

T.N. Godavarman Thirumulpad

v.

Union of India & Others

(Supreme Court Of India)

Y.K. SABHARWAL HON'BLE MR. JUSTICE ARIJIT PASAYAT HON'BLE
MR. JUSTICE S.H. KAPADIA

Interlocutory Application No. 1265 In Interlocutory Application No. 1256-1259
And Interlocutory Application No. 1260-1263 In W.P.(C) No. 202 Of 1995
With Interlocutory Application No. 1156 In W.P.(C) No. 202 Of 1995,
Interlocutory Application No. 1192 In W.P.(C) No. 202 Of 1995, Interlocutory
Application No. 756 In W.P.(C) No. 202 Of 1995, Interlocutory Application
No. 993 In W.P.(C) No. 202 Of 1995 | 04-02-2005

I.A. No. 1265 in I.A. Nos. 1256-1263 :

1. We direct the State of Maharashtra to file its response, within three weeks, to the report of the C.E.C. dated 4th February, 2005. The MoEF shall also file its response within the same time. The applicants are also permitted to file response within three weeks.

2. The State Government would keep all relevant files available in Court.

3. List after four weeks.

I.A. Nos. 756, 1192 & 1156:

4. It is unfortunate that despite grant of time, the Delhi Development Authority (DDA) has still not filed its response to the report of the C.E.C. dated 30th July, 2004. While granting final opportunity, we direct the said Authority to file its response within three weeks.

5. Mr. Sharan, learned Additional Solicitor General appearing for DDA, states that no construction activity is going on 223 hectares of land. If it is otherwise, the applicant may approach the C.E.C. which will look into the matter.

6. The Report of C.E.C. states that in 92 hectares out of 315 hectares of land, this Court, by order dated 19th August, 1997, permitted the DDA and others to carry out construction and allied activities subject to compliance of environmental laws and requisite approvals. In the response directed to be filed, the DDA will state as to whether requisite approvals have been taken and environmental laws complied with in respect of the construction which is going on.

7. List after four weeks.

I.A. No. 993 in I.A. Nos. 836 & 895:

8. No objections have been filed to the report of the C.E.C. dated 28th October, 2003. The recommendations of the C.E.C. are as under :

“(i) the MoEF’s order dated 20.8.2002 allowing mining leases inside the Valmiki Wild Life Sanctuary may be set aside;

(ii) the State of Bihar may be directed to ensure immediate closure of all mining activities inside National Parks and Wild Life Sanctuaries including within the safety zone around the boundaries of the National Parks and Sanctuaries;

(iii) the MoEF may be directed to ensure that no mining lease inside any National Park or Wild Life Sanctuary is approved under the F.C. Act without obtaining specific permission from this Hon’ble Court in view of the order dated 14.2.2000 passed in I.A. No. 548.”

9. Mr. B.B. Singh, learned Counsel appearing for the State of Bihar also submits that the report be accepted.

10. Having regard to the facts and circumstances, we accept the recommendations made in the report and direct the State of Bihar and MoEF to file compliance report within a period of eight weeks. List thereafter.