

SUPREME COURT OF INDIA

T.N. Godavarman Thirumulpad (91)

Vs.

Union of India

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

16.12.2005

ORDER

IANos. 1413, 1414, 1426, 1428, 1440, 1439, 1444-45, 1454 and 1460

1. Such of the mines which are operating under temporary working permit, as on date, which permits are likely to expire before we take up the matter for hearing on the next date, will continue to operate under the existing temporary working permits. The direction for closure of such mines shall not be applicable.

2. The objections, if any, to the recommendations of CEC, may be filed on or before 3-1-2006. List these matters on 6-1-2006.

IANo. 1441

3. CEC may file response to the application by 3-1-2006. List on 6-1-2006. having regard to the peculiar circumstances brought to our notice by learned Solicitor General and having regard to the larger public interest, we permit operation of the mine, subject to the applicant South Eastern Coalfields Ltd. depositing an amount in the sum of Rs fifty crores towards NPV and undertaking to deposit the remaining amount. The amount shall be deposited with CEC.

SLP No. 25068 of 2005

4. Issue notice returnable for 6-1-2006.

5. Dasti, in additional is permitted.

6. In terms of order dated 1-8-2005 passed by the High Court, period for licence was extended up to 30-11-2005 so that necessary permission could be obtained from the authorities under the Forests Conservation Act. It appears that on 17-11 -2005, the petitioner made the deposit of Rs. 38, 30, 38, 000 (Rupees thirty-eight crores thirty-lakhs and thirty-eight thousand only) with the Deputy Conservator of Forests, Chanderpur. The order dated 1-8-2005 stands vacated as a result of the impugned judgment.

7. The period extended on 1-8-2005 up to 30-11-2005 shall stand further extended up to the date the matter is taken up and the operation of the impugned order is stayed.

8. CEC to file response by 3-1-2006. IA No. 1458

9. The applicant undertakes that all mining operations would stop from 1-1-2006. It is also so stated in para 2 of the application. In this view for the present, awaiting response from CEC, we grant the applicant Company the relief prayed for in para 'A', for pumping of water from Laky a Dam at Kudremukh to Mangalore through existing pipeline of the Company. If any permission, approval or sanction is required to be obtained from the State Government, the applicant would obtain such permission, approval or sanction before pumping the water, as prayed.

10. List this application with connected matters.

IA No. 1011

11. CEC in its report dated 24-8-2005, has recommended that the Ministry of Railways may be permitted to use 12.764 hectares of forest land falling within the National Wildlife sanctuary for construction of broad gauge line between Guna and Etawah subject to various conditions stipulated in the report. Mr. B. Datta, learned counsel appearing for the Ministry of Railways states that all the conditions are acceptable. In this view, we grant the permission sought for in IA No. 1011 subject to the applicant complying with the conditions stipulated in the recommendations of CEC and further undertaking to pay/deposit such amount of NPV which the applicant may be directed.

12. Mr. Datta further states that the amount of Rs. 7.57 crores, after deducting the amount already paid will be deposited within a period of four weeks. The permission to divert the land would come into operation after the deposit is made.

IA No. 1323

13. Taken on board.

14. Mr. Ashok Kumar appearing in person.

15. Copy has been given to Mr. A.D.N. Rao, Advocate. Let him take instructions and file response by 3-1-2006.

16. List on 6-1-2006.

17. Mr. Harish N. Salve, learned amicus curiae, suggests that the Special Investigation Team (SIT) which was entrusted with the work of examining the aspect of poaching and other related matters in Sariska Wildlife Sanctuary be permitted to also investigate the aspect of

poaching in Ranthambore and Panna Tiger Resort. On this issue too, Mr. A.D.N. Rao, may response on the next date of hearing. It would be open to the States of Madhya Pradesh and Rajasthan to file their responses by 3-1-2006.

IA.No. 827

18. To be listed on 6-1-2006.