

ITEM NO.301 & 303 COURT NO.1 SECTION PIL  
 S U P R E M E C O U R T O F I N D I A  
 RECORD OF PROCEEDINGS

I.A.No.2370 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For appln. for accepting of Report of Expert Committee)

AND I.A.No.2601 and 2202-2203 in W.P.(C)No.202/1995  
 (For permission)

AND I.A.NO.2619-2621 in W.P.(C)No.202/1995  
 (For impleadment, directions and exemption from filing O.T)

AND I.A.No.2660-2661 in I.A.972 in I.A.757 in W.P.(C)No.202/1995  
 (For directions, impleadment, stay exemption from filing O.T. And recommendation of CEC)

AND I.A.No.2702 in W.P.(C)No.202/1995  
 (For permission)

AND I.A.NO.2670 in W.P.(C)No.202/1995  
 (Report of CEC in Appln. NO.986-A)

AND I.A.No.2671 in W.P.(C)No.202/1995  
 (Report of CEC in Appln. no.986-B)

AND  
 SLP(C) NO.26329/2008  
 (With appln. for permission to file SLP and with prayer for interim relief and office report

WITH  
 I.A.NOS.2348-2349 in WP(C) No.202/1995  
 (For impleadment, directions)

Date: 30/10/2009 These Applns./Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
 HON'BLE MR. JUSTICE S.H. KAPADIA  
 HON'BLE MR. JUSTICE AFTAB ALAM

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

2

Mr. Siddhartha Chowdhury, Adv. (A.C.)  
 Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/  
 Applicant(s)/  
 Respondent(s) : Mr. P.K. Manohar, Adv.  
 Mr.Haris Beeran, Adv.

Mr. Naresh Kumar Sharma, Adv.

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

IA 2601 IN 2202-03 Mr. Vikas Singh, Sr. Adv.  
Mr. Vivek Singh, Adv.  
Mr. L.R. Singh, Adv.

Mr. Anip Sachthey, Adv.  
Mr. Mohit Paul, Adv.  
Ms. Shagun Matta, Adv.

Mr. H.P. Raval, ASG  
Ms. Asha G. Nair, Adv., Ms. Gunwant Dara, Adv.  
Mrs. Anil Katiyar, Adv.

IA 2660-61 Mr. Shyam Divan, Sr. Adv.  
Ms. Meera Mathur, Adv.

Mr. V. Shekhar, Adv.

Mr. Jatin Zaveri, Adv.

M/s. S.K. Jain, Puneet Jain  
Archana Tiwari, E. Barua, Adv.  
For Ms. Pratibha Jain, Adv.

Ms. Kavita Wadia, Adv.

Mr. R. Nedumaran, Adv.

IA 2670 & 2671 Mr. U.N. Bhachawat, Sr. Adv.  
Mr. Ashok Kumar Jain, Adv.  
Mr. Anup Jain, Adv.  
Mr. Abhishek Baid, Adv.  
Mr. M.A. Krishnamoorthy, Adv.

SLP(C) 26329/08 Mr. J.S. Attri, Sr. Adv.  
Ms. Harshna Mehra, Adv.  
Mr. Balraj Diwan, Adv.

IA 2348-49 Ms. Anitha Shenoy, Adv.  
Ms. Mamta Saxena, Adv.  
Ms. Rashmi Nand Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

3

I.A.No.2370 in WP(C)No.202/1995 & SLP(C) NO.26329/2008

The High Court of Himachal Pradesh passed an order on 28.5.2008 in regard to felling of trees on private lands which came within the definition of forest land. The order was challenged both by the land owners and contractors on the one side and the State Government on the other. In view of the controversy, we referred the matter to the CEC. The CEC after considering the relevant issues in detail has filed a report. The recommendations and suggestions made by the CEC are acceptable to all the parties before us. The CEC has recommended that the order passed by this Court on 8.5.2009 in I.A.

2370 of 2008 should be extended to the felling of Khair trees on privately owned non-forest areas also subject to the following conditions:-

- "i) no felling of trees, including of Khair trees, from the forest area will be permissible in violation of the Hon'ble Supreme Court order dated 12.12.1996;
- ii) no deviation from the ten-year felling programme fixed by the Forest Department in accordance with the provisions of the Land Preservation Act, 1978 will be permissible;
- iii) no Katha/ Kutch manufacturing unit will be permitted to be established/ allowed to operate or to expand its capacity in violation of the Hon'ble supreme Court orders dated 29/30.10.2002".

