 and an affidavit to that effect will be filed within two weeks. The Chief Secretary, Government of Karnataka is directed to verify whether actual physical possession has been taken and shall file an affidavit in that respect within four weeks.

I.A. Nos. 864 & 865.

22. Let these I.As. be forwarded to the C.E.C. which shall send its recommendations to this Court within a period of eight weeks.

I.A. No. 931.

23. Since similar permission was granted to the State of Uttaranchal in the year 2002, this application is allowed. The applicant State of Uttaranchal is permitted to fell the trees as prayed, in terms of the order dated 24th April, 2000 which run as follows :

" This exercise will be undertaken by the State under the supervision of the Scientists of Entomology Division of the Forest Research Institute, Dehradun. The exercise be completed within a period of four months and the report be then submitted by the State as well as the Forest Research Institute. List thereafter."

I.A. No. 421.

24. Adjourned for four weeks.