

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH

IN

ORIGINAL APPLICATION NO. 224/2024/EZ

(Earlier OA No. 808/2024/PB)

IN THE MATTER OF:

UTPAL SAIKIA & ORS.

..... APPLICANTS

VERSUS

STATE OF ASSAM & ORS.

..... RESPONDENTS

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Place: Kolkata

Dated: 26th April, 2025

Bipasha Jaiswal
Adv
E/3374/2022
(Advocate for the Respondent)

B.B.D. BRICKS INDUSTRY
Bipon Mukherjee
Proprietor



IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN

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..... RESPONDENTS

COUNTER AFFIDAVIT filed by Respondent no 7 (M/s BBD Bricks Industry
Unit II)

I, Bipul Malakar, son of Late Pitambar Malakar, aged about 53 years, by occupation -Business, having its address at House no. 6, Siva Path, Kenduguri, Narengi, Kamrup Metro, Assam - 781026 and having its unit at M/s BBD Bricks Industry, Govali, Dhekiabari, District - Kamrup, Assam - 782 401 presently halting at Olisa Chambers, 4B, Council House Street, Kolkata - 700 001 do hereby solemnly affirm and state as under:

1. That I am the proprietor of the unit M/s BBD Bricks Industry - Unit II being respondent no. 7 herein. I am duly authorized to swear this affidavit and as such I am conversant with the facts of the present case and competent to swear the present affidavit.
2. That the Original Application had been registered *suo motu* on the basis of a letter petition dated 19.10.2023, received from several persons led



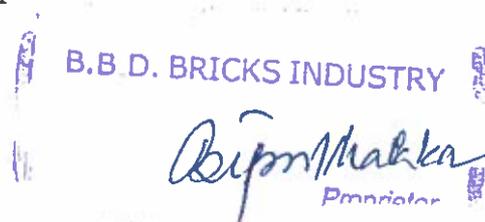
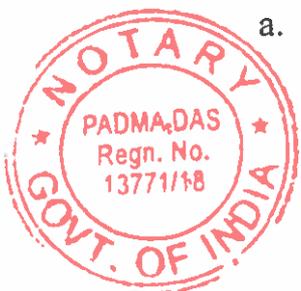
B.B D. BRICKS INDUSTRY
Bipul Malakar
Proprietor



by Utpal Saikia stating that an industrialist being Dilip Chetri being respondent no 6 herein having its unit/*establishment of Brick Kiln in the name of "M/S Bhabani Bricks (BBA Bricks) at Village Sativeti, Chengmari Kisam, District - Morigaon, Assam - 782411 through its Proprietor Dilip Chetri.*

3. That it is respectfully submitted that the allegations in the letter petitioner/oa are not against the answering respondent but against the unit/*establishment of Brick Kiln in the name of "M/S Bhabani Bricks (BBA Bricks) at Village Sativeti, Chengmari Kisam, District - Morigaon, Assam - 782411 through its Proprietor Dilip Chetri.*
4. The answering respondent's Brick Kiln is within the jurisdiction of District Kamrup (Metro) and not under Morigaon District as such the answering respondent may be deleted from the array of parties in the present petition.
5. That the answering respondent further states that the unit of the answering respondent is the only source of our livelihood and also the livelihood of the local population engaged therein and also it contributes to the development of the State of Assam.
11. That the answering respondent states that the respondent's unit is established over a purchased Patta Land after due verification and approval by the competent authorities. The answering respondent states that the unit has all the licenses for running the brick kiln. The Brick Kilns is operating over Patta Land, after duly taking permission and sanction from the Deputy Commissioner, Kamrup (Metro), Assam and Assam Pollution Control Board by issuing following documents/licenses and NOCs viz;

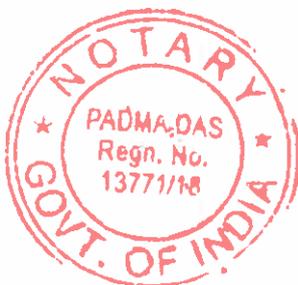
a. DC permission



- b. Consent to Operate by Pollution Control Board
- c. Consent to establish
- d. Trade License
- e. Factory License
- f. Labour License
- g. Anchalik Permission

The Petitioner craves leave to refer to the same at the time of hearing, if necessary.

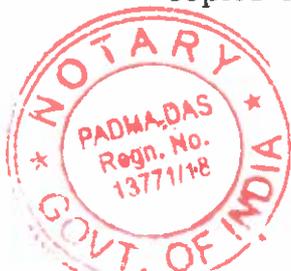
12. That the answering respondent has made huge invested to construct and establish the Brick Kiln. That the brick kilns gives direct and indirect local employment of 400-500 persons approx and their families are also dependent upon the said unit.
13. That the answering respondent is also paying royalty to both the Forest Department and State Government and also paying fees to BDO and tax to panchayat. In this connection, the respondent craves leave to refer to the documents at the time of hearing, if necessary.
4. That in the purported factual report of the Joint Committee constituted by the Hon'ble Tribunal vide its order dated 27.08.2024, it has been categorically stated that the unit of the answering respondent has the licenses for operating the brick kilns.
5. That the answering respondents states that the Writ Petition (Civil) No. 202 of 1995 (T.N. Godavarman Thirumalpad Vs Union of India & Others) is pending for declaring Eco Sensitive Zone for PWLS and still no demarcation has been done declaring Eco Sensitive Zone. The respondent respectfully submits that as the Hon'ble Supreme Court is in seisin of the matter.



B.B.D. BRICKS INDUSTRY
Bepon Malika
Proprietor



14. That the matter before the Hon'ble Supreme Court was taken up on 20th November, 2024 and thereafter was taken up on 19th March, 2025 and has been fixed next on 21st May, 2025. The issue of demarcation of the boundary was taken up in the IA no 85332 and 85124 of 2023 with IA nos. 560136 and 60352 of 2024 in IA no. 85332 of 2023 with IA no. 64180 and IA No. 64434 of 2024 with IA no. 67379 of 2024. **Copy of the order dated 20th November, 2024 is annexed hereto and marked with Letter A.**
15. That the answering respondent states that the State of Assam had submitted before the Hon'ble Supreme Court that the issue of demarcation and increase of the area of Pobitora Wildlife Sanctuary and the proposal for modification of the boundary has been sent to National Board of Wild Life (NBWL). The order dated 20th November, 2024 records the same also.
16. That to the best of the knowledge of the respondent, no public hearing and/or any process of any consultation has been done before such alleged proposal. The respondent reserves its right to challenge the same before the Hon'ble Gauhati High Court or before the Hon'ble Supreme Court of India.
17. That the said I.A. NOS. 85332 AND 85124 OF 2023 WITH I.A. NOS. 60136 AND 60352 OF 2024 WITH I.A. NOS. 64180 AND 64434 OF 2024 WITH I.A. NO. 67379 OF 2024 was lastly taken up on 19th March, 2025 and has been fixed on 21st May, 2025.
Copy of the order dated 19th March, 2025 is annexed hereto and marked with Letter B.
18. The answering respondent is taking steps to obtain the certified copies of the affidavits filed before the Hon'ble Supreme Court and file



B.B.D. BRICKS INDUSTRY

Bipin Malakar
Proprietor



necessary application before the Hon'ble Supreme Court to be impleaded as a party. The respondent seeks liberty before this Hon'ble Tribunal to file further affidavit before this Hon'ble Tribunal.

