

ITEM NOS.301 & 302

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NO. 1413,1414,1426, 1428, 1440, 1454, 1459, 1460, 1662-1663, 1675, 1778, 1796, 2005-2006
in
1413 in IN W.P.(C)NO.202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For constitution of FAC and direction/ modification/ clarification/ impleadment/exemption from filing

O.T.)

AND

I.A.NO.1024 IN 502 IN W.P.(C) NO.202/1995

(For directions)

AND

I.A.NO.1179 IN 675-676 & 957 IN W.P.(C)NO.202/1995

(For recommendation of CEC in I.A.NOS.675-676 AND 957)

AND

I.A.NO.2016 IN W.P.(C) NO.202/1995

(For directions)

AND

I.A.NO.2108-2109 IN W.P.(C) NO.202/1995

(For impleadment & directions)

AND

I.A.NO. 2116-2117 IN W.P.(C)NO.202/1995

(For impleadment & directions)

AND

I.A.NO. 2105-2107 IN W.P.(C)NO.202/1995

(For directions, impleadment & exemption from filing O.T.)

AND

I.A.NO.1344 in 1270 in W.P.(C)NO.202/1995

(Recommendation of CEC in I.A.1270 & directions)

AND

W.P.(C) NO.36/2003

W.P.(C) NO.356/2007

(With appln. for stay)

WITH

I.A.NO. 2121-2132 IN I.A.NO.1413 IN W.P.(C)NO.202/1995

(For appropriate orders/directions)

AND

W.P.(C) NO.85/2007

(With office report)

Date: 14/12/2007 These appln.(s)/petitions were called on for hearing today.

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CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr.Harish N.Salve, Sr.Adv. (A.C.) (N.P.)

Mr.U.U. Lalit, Sr.Adv. (A.C.) (N.P.)

Mr.Siddhartha Chowdhury, Adv.(A.C.)

For Petitioner(s)/ Mr.P.K.Manohar, Adv.
Appellant(s)/Respondent(s)

I.A.2108-09 Mr. M.N. Rao, Sr. Adv.
Mr. G. Tushar Rao, Adv.
Mrs. Promila, Adv.

Applicant-in-person

W.P.(C) 36/03 Mr. Vishwajit Singh, Adv.

W.P.(C) NO.356 Mr. Ajay Sharma, Adv.

Mr. Anil Karnwal, Adv.
Dr. Sushil Balwada, Adv.
Mr. S.S. Pillania, Adv.

IA 1796 Dr. K.P.S. Dalal, Adv.
Mr. K.S. Rana, Adv.

I.A.Nos.2121-32 Mr. K.K. Venugopal, Sr. Adv.
M/s. Pratap Venugopal, Oswaldo A, ANS Nadkarni,
Surikita Raman, Advs.
For M/s. K.J. John & Co., Advs.

W.P.(C) NO.85/07 Mr. Vishnu Sharma, Adv.

IA 2116-2117 Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. K.R. Sasiprabhu, Adv.
Mr. R. Chandrachud, Adv.

IA 1413 Mr. Mukul Rohatgi, Sr. Adv.
Ms. Shruti Chaudhary, Adv.
Ms. Swati Sinha, Adv.
For Fox Mandal & Co., Advs.

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Mr. G.E. Vahanvati, SG
Mr. R. Mohan, ASG
Mr. P. parmeswaran, Adv.
Mr. A. Mariarputham, Adv.
Mr. Haris Beeran, Adv.
Mr. D.S. Mahra, Adv.

Mr. M.N. Rao, Sr. Adv.
Mr. Tushar G. Rao, Adv.
Ms. Promila, Adv.

WP(C) 356/07 Mr. Jitendra Mohapatra, Adv.
Mr. Ajay Sharma, Adv.

IA 1459 & 1662-63 Mr. Sunil Dogra, Adv.
For M/s. Lawyers Knit & Co., Advs.

I.A.2005-06 Mr. Shiv Sagar Tiwari, Ad.
Mr. M.P. Singh, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

IA 1460 Mrs. Sangeeta Kumar, Adv.
Mr. Ashwani Garg, Adv.

WP(c) 36 & 85/07 Mr. Tripurari Ray, Adv.
Mr. Vishnu Sharma, Adv.

I.A.1796 Dr. K.P.S. Dalal, Adv.

Mr. K.S. Rana, Adv.

IA 1024

Mr. Colin Gonsalves, Sr. Adv.
Mr. Jai Singh, Adv.
Mr. Vikas Padora, Adv.
Ms. Jyoti Mendiratta, Adv.
Mr. Kranti, Adv.

State of Karnataka

Mr. Sanjay R. Hegde, Adv.
Mr. Amit Kr. Chawla, Adv.

State of M.P.

Mr. B.S. Banthia, Adv.
Mr. Vikas Upadhyay, Adv.

Mr. P.V. Deinesh, Adv.
Ms. Sindhu T.P., Adv.

M/s. Nandini Gore, Debmalya Banerjee,
Sonia Nigam, R.N. Karanjawala,
Manik Karanjawala, Adv.

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Mr. Raj Kumar Mehta, Adv.

Mr. J. K. Das, Adv.

Mr. T. Harish Kumar, Adv.

Ms. Sangeeta Kumar, Adv.

M/s. Lawyer's Knit & Co., Adv.

M/s. Khaian & Co., Adv.

Mr. Sanjay R. Hegde, Adv.

Rachana Srivastava, Adv.

Mr. Noorullah, Adv.

Ms. Suparna Srivastava, Adv.

Mr. Manish Sharma, Adv.

Mr. Rajesh Srivastava, Adv.

Mr. Himinder Lal, Adv.

Ms. A. Subhashini, Adv.