As noted above, the conditions suggested by the CEC are acceptable to all the parties. All the parties shall abide by the above conditions and shall also follow the directions issued by this Court on 12.12.1996.

This order is in continuation of the earlier order passed by this Court on 8.5.2009.

4

The present order is confined in application to the State of Himachal Pradesh.

I.A. and SLP are disposed of accordingly.

I.A.No.2601 and 2202-2203 in W.P.(C)No.202/1995

Referred to the CEC.

I.A.NO.2619-2621 in W.P.(C)No.202/1995

Adjourned by four weeks.

I.A.No.2660-2661 in I.A.972 in I.A.757 with 789-790, 962, 986, 1042-1045, 1217-1219 and 1536-1538 in W.P.(C)No.202/1995

List after four weeks.

MoEF to file response in the meantime.

I.A.No.2702 in W.P.(C)No.202/1995

Referred to CEC for comments.

List after four weeks.

I.A.No.2670 in W.P. (C) No.202/1995

The Ranakpur Jain Temple Complex, under the management of a trust, occupies an area of 9.81 hectares that falls within a much

larger area that is notified as reserved forest and also as Kumbalgarh Wild Life Sanctuary. The trust managing the temple complex approached the Court for a direction to the concerned authorities to exclude the temple area from the reserved forest and the wild life sanctuary. The Court referred the matter to the CEC.

The CEC has examined all the relevant issues in detail and has recommended that the trust be allowed only permissive possession over the area of the temple complex, subject to certain conditions.

All the recommendations made by the CEC and the conditions stipulated by it are acceptable to the applicant- Trust. A copy of the CEC report was also given to the State but no petition has been filed on its behalf raising any objection to the recommendations/

5

conditions made by the CEC.

As recommended by the CEC the Trust may have permissive possession of 9.81 hectares of forest land over which the temple complex stands subject to the conditions stipulated in the CEC report dated 12.8.2009.

The trust shall maintain the temple complex. The trust shall also ensure that there should not be any unlawful trespass over the forest area and no tree is cut down from the forest area. In addition, the trust shall abide by all the restrictions imposed by the Wild Life (Protection) Act, 1972.

The I.A. is disposed of accordingly.

I.A.No.2671 in W.P.(C ) No.202/1995

This application is filed by Sheth Anandji Kalyanji Trust seeking the deletion of the entire area of Shri Muchhala Mahavir Temple Complex from the reserved forest as well as from Kumbalgarh Sanctuary within which the Temple Complex is located. The Temple Complex stands over an area of 3.28 hectares and it is located within the reserved forest/ sanctuary as established by the notifications dated 4.3.1950, 13.7.1971 and Collector Pali's order

dated 21.8.1998 and is part of Kumbalgarh Sanctuary.  
st

The Fore

(Conservation) Act, 1980 as well as the Wild Life (Protection) Act,  
1972 are applicable to the area.

The matter was referred to the CEC

which has examined all the relevant issues and has made  
its

recommendations as follows:

'Considering that the Temple Complex has been in existence for  
a very long period and that too before the forest laws came into  
existence, that it cannot be translocated and that the complex is  
occupied, managed and maintained by the Trust much before it was

6

declared as Reserved Forest or Sanctuary it will be in the fitness  
of thing if the applicant Trust is allowed to continue to occupy,

manage and maintain the entire Temple Complex measuring 3.28  
hectares in the Reserved Forest/Sanctuary within which the Applicant

Trust may have "permissible possession" without excluding it from  
the boundary of the Reserved Forest/ Kumbalgarh Sanctuary.

The

repair and maintenance of the complex may be done by the Temple  
authorities but any new construction should be carried out by them  
only after obtaining the approval under the Forest (Conservation)  
Act, 1980 and in accordance with the provisions of the Wild Life  
(Protection) Act, 1972. On special occasions the pilgrims may

temporarily be allowed to use the area outside the 3.28 ha. Temple  
Complex as in the past but without erecting any building/structure.

The Rajasthan Forest Department should prescribe suitable guidelines  
for this purpose.