19. That the answering respondent states that the Pobitora Wildlife Sanctuary is situated in Morigaon District, Assam. Vide Notification No. FRS 19/87/152 dated 17.03.1998, subsequently published in the Assam Gazette on 13.05.1998, 3880.62 ha (~38.81 sq. km) of land was declared as the Pobitora WLS under Section 26(1) (a) of the WLP Act. Pobitora originally was a grazing reserve of erstwhile Nagaon district that came to notice as potential rhino-bearing area during the year 1961-62. The Wildlife Sanctuary area includes the following
- a. Pobitora Reserved Forest (RF) - 1584.76 Hectars
 - b. Raja Mayang Hill Reserved Forest (RF) - 1197.86 Hectares
 - c. Khas land - 1098.00 Hectares
20. That the report filed by the Committee wrongly states that the distance is 374 meters. The answering respondent respectfully states and submits that the answering respondent's unit I is located far away from Pobitora Wildlife Sanctuary and the report incorrectly records that the unit is in 374 meters/ 0.374 kilometers from Pobitora Wildlife Sanctuary. The respondent craves leave to refer to the geographical location of the respondent's unit and the Pobitora Wildlife Sanctuary at the time of hearing, if necessary.
21. That the answering respondent further submits that Bura Mayang Parvat is not the part of Raja Mayang Hills, rather it is located far away from Pobitora Wildlife Sanctuary. Bura Mayang Parvat is not contiguous to Raja Mayang Hill RF and there is no continuous mountain range connecting Bura Mayang to Raja Mayang Hill RF. Raja Mayang Hill RF is situated by the side of the boundary of Pobitora



B. B. D. BRICKS INDUSTRY

Bijoy Mallick
Proprietor

Wildlife Sanctuary. Bura Mayang and Raja Mayang Hill RF are two different areas having human habitation in between them, whereas Raja Mayang Hill RF is by the side of Pobitora Wildlife Sanctuary and Bura Mayang is situated far away from Raja Mayang/ Pobitora Wildlife Sanctuary. The Petitioner reserves its right to challenge the discrepancy before the competent court of law.

22. That the answering respondent further states that the claim that the Rhinos cannot move to the higher ground in the Raja Mayang Hill RF area is absurd and impractical. Their claim that Rhinos were forced to take shelter in houses in nearby villages is absurd as Rhinos, by their physical nature cannot move to higher ground and also there are human settlements in between Raja Mayang Hill RF and Pobitora Wildlife Sanctuary.
23. That the answering respondent further states that the answering respondent's Brick Kilns is not falling in between Pobitora Wildlife Sanctuary and Raja Mayang Hill. The brick kiln is situated around 5 KMs away.
24. That the answering respondent states that the respondent is compliant with all the norms and is functioning the brick kiln after obtaining necessary permissions and respectfully submit that undertakes to comply with all the directions passed by this Hon'ble Court.
25. In view of the aforesaid facts, it is respectfully prayed that the Hon'ble Tribunal may be pleased to pass orders deleting the answering respondent from the array of parties and to pass such other order or orders as Your Honour may deem fit and proper.



B.B.D. BRICKS INDUSTRY
Bipin Malika
Proprietor



Wildlife Sanctuary. Bura Mayang and Raja Mayang Hill RF are two different areas having human habitation in between them, whereas Raja Mayang Hill RF is by the side of Pobitora Wildlife Sanctuary and Bura Mayang is situated far away from Raja Mayang/ Pobitora Wildlife Sanctuary. The Petitioner reserves its right to challenge the discrepancy before the competent court of law.

22. That the answering respondent further states that the claim that the Rhinos cannot move to the higher ground in the Raja Mayong Hill RF area is absurd and impractical. Their claim that Rhinos were forced to take shelter in houses in nearby villages is absurd as Rhinos, by their physical nature cannot move to higher ground and also there are human settlements in between Raja Mayang Hill RF and Pobitora Wildlife Sanctuary.
23. That the answering respondent states that the respondent is compliant with all the norms and is functioning the brick kiln after obtaining necessary permissions and respectfully submit that undertakes to comply with all the directions passed by this Hon'ble Court.
24. In view of the aforesaid facts, it is respectfully prayed that the Hon'ble Tribunal may be pleased to pass orders deleting the answering respondent from the array of parties and to pass such other order or orders as Your Honour may deem fit and proper.
25. That the statements made in paragraph nos. 1 to 22 are true to my knowledge and brief and the rest thereof are my humble submissions before this Hon'ble Tribunal.



Bipasha Jain

DEPONENT

Identified by me

Bipasha Jain

Adv
#/3374/2022

Advocate



VERIFICATION

Verified at Kolkata on 26th day of April, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge based on records and no part of it is false and nothing material has been concealed therefrom.

B.B.D. BRICKS INDUSTRY

Ripon Malakar
DEPONENT

Ripon Malakar
Proprietor

Verified by the
Madri Chakraborty
Advocate
Control No. WB/154-A/1991
M. Court, Kolkata



