

SUPREME COURT OF INDIA

T.N. Godavarman Thirumulpad

Vs.

Union of India (UOI)

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

14.03.2011

ORDER

MM-9A

1. The applicant to comply with the office objections.
2. List next week.

Item No. 316 (MM)

I.A. No. 1697 to be listed along with LA. No. 2002-2004.

Item No. 301

3. The Interlocutory Application No. 19 has been submitted on behalf of the State of Madhya Pradesh for granting permission to establish a new Zoo and Rescue Centre in Reserved Forest at Mukundpur, District Satna (M.P.).
4. Heard learned Counsel for the applicant as well as learned Amicus Curiae.
5. This interlocutory application is allowed in terms of prayer (a) of the application.

Item No. 302

6. We have heard learned Counsel for the applicant as well as learned Amicus Curiae.

7. In view of the recommendations of C.E.C. dated 7.9.2010 and in the light of our earlier order, these applications are ordered directing the Respondents herein to consider the applications of the applicant for relocation of saw mills and other wood based industries in (a) industrial areas notified by the U.P. Government/Government of India and (b) Nagar Nigam Area (Municipal Corporations) Areas irrespective of the distance of such areas from the nearby forest in the State of Uttar Pradesh.

8. This clarification is in furtherance of this Court's Order dated 8.5.1997 made in I.A. 25 Nos. 171 and 897 of 1996.

9. These applications are, accordingly, ordered.

Item No. 303

10. List next week.

Item No. 304

11. The representations are stated to have been pending before the State Level Committee, Lucknow.

12. The State Level committee, Lucknow 35 is directed to dispose of the Application dated 22.2.2010 of the applicant within eight weeks from today.

13. These interlocutory applications are accordingly, ordered.

Item No. 305

14. Learned Counsel for the applicant shall make necessary corrections in the applications.

15. In view of the recommendations of 45 C.E.C. dated 7.9.2010, these interlocutory applications are ordered in terms of the prayers made in the applications.

Item. No. 306

16. The C.E.C. to submit its response to these applications.

17. The State Government is also directed to furnish the requisite information in response to the applications to the C.E.C. and file an affidavit in this Court. The applicant in I.A. No. 3026- 3027 is required to furnish necessary information to CEC.

18. Liberty to file additional documents.

19. List next week.

Item No. 307

20. This application has been filed by the State of Maharashtra for diversion of 15.45 H R of forest land for rehabilitation of villagers of Savargaon at Pagora. The Vidharbha Irrigation Development Corporation, Nagpur is constructing the Gosikhurd Project upon Vainganga River. This project is constructed for providing the water for irrigation purpose for the areas situated in three Districts namely, Nagpur, Bhandara and Chandrapur. The issue is stated to be pending before the Ministry of Environment and Forest. The same may be considered by the Ministry on its own merits. No prior permission as such is required to be obtained from the Court.

21. The request in this regard may be considered and disposed of by the Ministry in accordance with law as expeditiously as possible.

22. This application is accordingly, disposed of.

Item No. 308

23. The notice dated 27th February, 2011 issued by Respondent No. 4 against the applicant is set aside. Consequently, the Respondents are directed not to interfere with the operation of the saw mills of the applicant during the validity of saw mills license issued in favour of the applicant under U.P. Saw Mill Rules, 1978.

24. The application is, accordingly, ordered.

24. This order we have passed in the light of the clarification made in I.A. Nos. 2968 and 2970 today.

Item No. 309

26. This matter was mentioned today.

27. Not to be heard today.

Item No. 310

28. The application, as prayed for, is ordered.

29. The necessary approval/permission for removal and cutting of trees falling in TTZ area numbering 1457 alongside the alignment of the Yamuna Expressway may be granted subject to the applicant complying with the conditions as provided for in Letter No. 8B/ UP/06/16/2009/FC/1 160 dated 20th November, 2009.

30. The applicant is required to comply with those conditions within the time framed now to be fixed by the MoEF. It is stated by learned senior counsel that in fact the applicants have already complied with the conditions. If that is so, the compliance report shall be filed with the Ministry of MoEF.

PART-B LIST

Item No. 311

PENCH

31. For the present, we are not inclined to consider and grant any relief, as prayed for. However, we grant liberty to the applicant as well as to the State Government to approach the authorities under the Wild Life (Protection) Act, 1972 and put their fresh proposals for their consideration. The proposals to be so submitted shall be considered by the authorities on their own merits.

32. It is needless to observe that the proposals, if any, to be submitted may be considered as expeditiously as possible in view of the importance of the issue involved.

33. All the interlocutory applications are disposed of.

Item No. 312

I.A. No. 2914

34. The C.E.C. to submit its response to this application within three weeks.

I.A. Nos. 2626, 2642

35. Adjourned.

36. Liberty to mention.

I.A. Nos. 2790-2791

37. In view of the recommendations of the C.E.C., this application is ordered subject to the condition of complying with the following conditions namely:

i) approval for the construction of the two Border Out Posts in the area falling within the Gangotri National Park will be obtained from the Standing Committee of the National Board for Wildlife;

ii) approval under the Forest (Conservation) Act, 1980 for the use of forest land for the construction of the two Out Posts will be obtained; and

iii) the conditions stipulated by the Chief wildlife Warden, Uttarakhand will be strictly complied with.

38. The interlocutory applications are 35 accordingly, ordered.

I.A. No. 2794

39. This interlocutory application is ordered in terms of the prayer made in the application.

Item Nos. 313-315 and 317, 318

40. Not taken up.