Mr. S.S. Shinde, Adv.

For Mrs. Asha G. Nair, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Mr. B.S. Banthia, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Rajesh Srivastava, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. K.R. Sasiprabhu, Adv.

Ms. Lalitha Kaushik, Adv.

Ms. Rachna Srivastava, Adv.

Mr. J.P. Dabral, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A.No.2016

Heard learned Solicitor General and learned A.C.

They have been contemplating all formalities and terms and conditions. After
discussing

the learned Solicitor General and learned Amicus curiae, for the time being we agree with the
following

terms and reference of CEC:

1. In supercession of all the previous orders regarding constitutions and functioning of the
Central

Empowered Committee (hereinafter called the "Empowered Committee") is constituted for the
purpose of monitoring and ensuring compliance with the orders of this Court covering the
subject

matter of forest and wild life and related issues arising out of the said orders.

2. The Committee shall exercise the following powers and perform the following
functions:

(i) to monitor the implementation of this Court's orders and place reports of no
n-compliance
before the Court and Central Government for appropriate action.

(ii) to examine pending Interlocutory Applications in the said Writ petitions (as
may be
referred to it by the Court) as well as the reports and affidavits filed by the States i
n response to

the orders passed by the Hon'ble Court and place its recommendations before the Court for
orders:

iii) to deal with any applications made to it by any aggrieved person and whereve
r
necessary, to make a report to this Court in that behalf;

iv) for the purposes of effective discharge of powers conferred upon the Committ
ee under
this order; the Committee can:-

(a) call for any documents from any persons or the government of the Union or th
e State or
any other official;

(b) undertake site inspection of forest area involved;

(c) seek assistance or presence of any person(s) or official(s) required by it i
n relation to its

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work;

d) co-opt one or more persons as its members or as special invitees for dealing w
ith specific
issues;

e) co-opt, wherever feasible, the Chief Secretary or his representative and Princ

ipal Chief

Conservator of Forests of the State as special invitees while dealing with issues pertaining to a

particular state;

f) to suggest measures generally to the State, as well as Central Government, for the more

effective implementation of the Act and other orders of this Court.

(v) to examine and advise/recommend on any issue referred to the Committee.

3. The Ministry of Environment & Forests shall provide suitable and adequate office accommodation for the Committee and shall bear all the expenses of the working of the CEC.
4. The jurisdiction of the Committee shall extend to the whole of India.

I.A.NO.1413,1414, 1426, 1428, 1440, 1454, 1459, 1460, 1662-1663, 1675, 1778, 1796, 2005-2006 In 1413 and 2121-2132 in IA 1413

Heard learned AC and learned Solicitor General.

This is regarding 18 Temporary Working Permissions (TWP) granted to various parties in Goa. The A.C. points out that these TWPs have been granted contrary to the Order passed by this Court on 30.11.2006. Learned Solicitor General, however, points out that TWPs have been granted in accordance with the directions of this Court Order on 4.8.2006 by which various conditions have been laid down for grant of TWPs.

It appears that there is some dispute. Let the holders of TWPs approach the CEC and satisfy that TWPs have been granted in accordance with the orders passed by this court dated 4.8.2006 and

30.11.06, by fulfilling all the conditions laid down by this Court. This Court had stayed

TWPs by Order dated 7.12.007. The holder of TWPs would be at liberty approach the CEC

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by 17.12.2007. If the CEC is satisfied that the TWPs are in accordance with the conditions laid down by this Court by order dt. 4.8.2006, the CEC would be at liberty to permit the holder of TWPs to carry on work in the instant case, and will submit a report on 4.1.2008 in this Court.

I.A.NO.1024 IN 502

List in January, 2008.

I.A.NO.1179 IN 675-676 & 957

List in February, 2008.

I.A.NO.2108-2109

Issue notice. CEC to file response within three weeks.

List in January, 2008.

I.A.NO.2116-2117

Issue notice. CEC to file response within three weeks.

List in January, 2008.

I.A.NO.2105-2107

Issue notice. CEC to file response within three weeks.

List in January, 2008.

I.A.NO.1344

CEC Report has been filed . State of Uttranchal has any objection regarding the CEC Report, file response within a period of three weeks. List in February, 2008.

W.P.(C) 356/2007

Four weeks time is granted for filing counter affidavit.

List in February, 2008.

W.P.(C) NO.36/2003& WP(C) 85/2007

List in February, 2008.

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(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master

ITEM NO.MM-E

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NO. 1029 IN W.P.(C)NO.202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

Date: 14/12/2007 These appln.(s)/petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr.Harish N.Salve, Sr.Adv. (A.C.)

Mr.Siddhartha Chowdhury, Adv.(A.C.)

For Petitioner(s)/
Appellant(s)

Mr.P.K.Manohar, Adv.

Applicant(s)

Mr. G.E. Vahanvati, SG
Mr. Haris Beeran, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following
ORDER

The CEC has submitted that the Ministry of Defence has filed a report seeking permission for upgradation/construction of Road between Track Junction-Bheem Base-Doka La and for an alternate road between Flag Hill-Doka La passing through the Pangolakha Wildlife Sanctuary in Sikkim

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The CEC has examined the needs of the project. No cutting of trees is involved but only bushes and jungle clearance along the trace would be required. Therefore, no conditions have been imposed by the CEC.

We permit the Army to carry on the project.
I.A. is already disposed of.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master

ITEM NO.MM-F

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NO. D.No.4862 IN W.P.(C)NO.202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

Date: 14/12/2007 These appln.(s)/petition was mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)/
Appellant(s)

Mr. P.K. Manohar, Adv.

Applicant(s)

Mr. K.K. Venugopal, Sr. Adv.
M/s. Anuradha Dutt, Adv.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master