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME ON IDENTIFICATION

Padma Das

PADMA DAS
NOTARY

26 APR 2025

ITEM NO.38

COURT NO.2

SECTION PIL-W

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

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

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 20.11.2024 (THROUGH SUPPLEMENTARY LIST) "ONLY" [1] I. A. NO. 245699 OF 2024 [Applications for Impleadment in I.A. 211378 & 211725/2024 in I.A. 58031/2024] IN RE : M/S. RADHE GOVIND MARBLE AND [2] I.A.NO. 42944 OF 2019 [Application For Directions] IN RE : ILLEGAL/UNAUTHORIZED MINING IN KAZIRANGA NATIONAL PARK, ASSAM WITH I.A. NOS. 146755 AND 146756 OF 2021 [Applications For Intervention And Stay] AND I.A. NOS. 158973, 158975 AND 159054 OF 2021 [Applications For Intervention, Exemption From Filing O.T. And Stay] AND I.A.NOS. 28731, 28732 AND 28905 OF 2022 [Applications For Intervention, Exemption From Filing O.T. And Modification Of Court's Order Dated 12.04.2019] AND I.A. NOS. 41069 AND 41070 OF 2022 [Applications For Intervention And Exemption From Filing O.T.] AND I.A. NO. 51917 OF 2022 [Application for Ad Interim Stay of demolition in the animal corridors in Kaziranga National Park in I.A. Nos. 41069 in 42944/2022] AND [3] I.A. NOS. 99457 AND 99462 OF 2024 [Applications for Intervention and Clarifications filed by Ms. Shalini Kaul, Advocate] WITH I.A. NO. 211469 OF 2024 [Applications for Intervention filed by Mr. Tarun Gupta, Advocate in I.A. 99457/2024] WITH I.A. NO. 256515 OF 2024 [Applications for permission to place Additional documents on record filed by Mr. Tarun Gupta, Advocate in I.A. 211469/2024] IN RE : SUMITRA NEGI & ORS. IN RE : LIEUTENANT GENERAL SARVJIT SINGH CHAHAL (RETD.) & ORS. AND [4] I.A. NO. 263809 /2023 [APPLICATIONS FOR INTERVENTION] WITH I.A. NOS. 263810, 263811 AND 263812/2023 [APPLICATIONS SEEKING PERMISSION TO FILE APPLICATION FOR DIRECTIONS, DIRECTIONS AND EXEMPTION FROM FILING O.T.] AND I.A. NO. 92980/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY DR. SURENDER SINGH HOODA, ADVOCATE FOR THE APPLICANT] AND I.A. NO. 141598/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY MR. DINESH C. PANDEY, ADVOCATE FOR THE APPLICANT NO. 2] IN RE : ANUJ KAUSHAN & ANR. IN RE : SUKHNA LAKE AND [5] I.A. NO. 108587 OF 2024 [Applications For Impleadment Filed By Mr. Sudarsh Menon, Advocate] WITH I.A. NO. 108243 OF 2024 [Applications For Directions Filed By Mr. Sudarsh Menon, Advocate] IN RE : KANAK FOUNDATION AND [6] 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 [7] I. A. NOS. 31095, 31104, 31118 OF 2019 [APPLICATIONS FOR

X

IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING OFFICIAL TRANSLATION] WITH I. A. NO. 59646 OF 2021 [APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION IN R/O ANNEXURES FILED BY MR. SUNNY CHOUDHARY, ADV.] AND I. A. NO. 43308 OF 2022 [APPLICATION FOR PERMISSION TO FILE REJOINER AFFIDAVIT] IN RE : REFUND OF NPV PAYMENT INTO COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS AND [8] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH I.A. NO. 75033 OF 2023 (Application For Exemption From Filing O.T.) IN RE : GAURAV KUMAR BANSAL AND [9] CONTEMPT PETITION (CIVIL) NO. 938/2021 IN CIVIL APPEAL NOS. 12234-12235 OF 2018 AND [10] I.A.NO. 172781 OF 2024 [Application for Impleadment filed by Mr. Vishnu Kant, Advocate] WITH I.A.NO. 172375 OF 2024 [Application for Directions filed by Mr. Vishnu Kant, Advocate] IN RE : MAHAN SINGH & ORS. IN WRIT PETITION (CIVIL) NO. 171/1996 AND [11] I.A. NOS. 85332 AND 85124 OF 2023 [Applications For Intervention And Directions] WITH I.A. NOS. 60136 AND 60352 OF 2024 (Applications For Intervention Filed By Mr. Anurag Tandon, Advocate In I.A. No. 85332/2023) WITH I.A. NOS. 64180 AND 64434 OF 2024 [(Applications For Interventions Filed By Mr. Anurag Tandon, Advocate On Behalf Of "Bilibar Patar" And "Harichandra Boro", Applicants Respectively In I.A. No. 85332/2023) WITH I.A. NO. 67379 OF 2024 (Application For Permission To Bring On Record Additional Documents Filed By Mr. Shuvodeep Roy, Advocate In I.A. No. 85124/2023) IN RE : ROHIT CHOUDHARY IN RE : PITSING KONWAR & APURBA KUMAR DEKA IN RE : BILIBAR PATAR & HARICHANDRA BORO AND [12] I. A. NOS. 79569 AND 79576 OF 2019 [Applications For Intervention And Directions] WITH I. A. NOS. 159670 AND 159677 OF 2019 [Application For Exemption From Filing Official Translation] WITH I. A. D. NOS. 14261 AND 14262 OF 2021 [Applications For Urgent Listing Of I.A. Nos. 79569 And 79576/2019 And Exemption From Filing Duly Attested Affidavit] AND I. A. NOS. 40599 AND 40624 OF 2023 [Applications For Intervention And Modification Of Court's Order Dated 12.05.2022] AND I. A. NO. 220675 OF 2023 [Application For Direction In I.A. No. 79576/2019] IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND [13] I. A. Nos. 118236 AND 129623 OF 2020 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : M/O AGRICULTURE AND FARMERS WELFARE WITH I.A. No. 179389/2018 [APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002 IN I. A. NO. 502] AND I.A. No. 69399/2021 [APPLICATION FOR PERMISSION TO FILE ADDITIONAL AFFIDAVIT] AND I.A. No. 144539/2021 [APPLICATION FOR INTERVENTION IN I.A. NO. 179389/2018] AND I.A. No. 13413/2023 [CEC REPORT NO. 2/2023 - NOTE FILED BY MEMBER SECRETARY, CEC IN I.A. NO. 179389/2018] AND I.A. No. 217138/2024 [APPLICATION SEEKING EXTENSION OF TIME ON BEHALF OF MOEF & CC IN I.A. NO. 179389/2018] IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION AND [14] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018 AND [15][i] I.A. NOS. 1424-1425 OF 2005 AND 2749 OF 2009 (Applications for Directions and Stay) IN RE : ALLEGED NON-FORESTRY ACTIVITIES AND ENCROACHMENT BY BALCO AND [ii] I.A. NOS. 2211 OF 2008 (Applications for Clarification of Court's Order dated 29.02.2008) In Re : BALCO AND [iii] I.A. NO. 3427 OF 2012 (Applications for Directions) WITH I.A. NOS. 167802 AND 167804 OF 2019 (Applications