The Rajasthan Forest Department is agreeable to  
the above proposed arrangements.'

The recommendations are fully acceptable to the applicant-Trust.

The Court accepts the recommendations and the conditions  
stipulated by the CEC. The Trust shall approach the Rajasthan  
Forest Department for laying down suitable guidelines for the  
pilgrims and visitors to access the Temple Complex causing least  
adverse impact on the surrounding forest area and the wild life. It  
is once again made clear that the trust shall neither make any new  
construction nor cut any tree in the forest area.

I.A. is disposed

of accordingly.

I.A.NOS.2348-2349 in WP(C) No.202/1995

Adjourned by two weeks.

7

(R.K. Dhawan)  
Court Master

(Madhu Saxena)  
Court Master

ITEM NO.MM-I COURT NO.1 SECTION PIL  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A.Nos. 2733-34/09 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/10/2009 These Applns./Petitions were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE AFTAB ALAM

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

8

Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/  
Applicant(s)/ Respondent(s) : Mr. Ranjit Kumar, Sr. Adv.  
Mr. Ayush Agrawal, Adv.  
For M/s. Suresh A. Shroff & Co., Advs.

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

List on 13.11.2009.

(R.K. Dhawan)  
Court Master

(Madhu Saxena)  
Court Master

(Mentioning slip is enclosed)

ITEM NO.MM-J COURT NO.1 SECTION PIL  
S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A.No. 2333-34 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/10/2009 These Applns./Petitions were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE AFTAB ALAM

Mr. Harish N. Salve, Sr.Adv. (A.C.) (N.P.)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/

9

Applicant(s)/ Mr. M.L. Lahoty  
Respondent(s) : Ms. Rachna Srivastava, Adv.

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

List on 4.12.2009.

(R.K. Dhawan)  
Court Master

(Madhu Saxena)  
Court Master

(Mentioning slip is enclosed)

ITEM NO.MM-K COURT NO.1 SECTION PIL  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A.No. 2678 in I.A.2362-63 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/10/2009 These Applns./Petitions were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE AFTAB ALAM

Mr. Harish N. Salve, Sr.Adv. (A.C.) (N.P.)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/  
Applicant(s)/ Respondent(s) : Mr. Sudarshan Rajan. Adv.

10

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

List on 6.11.2009.

(R.K. Dhawan)  
Court Master

(Madhu Saxena)  
Court Master

(Mentioning slip is enclosed)

ITEM NO.MM-L COURT NO.1 SECTION PIL

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

I.A.No. 2722,2723,2724 & 2725/09 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

Date: 30/10/2009 These Appls./Petitions were mentioned today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE AFTAB ALAM

Mr. Harish N. Salve, Sr.Adv. (A.C.) (N.P.)  
Mr. Uday U. Lalit, Sr.Adv. (A.C.)  
Mr. Siddhartha Chowdhury, Adv. (A.C.)  
Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/  
Applicant(s)/ Respondent(s) : Ms. Shilpa Chohan. Adv.  
For Mr. Rajesh Singh, Adv.

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

List on 18.12.2009.



(R.K. Dhawan)  
Court Master

(Madhu Saxena)  
Court Master

(Mentioning slip is enclosed)  
(Shown in the list of 4.12.09)

ITEM NO.MM-M                            COURT NO.1                            SECTION PIL  
S U P R E M E           C O U R T   O F       I N D I A  
R E C O R D   O F   P R O C E E D I N G S

I.A.No. 2735/09 in WP(C)No.202/1995

T.N.GODAVARMAN THIRUMALPAD                            Petitioner(s)

VERSUS

UNION OF INDIA & ORS    Respondent(s)

Date: 30/10/2009       These Applns./Petitions were mentioned today.

CORAM :  
HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE AFTAB ALAM

- Mr. Harish N. Salve, Sr.Adv. (A.C.) (N.P.)
- Mr. Uday U. Lalit, Sr.Adv. (A.C.)
- Mr. Siddhartha Chowdhury,Adv. (A.C.)
- Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)/  
Applicant(s)/  
Respondent(s) :        Ms. Rachna Srivastava, Adv.

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

List on 13.11.2009.

(R.K. Dhawan)  
12

(Madhu Saxena)

Court Master    Court Master

(Mentioning slip is enclosed)