

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 07.08.2024 "ONLY"

[1] IN RE : "CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST LAND MAHARASHTRA" [i] I. A. No. 2079 OF 2007 [Application For Impleadment And Directions] WITH [ii] I.A Nos. 2301-2302 OF 2007 [Applications For Impleadment And Directions] AND [iii] I.A. Nos. 3044-3045 OF 2011 [Applications For Impleadment And Directions] AND [iv] I.A. Nos. 2771-2772 OF 2009 [Applications For Impleadment And Directions] AND [v] I.A.Nos. 111725 AND 154041 OF 2018 [Applications For Substitution Of Applicant, I.E. Smt. Housabai Haribhau Bhairat And Condonation Of Delay In Filing Application For Substitution In I.A. Nos. 2771-2772/2009] WITH [vi] I.A. NO. 254946 OF 2023 (Application For Directions In I.A. No. 2301-2302/2007 Filed By M/S. Mitter & Mitter Co., Advocate) WITH I.A. NO. 39711 of 2024 (Application For Permission To File Additonal Documents In I.A. No. 254946/2023 Filed By M/S. Mitter & Mitter Co., Advocate) AND WRIT PETITION(C)NO. 301 OF 2008 WITH I.A. NO. 9108 OF 2024 (Application for Intervention) AND

[2] I.A. NO. 108587 OF 2024 [Applications For Impleadment Filed By Mr. Sudarsh Menon, Advocate] WITH INTERLOCUTORY APPLICATION NO. 108243 OF 2024 [Applications For Directions Filed By Mr. Sudarsh Menon, Advocate] IN RE : KANAK FOUNDATION AND

[3] I. A. NOS. 153500 & 153501 OF 2024 [Applications For Directions and Exemption from filing O.T. filed by Ms. Shibani Ghosh, Advocate] WITH I. A. NO. 153502 OF 2024 [Applications For Intervention filed by Ms. Shibani Ghosh, Advocate] IN RE : DR. DAYA SHANKAR SRIVASTAVA AND

[4] I.A. NO. 5891 OF 2019 [Application For Directions] IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS ALONGWITH IN RE: STATUS OF FUNDS AND

[5] SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023
IN RE : SARISKA TIGER RESERVE

[6] I.A. NO.167681/2024 IN I.A. NOS. 100351, and 100352 of 2024
IN W.P.(C) NO.202/1995

WITH

W.P.(C) No. 301/2008 (PIL-W)
(IA No. 2/2008 - EXEMPTION FROM FILING O.T.
IA No. 9108/2024 - INTERVENTION APPLICATION)

Date : 07-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE SANDEEP MEHTA

Counsel for parties

Mr. Harish N. Salve, Sr. Adv. [A.C.] (Not Present)
Mr. A.D.N. Rao, Sr. Advocate [A.C.] (Not Present)
Ms. Aparajita Singh, Sr. Advocate [A.C.] (Not Present)
Mr. Siddhartha Chowdhury, Advocate [A.C.]

Mr. K. Parameshwar, Advocate [A.C.]
Mr. M.V. Mukunda, Adv.
Ms. Kanti, Adv.
Ms. Aarti Gupta, Adv.
Mr. Chinmay Kalgaonkar, Adv.

Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Archana Pathak Dave, Adv.
Ms. Suhashini Sen, Adv.
Mr. S. S. Rebello, Adv.
Mr. Shyam Gopal, Adv.
Mr. Raghav Sharma, Adv.
Mr. Sughosh Subramanyam, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Shagun Thakur, Adv.
Ms. Manisha Chava, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.
Mr. Priyesh Mohan Srivastava, Adv.
Ms. Sonal K. Chopra, Adv.
Ms. Nishi Sangtani, Adv.
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Mr. K. M. Nataraj, A.S.G.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Harish Pandey, Adv.

Mr. Shashwat Parihar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Anuj Srinivas Udupa, Adv.
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Mr. Nishant R. Katneshwarkar, AOR

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Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Yamini Singh, Adv.

Mr. Shibashish Mohanty, AOR

Mr. Kaushik Choudhury, AOR
Mr. Saksham Garg, Adv.
Mr. Jyotirmoy Chatterjee, Adv.

Mr. Sunil Kr. Sharma, AOR

Mr. Rajnish Kumar Jha, AOR

Ms. Shibani Ghosh, AOR
Mr. Rishad A. Chowdhury, Adv.

Mr. Sudarsh Menon, AOR
Mr. Samarendra Beura, Adv.
Mr. Ashish Gupta, Adv.
Mr. Shine P. Sasidhar, Adv.

Mr. Rajeev Kumar Dubey, Adv.
Ms. Srujana Suman Mund, Adv.
Mr. Ankit Pandey, Adv.
Ms. Saroj Tripathi, AOR

UPON hearing the counsel the Court made the following
O R D E R

[1] IN RE : "CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST
LAND MAHARASHTRA"

[i] I. A. No. 2079 OF 2007 WITH [ii] I.A Nos. 2301-2302/2007

[iii] I.A. Nos. 3044-3045 OF 2011

[iv] I.A. Nos. 2771-2772 OF 2009
[v] I.A.Nos. 111725 AND 154041 OF 2018
[vi] I.A. NO. 254946 OF 2023
WITH I.A. NO. 39711 of 2024
AND WRIT PETITION(C)NO. 301 OF 2008 WITH I.A. NO. 9108 OF 2024

