

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

ITEM NO. 301

Re: Special Investigation Team Report filed in Court on 12.3.2001 and affidavit of Shri Chadha filed in Court on 23.4.2001.

ITEM NO. 302

Directions with regard to setting up of Nodal Agencies in the States of M.P. and Chhatisgarh to dispose of the interlocutory applications with regard to overseeing the working of forest.

ITEM NO. 303

I.A. No. 659 in W.P.(C) 202/1995

T.N. GODAVARMAN THIRUHALPAD

..Petitioner

vs.

UNION OF INDIA & ORS.

..Respondents

(for directions with regard to the forest of Matheran in the State of Maharashtra)

(Applications relating to State of Arunachal Pradesh)

ITEM NO. 304

I.A. No. 487 IN W.P.(C) 202/1995 (for intervention/directions)

ITEM NO. 305

I.A. No. 489 IN W.P.(C) 202/1995  
(for intervention/clarification)

ITEM NO. 306

I.A. No. 586 IN W.P.(C) 202/1995  
(for clarification of court's order dated 15.1.1998)

ITEM NO. 307

I.A. No. 648 IN WP(C) NO. 202/1995  
(for impleadment/directions)

(Applications relating to State of Assam)

ITEM NO. 308

I.A. No. 295 IN WP(C) NO. 202/1995  
(for directions on behalf of State of Assam)

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ITEM NO. 320

I.A. No. 680 in WP(C) 202/1995  
(for directions on behalf of State of Assam)

ITEM NO. 321

I.A. No. 681 in WP(C) 202/1995  
(for directions/impleadment) (In re: Chow Chirakong Namchoom)

ITEM NO. 322

I.A. No. 682 in I.A. No. 580 in WP(C) 202/1995  
(for directions on behalf of State of Mizoram)

ITEM NO. 323

I.A. No. 663 in I.A. No. 424 in WP(C) 202/199  
(for impleadment/directions/modification)  
(on behalf of Jyoti P. Trading Co.)

ITEM NO. 324

I.A. Nos. 612-613 in WP(C) 202/1995  
(for modification/directions and exemption from filing O.T.)  
(On behalf of BLA Industries Ltd.)

ITEM NO. 325

I.A. Nos. 617-618 in WP(C) 202/1995  
(for impleadment and directions)  
(on behalf of Bihar State Forest Development Corporation)

Date: 10/05/2001 These Petitions were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For appearing parties :

Mr. Harish N Salve, SG (AG)  
Mr. U U Lalit, Adv. (AG)

Mr. Mahendra Vyas, Adv.  
Mr. P K Manohar, Adv.

For Ministry of Environ-  
ment & Forests/UoI

Mr. Kirit N Raval, ASG  
Mr. A D N Rao, Adv.  
Mr. R N Verma, Ms. V B Gugnani,  
Mr. S M Mattoo, Mr. V Vachmani,  
Mr. C Radhakrishna, Mr. P Parmeswaran,  
Mr. B V Balramdas, Adv.

For Ministry of Railways

Mr. Mukul Rohtagi, ASG  
Mr. S Wasim A Qadri, Adv.  
Ms. Anil Katiyar and Mr. Bipul Kumar, A



Meghalaya  
District Council,  
State of Meghalaya  
State of Manipur  
State of Arunachal  
Pradesh  
State of Assam  
State of Nagaland  
State of Tripura  
State of Uttranchal