✕

For Directions And Exemption From Filing O.T.) WITH I.A. NOS. 187590 AND 187591 OF 2019 (Applications For Directions And Exemption From Filing O.T.) IN RE : BALCO, RESPONDENT NO. 7 IN I.A.NO. 1424-1425 WITH [iv] CONTEMPT PETITION (C) No. 388 OF 2009 IN I.A. NOS. 1424-1425 IN WRIT PETITION(C) NO. 202 OF 1995 WITH SPECIAL LEAVE PETITION(C) NO. 37511 OF 2013 WITH WRIT PETITION (C) NO. 469 OF 2005 IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 20.11.2024 (THROUGH SUPPLEMENTARY LIST) AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, SR. ADVOCATE [A.C.] MR. G.S. MAKKER, MR. S.N. TERDAL FOR S.NO. [1] MR. K. PARAMESHWAR (A.C.), MS. ARUNA GUPTA FOR S. NO. [2] MR. K. PARAMESHWAR (A.C.), MR. SHUVODEEP ROY (FOR STATE OF ASSAM), MR. KAUSHIK CHOUDHURY (FOR KAAC) MR. SUNIL KR. SHARMA (INTERVENOR), MR. RAJNISH KUMAR JHA (INTERVENOR) FOR S. NO. [3] MR. K. PARAMESHWAR (A.C.), MS. SHALINI KAUL, MR. TARUN GUPTA FOR S. NO. [4] MR. K. PARAMESHWAR (A.C.), MR. DINESH C. PANDEY, DR. SURENDER SINGH HOODA FOR S. NO. [5] MR. K. PARAMESHWAR (A.C.), MR. SUDARSH MENON, MR. SUBHASISH MOHANTY (STATE OF ODISHA) FOR S.NO. [6] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH, MS. PALLAVI LANGAR, MR. G.S. MAKKER FOR S.NO. [7] MR. K. PARAMESHWAR (A.C.), MR. KRISHNA BALLABH THAKUR, MR. V. N. RAGHUPATHY (FOR STATE OF KARNATAKA), MR. SUNNY CHOUDHURY (FOR STATE OF MADHYA PRADESH), MR. AADITYA A . PANDE (FOR STATE OF MAHARASHTRA), MR. A.D.N. RAO, MR. G.S. MAKKER FOR S. NO. [8] MR. K. PARAMESHWAR (A.C.), DR. ABHISHEK ATREY (FOR STATE OF UTTARAKHAND), MR. G.S. MAKKER, MR. M.K. MARORIA (FOR C.B.I.) FOR S. NO. [9] MR. K. PARAMESHWAR (A.C.), MS. SRISHTI AGNIHOTRI, MR. SYED JAFAR ALAM FOR S.NO. [10] MR. K. PARAMESHWAR (A.C.), MR. VISHNU KANT, MR. AKSHAY AMRITANSHU FOR S.NO. [11] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH, MR. ANURAG TANDON, MR. SHUVODEEP ROY (STATE OF ASSAM) FOR S.NO. [12] MR. K. PARAMESHWAR(A.C.), MS. MISHA ROHATGI MOHTA, M/S. KARANJAWALA & CO., MR. KRISHNA BALLABH THAKUR, MR. T.R.B. SIVAKUMAR, MR. AADITYA A . PANDE (STATE OF MAHARASHTRA) FOR S.NO. [13] MR. K. PARAMESHWAR (A.C.), MR. RAJ BAHADUR YADAV, MS. MRINAL ELKER MAZUMDAR, MR. RAJAT ARORA, MR. P.K. MANOHAR, MR. G.S. MAKKER FOR S. NO. [14] MR. K. PARAMESHWAR (A.C.), MR. KUNAL CHATTERJI, MS. ASTHA SHARMA, MR. NARESH KUMAR, MR. G.S. MAKKER, MR. ANANDO MUKHERJEE, MS. POOJA DHAR, MR. S.N. TERDAL, MR. MOHIT D. RAM FOR S.NO. [15] MR. K. PARAMESHWAR (A.C.), MR. PRANAV SACHDEVA, MR. P.S. SUDHEER, MR. NISHANT PATIL, MR. ASWATHI M.K., MS. PRATHIBAH JAIN, MR. SUNIL KUMAR JAIN, MR. SATISH KUMAR, MR. SHANKAR DIVATE, MS. BINU TAMTA, MR. ROHIT K. SINGH, MR. RAJESH SRIVASTAVA, MR. RADHA SHYAM JENA, MR. NISHANTH PATIL)

WITH

W.P.(C) No. 171/1996 (PIL-w)

(IA No. 172375/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 172781/2024 - INTERVENTION/IMPLEADMENT)

X

W.P.(C) No. 469/2005 (X)
(IA No. 2/2006 - EXEMPTION FROM FILING O.T., IA No. 3/2007 - STAY APPLICATION)

CONMT.PET.(C) No. 388/2009 In W.P.(C) No. 202/1995 (PIL-W)
(FOR ON IA 1/2017)

SLP(C) No. 37511/2013 (IV-C)
(IA No. 68210/2018 - EXEMPTION FROM FILING O.T., IA No. 90909/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 68208/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 25047/2018 (XVI)

CONMT.PET.(C) No. 938/2021 in C.A. No. 12234-12235/2018 (XVII)
(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 115589/2024, IA No. 115589/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-11-2024 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s)

Mr. K. Parameshwar, Sr. Adv. (A.C.)
Ms. Kanti, Adv.
Ms. Raji Gururaj Adv.
Mr. Shreenivas Patil, Adv.
Ms. Chitransha Singh Sikarwar, Adv.
Mr. M.V.Mukunda, Adv.

Ms. Purnima Bhat, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Ms. Kritika, Adv.
Mr. D.p.singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Ms. Pratibha Jain, AOR
Mr. Puneet Jain, Sr. Adv.
Mrs. Christi Jain, Adv.
Mr. Mann Arora, Adv.

X

Ms. Akriti Sharma, Adv.
 Mr. Harsh Jain, Adv.
 Mr. Om Sudhir Vidyarthi, Adv.

Mr. Pranav Sachdeva, AOR
 Mr. Chanchal Kumar Ganguli, AOR
 M/S. Plr Chambers And Co., AOR
 Mr. Syed Mehdi Imam, AOR
 Mr. T. Harish Kumar, AOR
 M/S. Mitter & Mitter Co., AOR
 M/S. Lawyer S Knit & Co, AOR

For Respondent(s)

Ms. Aishwarya Bhati, A.S.G.
 Ms. Archana Pathak Dave, A.S.G.
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UPON hearing the counsel the Court made the following
O R D E R

[1] I. A. NO. 245699/2024 in I.A. 211378 & 211725/2024 in I.A. 58031/2024]

Adjourned. To be heard along with other applications relating to Sariska.

[2] I.A.NO. 42944 OF 2019 WITH 146755 AND 146756 OF 2021 AND I.A. NOS. 158973, 158975 AND 159054 OF 2021 AND I.A. NOS. 28731, 28732 AND 28905 OF 2022 AND I.A. NOS. 41069 AND 41070 OF 2022 AND I.A. NO. 51917 OF 2022

1. Pursuant to order passed by this Court dated 13.03.2024, the State of Assam as well as Karbi Anglong Hill Council (KAHC) have filed their affidavits of compliance.

2. In the affidavit dated 13.09.2024 filed by the State of Assam it is stated that the elevated corridor of approximately 34.5 kms was proposed as a wildlife friendly measure. The project includes

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three elevated sections. It is stated that DPR work is in progress by NHAI, which is yet to be finalized. It is further stated that the National Board of Wildlife (NBWL) has accorded its approval to the proposal for diversion of 20.241 hectares of forest land. It is further stated that vide OM dated 14.08.2024, the Ministry of Road Transport and Highways (MoRTH) has placed the said project in Category 1.

3. It, thus, appears that the State of Assam and the MoRTH are taking necessary steps to provide an elevated corridor, which bifurcates the two parts of Kaziranga National Park (KNP) so as to provide free access to the wildlife from one part of the forest to the other part.