1. Vide order dated 23.07.2024 this Court had directed the State Government to file an affidavit specifying its stand with the points which have been enlisted by us in paragraph 8 of the said order. We have also made it clear that we have listed the matter at S. No.1 and if we find that the State Government does not come out with a clear stand we would be compelled to direct the personal presence of the Chief Secretary of the State.
2. Today, when the matter is called out Shri Aaditya Aniruddha Pande, learned counsel for the respondent/State, states that since the order was uploaded on 30.07.2024 the State did not have sufficient time to act in accordance with the orders passed by this Court.
3. We find the excuse to be totally without substance. The order was dictated by this Court on 23.07.2024 in the presence of all the parties including the learned counsel for the State. Shri Pande fairly states that he had also communicated the order immediately to the Chief Secretary of the State of Maharashtra.
4. If that be so, the Chief Secretary ought to have acted on the basis of the instructions given by the Standing Counsel and come out with an affidavit today but failed to do so.
5. However, in order to give one last opportunity, we list this matter on 13.08.2024 as first case. We further direct that in the event the affidavit is not filed prior to 13.08.2024, the Chief Secretary, State of Maharashtra shall personally remain present in this Court on 13.08.2024.

[2] I.A. NO. 108587 OF 2024 WITH I.A.NO. 108243 OF 2024
IN RE : KANAK FOUNDATION

1. Prayer clause (A), in I.A. No.108243/2024, reads as follows:-

“pass an appropriate order or direction,

directing the MoEF & CC to rectify the anomaly in the Notification No.S.O.2906(E) dated 09.09.2016 published in the gazette of India forthwith by specifying the exact and extended boundary for Chandaka Eco-Sensitive Zone in Odisha;”

2. Insofar as prayer clause (A), in I.A. No.108243/2024, is concerned, Ms. Aishwarya Bhati, learned Additional Solicitor General of India, states that the descriptions given in map in Hindi are incorrect and the one given in map in English are correct. She states that the necessary correction would be carried out in the Hindi version.
3. Insofar as rest of the prayer clauses are concerned, the learned Additional Solicitor General seeks time to file reply. Four weeks' time is granted for the same.
4. Though the State Government has filed its counter, a perusal of the counter would reveal that there is no whisper as to how the Ansupa Ramsar Wetland, which is a Ramsar site has been excluded from the Eco-Sensitive Zone (ESZ) area.
5. The State Government should file a specific affidavit as to how the said Ramsar site has been excluded from the ESZ area.
6. List on 18.09.2024.

[3] I. A. NOS. 153500 & 153501 OF 2024
WITH I. A. NO. 153502 OF 2024
IN RE : DR. DAYA SHANKAR SRIVASTAVA

1. Issue notice to the State of Jharkhand and the Ministry of Environment, Forest and Climate Change, Government of India, New Delhi, returnable on 18.09.2024.
2. Dasti service, in addition, is granted.
3. In addition to the usual mode, liberty is granted to the petitioner(s) to serve notice through the Central Agency/Standing Counsel for the State.

[4] I.A. NO. 5891 OF 2019
IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING
AUTHORITY (CAMPA) FUNDS
ALONGWITH IN RE: STATUS OF FUNDS

1. A serious fact has been brought to the notice of this Court by the learned Amicus Curiae.

2. It is informed that in most of the States/Union Territories the utilization of the CAMPA Fund has been less than 50% for the period ranging from 2018 to 2024.

3. The CAMPA Fund has been created to use it for compensatory afforestation and allied activities. In pursuance to the directions issued by this Court, the Compensatory Afforestation Fund Act, 2016 has also been enacted.

4. We find no justification in the State Governments/Union Territories not using the said fund for the purpose of afforestation and allied activities.

5. We therefore issue notice to the Chief Secretaries/Administrators of all the State Governments/Union Territories, returnable on 21.08.2024, directing them to file their respective affidavits on the following points:-

i. As to how much amount has been spent by the respective State Governments/Union Territories on afforestation and allied activities.

ii. The reasons as to why the balance CAMPA fund has not been utilized.

iii. The purposes for which the said fund has been utilized.

iv. As to whether the Steering Committees, as contemplated under Sections 11 and 18 of the Compensatory Afforestation Fund Act, 2016 have been constituted and what functions they have discharged in the last five years.

v. The affidavit shall also state as to how much amount in the current financial year has been utilized for the afforestation and allied activities

and details thereof.

6. The affidavit, as above, shall be filed on or before 20.08.2024.

7. The concerned Registrar of this Registry to ensure that the notices issued in this application are served forthwith on the respective Chief Secretaries/Administrators.

[5] SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023
IN RE : SARISKA TIGER RESERVE

1. The Central Empowered Committee (CEC) submitted its Report No.9/2024 with regard to the hazards caused to the wildlife and environment on account of movement of large number of vehicles visiting Pandupole Hanuman Temple.

2. It, *prima facie*, appears that some of the suggestions made by the CEC are agreeable even to the State Government. However, it would be appropriate if the State Government is given an opportunity to respond to the suggestions given by the CEC.

3. It is further informed that the Tiger Conservation Plan (TCP) for the Sariska Tiger Reserve (STR) was effective from 01.04.2013 to 31.03.2024. Learned Amicus Curiae states that after 31.03.2024 there is no TCP in place.

4. Learned Amicus Curiae further informs that there is huge deficit of forest staff working in Sariska Tiger Reserve including the post of Field Director.

5. An affidavit by the State Government be filed with a copy thereof to the learned Amicus Curiae on or before 11.09.2024 with regard to suggestions made by the CEC as well as other aspects pointed out hereinabove.

6. List the matter on 18.09.2024.

[6] I.A. NO.167681/2024 IN I.A. NOS. 100351 and 100352 of 2024
IN W.P.(C) NO.202/1995

1. Application for restoration is allowed.

2. I.A. Nos.100351 and 100352 of 2024 are restored to their

original numbers.

**(NARENDRA PRASAD)
DEPUTY REGISTRAR**

**(ANJU KAPOOR)
COURT MASTER**