Mr. Ranjan Mukherjee, Adv.  
Mr. P K Goswami, Sr. Adv.  
Mr. B B Narzari, Mr. Rajiv Mehta and  
Mr. R Rahim, Advs.  
Mr. K H Nobin Singh, Adv.  
Dr. Rajeev Dhawan, Sr. Adv.  
Mr. Anil Shrivastav, Adv.  
Mr. Shakil Ahmed Syed, Adv.  
Mr. Kallash Vasdev, Sr. Adv.  
Mr. Sanjay K Shandilya, Adv.  
Ms. V D Khanna, Adv.  
Mr. Gopal Singh, Adv.  
Ms. Rachana Srivastava, Adv.  
Mr. Anoop Chaudhary, Sr. Adv.  
Ms. Getanjali Mohan, Adv.  
Mr. K K Venugopal, Sr. Adv.  
Mr. Sunil Kr. Jain, Adv.  
for M/s. Jain Hansaria & Co., Advs.  
Mr. Vikas Singh, Adv.  
Mr. Yunus Malik, Ms. Pallavi Parmar and  
Mr. Prashant Chaudhary, Advs.  
Mr. M L Verma, Sr. Adv.  
Mr. Shiv Sagar Tiwari, Adv.

URON hearing the counsel, the Court made the following  
O R D E R

I.A. No. .... /2001 (filed on behalf of K M Chinappa)

This IA has been filed in Court through the learned Amicus Curiae. Let the same be registered and numbered.

Issue notice returnable in the second week of July, 2001.

Mr. A D N Rao, Adv. accepts notice on behalf of the Union of India. Service be effected on respondent No. 2 through Mr. S R Hegde, Adv. and on respondent No. 3 by ordinary process and by registered post.

Union of India will file an affidavit within eight weeks and in the affidavit they will also state the reasons as to why the Government of India having once notified the area as a National Park has permitted mining activity to be carried out notwithstanding this Court's order of 12th December, 1996.



I.A. No. .... /2001 in I.A. No. 659  
and I.A. No. 659,

An application in I.A. No. 659 has been filed in Court by the learned Amicus Curiae in which it is stated that a hundred year old practice is being done away with and a decision seems to have been taken permitting tempos and tractors to be allowed to have free access to all roads in Matheran which will result in destabilising the eco-system and also will result in illegal felling of timber.

Issue notice also in the application filed today.

Mr. A.D.N. Rao, Adv. accepts notice on behalf of the Union of India and Mr. S S Shinde, Adv. accepts notice on behalf of the State of Maharashtra.

Replies be filed within six weeks to both the applications and rejoinder, if any, within two weeks thereafter. List after eight weeks.

In the meantime, we direct the State of Maharashtra to conduct a Survey and report on the forest/tree cover in the forest and non-forest land of Matheran irrespective of the ownership of the land. Any renewal of lease of any property in Matheran will be subject to the outcome of these applications. The State of Maharashtra is further directed to ensure that there is no felling of trees in Matheran and we also restrain the State of Maharashtra and/or any other civil authority from permitting any change in the user of the roads in Matheran and in particular we prohibit the access to the said roads to tempos, tractors and other vehicles which till now were not permitted to ply.

Re: Special Investigation Team Report filed in Court on 12.3.2001 and Affidavit of Shri Chadha filed in Court on 23.4.2001.

List on 12.5.2001.

Direction with regard to setting up of Nodal Agencies in the States of M.P. and Chhattisgarh to dispose of the interlocutory applications with regard to overseeing the working of the forest.

List on 12.5.2001.

I.A. Nos. 487 and 489

These IAs are dismissed as withdrawn. Liberty is granted to file the fresh applications if an adverse order is passed against the applicants.

I.A. No. 586

This IA, is dismissed as having become infructuous.



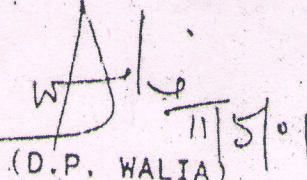
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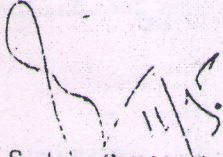
I.A. Nos. 612-613.

Adjourned.

I.A. Nos. 617-618

These IAs are dismissed as infructuous in view of the fact that removal of forest produce like Kurchi leaves, harra, sal seeds, mahua flowers and mahua seeds from forest other than National Parks and Game Sanctuaries is not prohibited.

  
(D.P. WALIA)  
Court Master

  
(S.L. GOYAL)  
Court Master