

SUPREME COURT OF INDIA

T.N. Godavarman Thirumulpad

Vs.

Union of India (UOI)

(2011) 5 SCALE 0126

(B.Sudershan Reddy,J., R.M.Lodha and S.S.Nijjar,JJ.,)

31.01.2011

ORDER

B.Sudershan Reddy,J.,

Item No. 301

1. In the affidavit filed on behalf of the State of Manipur, it is inter alia, stated that the Committee constituted held in its meeting on 15th December, 2010 and the members of the applicant Association agreed to the effect that the requirements of the Association and its members will be met if the proposals of the Committee are approved by the Government. It is further stated that the State Government had already approved the proposals submitted by the Committee and sent the same to the Ministry of Environment and Forests (MoEF) for its approval. The proposal is stated to be under consideration of the MoEF.

2. Learned Counsel for the MoEF states that the proposals submitted by the State Government shall be considered and an appropriate decision will be taken within eight weeks from today. The MoEF shall, accordingly, take appropriate decision in the matter within eight weeks from today.

Item No. 302

I.A. Nos. 2465-2466

3. In the affidavit filed on behalf of Om Shakthi Renergies Ltd., it is inter alia stated that the applicant Company had undertaken plantation of the juliflora in an area of Acres 348.75 cents by way of encouraging farmers of small holdings whose land is otherwise unsuitable or unfit for agricultural purposes. The details of the names of the farmers, extent of land, location and survey numbers are furnished in Annexure A-1 to the affidavit.

4. In the circumstances, it has become just and necessary to direct the Chief Conservative Officer to submit an appropriate report with reference to the averments made in the affidavit and the details mentioned in Annexure A-I within six weeks.

I.A. Nos. 2467-2468

5. Stand over for four weeks.

6. Liberty to file the additional affidavit.

Item No. 303

7. Stand over for four weeks.

8. Liberty to file the additional Counter Affidavit on the response with reference to the additional documents filed by the State of Kerala.

9. Interim order granted by this Court shall continue to be in operation until further orders, item No. 304

10. Stand over for one week, as prayed for by learned Counsel for the State.

11. Liberty to file additional affidavit and documents.

Item No. 305

12. Stand over for four weeks.

Item No. 306

13. Pursuant to the notice issued by this Court only the State of Madhya Pradesh has filed its affidavit and the States of Karnataka, Rajasthan and Maharashtra have yet to file their response.

14. Stand over for six weeks for filing of the response by the State Governments.

15. It is made clear that no further time will be granted.

16. Stand over for six weeks.

Item No. 307

17. The C.E.C. to submit its response in the matter within two weeks from today.

18. Stand over for two weeks.

19. In the meanwhile, the State of 10 Karnataka shall also file its response.

Item No. 308

20. Learned Counsel for the Petitioner seeks four weeks' time to file objections to the report submitted by the C.E.C.

21. Stand over for four weeks.

Item No. 309

22. Await the report of the C.E.C.

23. Stand over for four weeks.

24. In the meanwhile, State Government 20 to file its response.

Item No. 310

25. The State of Bihar is directed to file a proper affidavit in response to these interlocutory applications.

26. This Court vide its order dated 16.8.2010 directed the State of Bihar to prepare a seniority list of eligible applicants who could be granted saw mill licenses in terms of the directions issued from time to time within a period of 10 weeks from today. So far no such information is furnished by the State of Bihar. In the circumstances, there shall be a direction to the State of Bihar to prepare the seniority list of the 35 eligible applicants who could be granted saw mill licenses in terms of the directions of this Court.

27. The C.E.C. also to file its report in the matter.

28. Stand over for eight weeks.

Item No. 311

29. The C.E.C. in its report dated 25th January, 2011 states that the proposal of the State Government to reconstruct the bridge is 45 in public interest and there is no felling of trees as such involved, no diversion of additional forest land is involved and the project has been cleared by the Standing Committee of the 5 National Board for wildlife.

30. In the circumstances, the proposal of the State Government is considered and accordingly, permission is granted enabling the State Government to reconstruct the bridge at Kilo Meter 16/10 of Ambasumudram- Upper Dam Road (SH-178) which falls in Kalakad Mudanthurai Tiger Reserve by High Way Department across river Servalar lying in

Ambasamudram Taluk of Tirunelveli District, Tamil Nadu subject to the following conditions:

“I) the Tamil Nadu Forest Department will verify that the reconstruction of the bridge across the River Servalar does not involve diversion of additional forest land. If the project is found to involve diversion of additional forest land, the project works will be undertaken only after obtaining approval under the Forest (Conservation) Act, 1980 and payment of NPV; and

II) the conditions imposed by the Chief Wildlife Warden, Tamil Nadu will be strictly complied with.

31. I.A. No. 2847 is accordingly, ordered.

Item No. 312

32. Stand over for one week.

Item No. 313

33. Stand over for one week.

Item Nos. 314 to 320

34. List these matters next week.

35. Liberty to file the submissions/objections/additional documents in Item Nos. 317 and 319.