4. We expect the NHAI to complete the project at the earliest and expect the other stakeholders to provide full support and cooperation for the expeditious completion of the said project.

5. In the affidavit filed on behalf of KAAC dated 05.11.2024, it is stated that all the mining activities inside the Karbi Anglong District bordering the southern parts of Kaziranga National Park (KNP) has already been closed pursuant to the meeting of the CEC. It is further stated in the affidavit that notice to close 33 stone quarries and 18 numbers of stone quarries as well as 18 stone crushing units was issued. It is further stated in the affidavit that mining activities along the southern boundary and catchment area of the river/stream originating in Karbi Anglong Hills has already been prohibited vide order dated 4.5.2019 passed by the Deputy Commissioner, Karbi Anglong. The affidavit also places on record a letter dated 07.05.2024 issued by the Divisional Forest

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Officer of KAHC stating that no new order for lifting the closure of the quarries has been issued.

6. We, therefore, find that the KAAC has also taken necessary steps to stop the illegal mining in the areas bordering KNP. We, therefore, close the proceedings insofar as these two issues are concerned.

7. These applications are accordingly disposed of.

[3] I.A. NOS. 99457 AND 99462 OF 2024 WITH I.A. NO. 211469 OF 2024 WITH IA NO. 256515 OF 2024

AND

[4] I.A. NO. 263809 /2023 WITH I.A. NOS. 263810, 263811 AND 263812/2023, I.A. NO. 92980/2024 AND IA NO. 141598 OF 2024

1. An affidavit has been filed on behalf of the State of Punjab. Shri Gurminder Singh, learned Advocate General for the State of Punjab appears and submits that a proposal has been approved in principal thereby sub-dividing ESZ into three sub-zones. It is stated that however the said proposal will have to be placed before the Cabinet and only after the Cabinet approves it, the same will be brought into effect.

2. Shri Narender Hooda, learned senior counsel as well as Shri Dinesh C. Pandey and Shri Tarun Gupta, learned counsel, have raised various issues. They have stated that though sanctions have been sought by them for construction of only residential houses, the same are not being considered by the State.

3. We are of the view that once the Cabinet takes a call and finally decides on the issue of ESZ all things would be clear. In any case we request the learned Advocate General for the State of Punjab to place the concerns of the plot holders before the State Government so that the same may also be taken into consideration

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while taking a final decision.

4. List on 11.12.2024.

[5] I.A. NO. 108587 OF 2024 WITH I.A. NO. 108243 OF 2024

1. The affidavit filed by the State of Odisha does not show that the State Government has followed the required procedures under Rule 7 of the Wetlands (Conservation and Management) Rules, 2017 (hereinafter referred to as "Rules 2017") for preparing and notifying the brief document in the Official Gazette.

2. Rule 7(1) of the Rules 2017 specifies as to what shall be included in the bid document.

3. When the State is bound to act in accordance with Rule 7 of the Rules 2017, we fail to understand as to why it has not done so.

4. We, therefore, call upon the State Government to explain as to why the provisions under Rule 7 of the Rules 2017 have not yet been followed. The affidavit to satisfy the aforesaid shall also state as to what activities are permitted, regulated and prohibited in the area which is notified as wetland zone. The said affidavit shall be filed within two weeks from today.

5. List on 04.12.2024.

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[6] I. A. NOS. 153500 & 153501 OF 2024 WITH I. A. NO. 153502 OF 2024

1. Learned counsel for the State relying on the affidavit of the State of Jharkhand filed by Shri Aviroop Sinha, DFO Saranda, has stated that the status of the entire land in question which was notified as a 'Game Sanctuary' earlier is statutorily secured as reserved forest.

2. It is further stated that neither any kind of mining excavation operations nor any diversion of forest land for mining purpose as approved by the Forest Conservation Act, 1980 has been undertaken. It is further stated that there are no operational mines inside the 126 compartments within the stated area of 31,468.25 hectares.

3. The reliance is also sought to be placed on the order passed by the learned National Green Tribunal (NGT) dated 12.07.2022 in Original Application No.59/2020/EZ. Vide the said judgment and order, learned NGT has held that a conjoint reading of Section 9 with Section 2(26) of the Wildlife Protection Act, 1972 would show that the sanctuary within the meaning of Section 2(26) of the Act, 1972 does not include a Game Sanctuary.

4. Though the learned NGT has rejected the contention of the applicant(s) therein in paragraph 34, it is observed thus:

"34. Annexure-2 to the Original Application mentions that the area of the Saranda/Sasangada Forest is about 31,468.25 hectares. This is a huge area of

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pristine forest and whether it has been declared as Game Sanctuary or not, it is nevertheless a repository of some of the finest Sal Forest in the country having rich wildlife and requires protection and preservation and, therefore, a direction is issued to the State Respondents to consider whether the same needs to be declared as a Sanctuary since it has nowhere been stated by the State Respondents in their various affidavits that this massive area does not have any wildlife."

5. It is not in dispute that the said area consists of pristine forest and it is a repository of some of the finest Sal trees in the country. It is also not disputed that it is having rich wildlife and as such requires protection and preservation.

6. A period of 2½ years has lapsed from the date on which the aforesaid observations were made by the learned NGT.

7. Since the State places reliance on the judgment of the NGT, it should have explained to us as to why it has not followed the directions issued by the learned NGT.

8. The 2006 Amendment to the 1972 Act has been brought into effect with a purpose of imposing stringent restrictions for the protection of wildlife. If that be so, there is no reason as to why the State did not take steps to implement the directions issued by the learned NGT on 12.07.2022.

9. We, therefore, direct the State to file an affidavit explaining the aforesaid within a period of two weeks from today.

10. List on 04.12.2024.

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11. We clarify that if the State does not come out with a positive response, we will have to consider issuing appropriate directions to the State Government for protecting the wildlife in the said area. We direct specifically so, since from the affidavit of the State of Jharkhand dated 10.11.2024 and particularly Annexure-2 thereof would reveal that iron ore mining activities are being carried out in the abutting area.

[7] I. A. NOS. 31095, 31104, 31118 OF 2019 WITH I. A. NO. 59646 OF 2021 AND IA NO. 43308 OF 2022

1. It is the contention of the applicant(s) that this Court in an identical situation has passed an order dated 02.11.2018 in the case of Wind World India Ltd. It is submitted that different treatment could not be permitted to be meted out to the applicant(s).

2. We request Ms. Aishwarya Bhati, learned Additional Solicitor General to take instructions from the MoEF&CC with regard to the outcome of the directions issued by this Court on 02.11.2018 in the case of Wind World India Ltd.

3. List on 04.12.2024.

[8] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC WITH I.A. NO. 75033 OF 2023

1. We have perused the report of the Superintendent of Police, Central Bureau of Investigation dated 16.10.2024.

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2. We are satisfied with the progress of the investigation.
3. The report is directed to be kept again in sealed cover.
4. The CBI is directed to submit its further report after a period of three months from today.
5. List on 19.03.2025.
6. The State is also at liberty to file reply within two weeks from today.

