

**SUPREME COURT OF INDIA**

T.N. Godavarman Thirumulpad

Vs.

Union of India

I.As Nos. 1349, 1246-47, 1378-80

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

16.09.2005

**JUDGMENT**

1. The response to the report of CEC dated 3-6-2005 shall be filed by the State of Madhya Pradesh, who is represented before us by the learned counsel, within four weeks. Copy of the report has been supplied. Insofar as MoEF is concerned, it supports the conclusions and observations made by CEC in the report.

2. Pending further orders, no mining activity shall be carried out on the land said to have been handed over by the Forest Department to the Revenue Department of the State Government.

3. Notice shall also issue to three lessees mentioned in the report of CEC.

IA No. 1350 in IAs. Nos. 1190-91 in WP (C) No. 202 of 1995

4. Counsel for the State of Orissa, as prayed, is permitted to file response to the recommendations of CEC that the applicant may be permitted to sell their stock of timber and get it sawn from any licenced sawmill, within four weeks. List thereafter.

IA.No. 1351 in IAs Nos. 1212-13 in WP (C) No. 202 of 1995

5. The applicant Karnataka Power Corporation Limited is permitted to use the land in question for laying 220 KV double circuit transmission line, subject to complying with the conditions contained in the report of CEC dated 16-7-2005 which read as:

"(i) approval under the *Forest (Conservation) Act, 1980* for use forest land falling within the Banerghatta National Park will be obtained;

(ii) an amount of Rs one crore will be deposited by the Karnataka Power Transmission Corporation Limited in the Compensatory Afforestation Fund for conservation and protection of Benerghatta National Park;

(iii) the Karnataka Power Transmission Corporation Limited will comply with various conditions stipulated by the Ministry of Environment and Forests while granting approval under the Forest (Conservation) Act, 1980 and the conditions on which the Standing Committee of NBWL has recommended the proposal."

In addition to the above, the applicant Corporation shall give an undertaking to pay additional NPV as and when determined by this Court. The said undertaking shall be filed before CEC within eight weeks.

IA No. 1355 in IA No. 548 in WP (C) No. 202 of 1995

6. MoEF may file response to the application within three weeks. Counsel for the applicant is permitted to make corrections in the application.

7. List this application along with IA.No.703.

IA No. 1358 in IA No. 992 in WP (C) No. 202 of 1995

8. The applicant may file response to the recommendation within four weeks.

IA No. 1164 in IA No. 566 in WP (C) No. 202 of 1995

9. FDR shall be renewed for period of one year.

IA No. 979 in IAs Nos. 442-446, 1204, 1254 and 1357 in WP (C) No. 202 of 1995, IAs Nos. 991, 1004, 1185 in WP (C) No. 202 of 1995

10. As prayed, counsel for the State of U.P. is permitted to file response to the recommendations of CEC within four weeks.

11. M/s. Fox Mandal & Co. is permitted to withdraw their vakalatnama filed on behalf of the applicant. Mr. John Mathew, learned counsel is permitted to file vakalatnama and also an additional affidavit on behalf of the applicant within four weeks.

IA No. 993 in IAs Nos. 83-95 and 1281 in WP (C) No. 202 of 1995

12. List these applications on next Friday, 23-9-2005.

IA No. 1000 with IAs Nos. 982-84, 1026-28, 1123-24 in WP (C) No. 202 of 1995

13. We have perused the affidavit dated 14-9-2005 filed by Mr Anurag Bajpai on behalf of MoEF and the statement showing the grant of temporary working permit in the last two years i.e. from 1-1-2003 to 31-12-2004 in the national parks, sanctuaries and forests area. This is despite the order passed by this Court restraining the mining activities in these areas. Learned

amicus curiae submits that the inspection of the government record shows a dismal picture and he would shortly file an application for taking appropriate action against the persons concerned. Pending filing of the said application and further orders, we against reiterate that without compliance with the environmental laws, in particular the permission under the *Forest (Conservation) Act, 1980*, no temporary working permission or temporary permit or any other permission by whatever name called shall be granted for mining activities in the aforesaid area. We further direct that no mining activity would continue under any temporary working permit or permission which may have been granted. It appears from the chart filed with the affidavit of Mr. Anurag Bajpai that no temporary working permission is in operation as of today. If it is otherwise, an affidavit to that effect shall be filed within two weeks giving the particulars of such permission.

IAs Nos. 1197-99 and 1210-11 in WP (C) No. 202 of 1995

14. Response to there applications shall be filed by the State of Raj as than and MoEF within three weeks. MoEF is directed to place on record within three weeks its viewpoint on the question of area of buffer zone and other related matters such as should it be universal or place specific. This should be done after also obtaining the viewpoint of the National Board of Wildlife.

IAs No. 1250-51 in WP (C) No. 202 of 1995

15. Response by the respondents shall be filed within three weeks.

IAs Nos. 1315-16 in IA No. 566 in WP

(C) No. 202 of 1995

16. Counsel seeks passing of similar order that was passed on 12-5-2005 in IAs Nos. 1301 - 02. Let MoEF and CEC respond by the next date. List these applications on next Friday.

IA No. 361 and IA No. 363 in WP (C) No. 3727 of 1985

17. CEC shall look into it and file its response within four weeks.