

SUPREME COURT OF INDIA

Narmada Bachao Andolan

Vs.

Union of India

Writ Petn.(Civil) No. 328 of 2002

(Y. K. Sabharwal, K. G. Balakrishnan and S. B. Sinha JJ.)

16.04.2004

ORDER

1. I.A. Nos. 10 and 11. The prayer in these applications is to direct the respondents not to proceed with further construction of Narmada Dam by raising its height to 110 metres till all affected people are rehabilitated. The main grievance of the applicants is the subject-matter of two I.As. (I.A. Nos. 4 and 7).

2. Having heard learned counsel for the parties at considerable length, we are of the view that for the present, no case has been made out to stop the ongoing construction raising the height of the dam. At the same time, it is necessary to note that the matter relating to rehabilitation of oustees is required to be examined by all concerned and implemented in terms of the award made by the Narmada Water Disputes Tribunal, orders and directions issued by this Court from time to time, the orders and directions of Narmada Control Authority and that of Grievance Redressal Authorities of the State concerned. Further, it has been brought to our notice by the learned counsel appearing for the applicants that the land in village Matanya, Tehsil Mahaeshwar and some of the other villages being proper cultivable land can be obtained/acquired by the State Governments and given to the oustees as a rehabilitation measure. The applicants may give concrete suggestions in this respect to the respondent-State of Madhya Pradesh. On receipt of such suggestions, the matter shall be expeditiously examined by the State Government. In case, the applicants/oustees are still not satisfied with the decision of the State Government, it would be open to them to approach the Grievance Redressal Authority. The said Authority shall also examine the grievance of the oustees as expeditiously as possible as the matter pertaining to rehabilitation of the oustees cannot be taken up or treated lightly. It may also be noticed that a positive approach has been adopted by the oustees that what they are concerned with is the proper rehabilitation and not the stoppage of the construction of the dam and they have approached this Court seeking stay of construction as they were not satisfied about the proper offer having been made to all affected parties for their rehabilitation and other related aspects of rehabilitation.

3. For the present having noticed aforesaid issues, we express no opinion. We however direct that these two applications along with I.A. Nos. 4 and 7 shall be listed for hearing in the 3rd

week of July, 2004. Mr. Muralidhar, learned counsel appearing for the applicants in IAs 7 and 11 shall file a brief synopsis of on the reopening of the Court after vacation.

The matter is adjourned in the above terms.

Order accordingly.