[9] CONTEMPT PETITION (CIVIL) NO. 938/2021 IN CIVIL APPEAL NOS. 12234-12235 OF 2018 AND

1. As prayed, two weeks' time is granted to respondent No. 6 to file reply affidavit.
2. List on 04.12.2024.

[10] I.A. NO. 172781 OF 2024 WITH I.A. NO. 172375 OF 2024 IN WRIT PETITION (CIVIL) NO. 171/1996

1. The present application(s) has been filed by the applicants seeking following prayers:

"A. Allow the present application and modify the "Management Plan" in relation to felling of Khair Tress for the year 2023-2024 and particular in relation to the Village-Khanna Chargal, Tehsil - Jammu whereby a time period of 8 weeks be allowed to the Applicants to complete the felling activities;

B. Direct the respondents to correct the name of the Village-Khanna Chargal and accept the application "Form-B" of the Applicants and further be directed to complete this Administrative process provided under Rule 4 to 8 (Marking etc.) within 2 weeks so that applicants can cut and remove the tress within six

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weeks thereafter."

2. In the reply affidavit filed by the State, it is clear that the applicant(s) could not get the requisite permission, though they have applied for the same within the specified time on account of certain technical reasons for which they cannot be blamed.

3. In our order dated 24.03.2023, we have recorded the statement of the learned Advocate General that since the time-frame was being provided, for the first time, and as such there was no proper publication of the said guidelines. The non-consideration of the applicant(s)' application, was due to an error on the part of the State Government.

4. We are informed that the season for felling and conversion is open till January, 2025 and the transportation has to be done between November, 2024 to March, 2025. Since we are in the month of November, 2024, two more months are left during which the felling and conversion as well as transportation activities could be carried out.

5. We, therefore, in the peculiar facts and circumstances of the case and restricting it to the present applicant(s), hereby allow the application(s). The processing of the application filed by the applicant(s) before the State Government shall be completed within a period of two weeks from today. The applicants would be permitted to carry out the

~~2X~~

felling and conversion activities between December, 2024 to January, 2025 and transportation activities permitted between December, 2024 to March, 2025.

6. We also grant the prayers made by the State in the reply affidavit which reads as under:-

i. Permit the Empowered Officer to correct the typographical errors inadvertently occur in the Khair management plan including the errors occur in the names of the village which cause delay in processing of the applications.

ii. To avoid hardships to farmers allow rescheduling of timeframes for various operations as per field requirements as proposed below with the condition that all the operations be concluded during the financial year:

S.No.	Operation	Time Schedule
1.	Notification of Villages by the DFO April	April
2.	Invitation and processing of applicants	April to May
3.	Nishandehi / Demarcation / Enumeration of private land and trees therein	June to October
4.	Issuance of Marking and felling permission by the DFO	November to December
5.	Felling and Conversion	November to January
6.	Transportation	November to March

[11] I.A. NOS. 85332 AND 85124 OF 2023 WITH I.A. NOS. 60136 AND 60352 OF 2024 In I.A. No. 85332/2023, WITH I.A. NOS. 64180 AND 64434 OF 2024 WITH I.A. NO. 67379 OF 2024

1. Shri Nalin Kohli, learned Additional Advocate General for the State of Assam, states that the State has decided to increase the area of Pobitra Wildlife Sanctuary and accordingly a proposal for modification of the boundary has already been sent to National Board of Wild Life (NBWL).

X

2. We expect the NBWL to consider the proposal expeditiously.
3. List on 19.03.2025.

[12] I. A. NOS. 79569 AND 79576 OF 2019, WITH I. A. NOS. 159670 AND 159677 OF 2019 WITH I. A. D. NOS. 14261 AND 14262 OF 2021 AND I. A. NOS. 40599 AND 40624 OF 2023 AND I. A. NO. 220675 OF 2023

1. List on 27.11.2024.
2. A copy of the report be supplied to the concerned parties.

[13] I. A. Nos. 118236 AND 129623 OF 2020 WITH I.A. No. 179389/2018 IN I. A. NO. 502] AND I.A. No. 69399/2021 AND I.A. No. 144539/2021 IN I.A. NO. 179389/2018] AND I.A. No. 13413/2023 IN I.A. NO. 179389/2018 AND I.A. No. 217138/2024 IN I.A. NO. 179389/2018

AND

[14] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018

List on 15.01.2025.

[15] I.A. NOS. 1424-1425 OF 2005 AND 2749 OF 2009, I.A. NOS. 2211 OF 2008, I.A. NO. 3427 OF 2012 WITH I.A. NOS. 167802 AND 167804 OF 2019 WITH I.A. NOS. 187590 AND 187591 OF 2019 WITH CONTEMPT PETITION (C) No. 388 OF 2009, IN I.A. NOS. 1424-1425 IN WRIT PETITION(C) NO. 202 OF 1995 WITH WITH SPECIAL LEAVE PETITION(C) NO. 37511 OF 2013 WITH WRIT PETITION (C) NO. 469 OF 2005

List on 15.01.2025.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER

(NARENDRA PRASAD)
DEPUTY REGISTRAR

ITEM NO.13

COURT NO.2

SECTION PIL-W

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

WRIT PETITION(S)(CIVIL) NO(S). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

INTERLOCUTORY APPLICATION FOR 19.03.2025 "ONLY"

I.A. NO. 55806 OF 2025 [Application for Impleadment filed by Ms. Shilpa Singh, Advocate] AND I.A. NO. 55814 OF 2025 [Application for Directions/Modification filed by Ms. Shilpa Singh, Advocate] IN RE : RAJINDER SINGH & ORS. IN WRIT PETITION (CIVIL) NO. 171 OF 1996 AND

I.A. NOS. 269550, 269552 AND 269553 OF 2024 [Application for Impleadment, Directions and O.T. filed by Ms. Rani Mishra, Advocate] IN RE : JUMMA & ORS. AND

I.A. NOS. 85332 AND 85124 OF 2023 [Applications For Intervention And Directions] WITH I.A. NOS. 60136 AND 60352 OF 2024 (Applications For Intervention Filed By Mr. Anurag Tandon, Advocate In I.A. No. 85332/2023) WITH I.A. NOS. 64180 AND 64434 OF 2024 [(Applications For Interventions Filed By Mr. Anurag Tandon, Advocate On Behalf Of "Bilibar Patar" And "Harichandra Boro", Applicants Respectively In I.A. No. 85332/2023) WITH I.A. NO. 67379 OF 2024 (Application For Permission To Bring On Record Additional Documents Filed By Mr. Shuvodeep Roy, Advocate In I.A. No. 85124/2023) IN RE : ROHIT CHOUDHARY IN RE : PITSING KONWAR & APURBA KUMAR DEKA IN RE : BILIBAR PATAR & HARICHANDRA BORO AND

I.A. NO. 212089 OF 2024 [Application for Impleadment in I.A. Nos. 58031 & 58032 of 2024 filed by Ms. Aruna Gupta, Advocate] AND I.A. NOS. 212084 & 212086 OF 2024 [Application for Directions & Exemption from filing O.T. in I.A. Nos. 58031 & 58032 of 2024 filed by Ms. Aruna Gupta, Advocate] AND [4 a] CIVIL APPEAL DIARY NO. 12516 OF 2019 AND [4 b] SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023 IN RE : SARISKA TIGER RESERVE IN RE : PAVAN SINGH IN RE : CHAND KANWAR AND

I.A. NO. 5891 OF 2019 [Application For Directions] AND I.A. NOS. 259426, 259429 & 259431 OF 2024 (Applications for Impleadment, Directions and Exemption from filing O.T. filed by Ms. Rani Mishra, Advocate) IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS ALONGWITH IN RE: STATUS OF FUNDS IN RE: VAISHALI RANA AND

I.A. NOS. 99457 AND 99462 OF 2024 [Applications for Intervention and Clarifications filed by Ms. Shalini Kaul, Advocate] WITH I.A.

NO. 211469 OF 2024 [Applications for Intervention filed by Mr. Tarun Gupta, Advocate in I.A. 99457/2024] WITH I.A. NO. 256515 OF 2024 [Applications for permission to place Additional documents on record filed by Mr. Tarun Gupta, Advocate in I.A. 211469/2024] IN RE : SUMITRA NEGI & ORS.

IN RE : LIEUTENANT GENERAL SARVJIT SINGH CHAHAL (RETD.) & ORS. AND

I.A. NO. 263809 OF 2023 [Application for Intervention] WITH I.A. NOS. 263810, 263811 AND 263812 OF 2023 [Applications seeking permission to file application for Directions, Directions and Exemption from filing O.T.] AND I.A. NO. 92980 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Dr. Surender Singh Hooda, Advocate for the Applicant] AND I.A. NO. 141598 OF 2024 [Applications for placing on record Additional Documents in I.A. No. 263809/2023 filed by Mr. Dinesh C. Pandey, Advocate for the Applicant No. 2]

IN RE : ANUJ KAUSHAN & ANR.

IN RE : SUKHNA LAKE AND

I.A. NO. 268213 AND 268214 OF 20234 [Application for Impleadment and Directions filed by Mr. Rajeev Singh, Advocate]

IN RE : ALL INDIAN KISAN SABHA ANDAMAN & NICOBAR STATE COMMITTEE AND GOURANGA CHANDRA MAJHI AND

SPECIAL LEAVE PETITION(C) NO. 26642 OF 2024 AND

SPECIAL LEAVE PETITION(C) No. 25047 OF 2018 AND

I.A. NOS. 1424-1425 OF 2005 AND 2749 OF 2009 (Applications for Directions and Stay)

IN RE : ALLEGED NON-FORESTRY ACTIVITIES AND ENCROACHMENT BY BALCO AND [ii] I.A. NOS. 2211 OF 2008 (Applications for Clarification of Court's Order dated 29.02.2008) In Re : BALCO AND [iii] I.A. NO. 3427 OF 2012 (Applications for Directions) WITH I.A. NOS. 167802 AND 167804 OF 2019 (Applications For Directions And Exemption From Filing O.T.) WITH I.A. NOS. 187590 AND 187591 OF 2019 (Applications For Directions And Exemption From Filing O.T.) IN RE : BALCO, RESPONDENT NO. 7 IN I.A.NO. 1424-1425 WITH [iv] CONTEMPT PETITION (C) No. 388 OF 2009 IN I.A. NOS. 1424-1425 IN WRIT PETITION(C) NO. 202 OF 1995 WITH SPECIAL LEAVE PETITION(C) NO. 37511 OF 2013 AND WRIT PETITION (C) NO. 469 OF 2005 AND

I.A. NO. 41723 OF 2022 (DISPOSED OF ON 18.12.2024) [APPLICATION FOR DIRECTIONS] IN RE : AMAN SINGH, RAJASTHAN IN RE : ORANS IN RAJASTHAN TO BE LISTED ONLY FOR RECEIVING THE COMPLIANCE REPORT AND

I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH I.A. NO. 75033 OF 2023 (Application For Exemption From Filing O.T.) AND I.A. NO. 199355 OF 2024 (CEC REPORT NO. 16/2024 - INTERIM REPORT OF THE CEC ON APPLN. NO. 1578/2024 FILED BY SHRI ABHIJAY NEGI IN I.A. NO. 20650/2023) IN RE : GAURAV KUMAR BANSAL AND

CONTEMPT PETITION (C) DIARY NO. 39857 OF 2024

IN RE : K. MRUTYUNJAYA RAO AND

I. A. NO. 37210 OF 2025 [Application for Directions] WITH I.A. NOS. 44311 & 44314 OF 2025 (Applications for permission to take on record Additional Documents and Exemption from filing O.T.) IN RE : MOHSINA C/O. MOHD IRFAN

I. A. NOS. 79569 AND 79576 OF 2019 [Applications for Intervention and Directions] WITH I. A. NOS. 159670 AND 159677 OF 2019 [Application for Exemption from filing Official Translation] WITH I. A. D. NOS. 14261 AND 14262 OF 2021 [Applications for Urgent Listing of I.A. Nos. 79569 and 79576/2019 and Exemption from filing duly Attested Affidavit] AND I. A. NOS. 40599 AND 40624 OF 2023 [Applications for Intervention and Modification of Court's order dated 12.05.2022] AND I. A. NO. 220675 OF 2023 [Application for Direction in I.A. No. 79576/2019]

IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND

I.A. NOS. 44500 & 44502 OF 2025 [Application for permission to file application for Impleadment and Application for Impleadment] AND I.A. NOS. 44507 & 44504 OF 2025 [Application for Directions and Exemption from filing O.T.] IN RE : M/S. JOINT STOCK COMPANY INDUSTRIAL ASSOCIATION 'VOZROZHDENIE' AND

I.A. NO. 285881 OF 2024 (Application for Impleadment as Co-petitioners filed by Mr. Arun K. Sinha, Advocate) WITH I.A. NOS. 285829 & 285830 OF 2024 (Applications for Directions and Exemption from filing O.T. filed by Mr. Arun K. Sinha, Advocate) AND I.A. NO. 300603 OF 2024 (Application seeking Impleadment of the owner of the Land as Party Respondent filed by Mr. Arun K. Sinha, Advocate)

IN RE : UDIT NARAYAN SONAKIYA & ANR. AND

I.A. NO. 12465 OF 2019 [Application for Directions] WITH I. A. NO. 98194 OF 2019 [Application for permission to file Additional Documents In I.A. No. 12465/2019] AND I. A. NO. 127871 AND 127874 OF 2020 [Application for Intervention and Directions] AND I.A. NO. 44602 OF 2025 (CEC REPORT NO. 08/2025 - Report in I.A. No. 12465/2019 filed by the Divisional Commissioner, Nagpur Division, State of Maharashtra (ZUDPI Land) IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 19.03.2025

WITH

W.P.(C) No. 171/1996 (PIL-W)

ONLY I.A. NOS. 55806 & 55814 OF 2025 IS TO BE LISTED.
IA No. 55806/2025 - INTERVENTION/IMPLEADMENT
IA No. 55814/2025 - MODIFICATION OF COURT ORDER

W.P.(C) No. 469/2005 (X)

FOR ON IA 10308/2006 FOR EXEMPTION FROM FILING O.T. ON IA 2/2006
FOR ON IA 16560/2007 FOR STAY APPLICATION ON IA 3/2007 FOR ON
IA 32804/2008 FOR ON IA 89843/2008
IA No. 2/2006 - EXEMPTION FROM FILING O.T.
IA No. 3/2007 - STAY APPLICATION

CONMT.PET.(C) No. 388/2009 In W.P.(C) No. 202/1995 (PIL-W)
FOR ON IA 1/2017

SLP(C) No. 37511/2013 (IV-C)
(IA No. 68210/2018 - EXEMPTION FROM FILING O.T.
IA No. 90909/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS
/FACTS/ANNEXURES IA No. 68208/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 25047/2018 (XVI)

Diary No(s). 12516/2019 (XVII)

[FOR PERMISSION TO FILE APPEAL ON IA 68527/2019 FOR CONDONATION OF
DELAY IN FILING ON IA 68530/2019 FOR EX-PARTE STAY ON IA
68535/2019 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
ON IA 68538/2019 FOR impleading party ON IA 220462/2024 FOR
INTERVENTION/IMPLEADMENT ON IA 220462/2024
IA No. 68530/2019 - CONDONATION OF DELAY IN FILING
IA No. 68535/2019 - EX-PARTE STAY
IA No. 68538/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT IA No. 220462/2024 - INTERVENTION/ IMPLEADMENT
IA No. 68527/2019 - PERMISSION TO FILE APPEAL]

SMW(C) No. 1/2023 (PIL-W)
[TO FOR impleading party ON IA 227339/2024 FOR
INTERVENTION/IMPLEADMENT ON IA 227339/2024 FOR APPROPRIATE
ORDERS/DIRECTIONS ON IA 282482/2024 FOR EXEMPTION FROM FILING O.T.
ON IA 285430/2024
IA No. 282482/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 285430/2024 - EXEMPTION FROM FILING O.T.
IA No. 227339/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 39857/2024 (PIL-W)

SLP(C) No. 26642/2024 (IV-B)
IA FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
257198/2024 FOR PERMISSION TO FILE APPLICATION FOR DIRECTION ON IA
33258/2025, IA No. 257198/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT, IA No. 33258/2025 - PERMISSION TO FILE
APPLICATION FOR DIRECTION

Date : 19-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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, Sr. Advocate [A.C.]
 Ms. Kanti, Adv.
 Mr. M.V. Mukunda, Adv.
 Ms. Raji Gururaj, Adv.
 Mr. Shreenivas Patil, Adv.
 Ms. Chaitransha Singh Sikarwar, Adv.

Mr. Tushar Mehta, S.G.
 Ms. Ankita Sharma, Adv.
 Mr. Arjun D. Singh, Adv.

Mr. Gurminder Singh, A.G. (Punjab)
 Mr. Vivek Jain, D.A.G.
 Mr. Mohd. Irshad, D.A.G.
 Mr. Karan Sharma, AOR

Ms. Meenakshi Arora, Sr. Adv.
 Ms. Nina Nariman, Adv.
 Mr. Venkata Raghuvamsy D., Adv.

Mr. Nalin Kohli, Sr. Adv.
 Mr. Shuvodeep Roy, Adv.
 Mr. Saurabh Tripathi, Adv.
 Mr. Deepayn Dutta, Adv.
 Mr. Anshul Malik, Adv.
 Ms. Shruti Agrawal, Adv.

Ms. Madhavi Divan, Sr. Adv.
 Ms. Srishti Agnihotrai, Adv.
 Ms. Sanjana Grace Thomas, Adv.
 Aishani Nariin, Adv.

Ms. Meenakshi Arora, Sr. Adv.
 Ms. Nina Nariman, Adv.
 Ms. Aruna Gupta, Adv.

Mr. Shyam Divan, Sr. Adv.
 Ms. Nina Nariman, Adv.
 Ms. Tahira Karanjawala, Adv.
 Mr. Arjun Sharma, Adv.
 Mr. Shreyas Maheshwari, Adv.
 Ms. Sarah Ayreen Mir, Adv.
 Ms. Sharanya Ghosh, Adv.
 For M/s. Karanjawala & Co.

Mr. Narender Hooda, Sr. Adv.
 Mr. Shiv Bhatnagar, Adv.
 Mrs. Pallvi Hooda, Adv.
 Mr. Yuvraj Nandal, Adv.

Mrs. Seema Sindhu, Adv.
 Ms. Tannu, Adv.
 Dr. Surender Singh Hooda, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. K. M. Nataraj Ld. Asg, A.S.G.
 Mr. Shyam Gopal, Adv.
 Mr. Salvador Santosh Rebello, Adv.
 Ms. Suhasini Sen, Adv.
 Mr. Raghav Sharma, Adv.
 Ms. Ruchi Kohli, Adv.
 Mr. Harish Pandey, Adv.
 Ms. Indira Bhakar, Adv.
 Mr. Anuj Srinivas Udupa, Adv.
 Mr. Krishna Kant Dubey, Adv.
 Mr. Piyush Beriwal, Adv.
 Mr. Neeraj Kumar Sharma, Adv.
 Ms. Mrinal Elker Mazumdar, Adv.
 Mr. Shashwat Parihar, Adv.
 Mr. Mukesh K Verma, Adv.
 Mr. Vinayak Sharma, Adv.
 Mr. Shreekant Neelappa Terdal, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Shiv Mangal Sharma, A.A.G.
 Mr. Saurabh Rajpal, Adv.
 Mr. Amogh Bansal, Adv.
 Ms. Nidhi Jaswal, AOR

Ms. Shilpa Singh, AOR

Ms. Rani Mishra, AOR

Ms. Shibani Ghosh, AOR
 Mr. Anurag Tandon, AOR
 Mr. Shuvodeep Roy, AOR

Ms. Parul Shukla, AOR
 Mr. Milind Kumar, AOR
 Mr. Shrey Kapoor, AOR
 Ms. Aruna Gupta, AOR
 Ms. Nidhi Jaswal, AOR
 MR. Shyam D. Nandan, Adv.

Mr. G.S. Makker, AOR
 Mr. Aravind S., AOR
 Mr. Samir Ali Khan, AOR
 Mr. Akshay Amritanshu, AOR
 Ms. Purnima Krishna, AOR
 Mr. Prashant Kumar, AOR
 Mr. S.N. Terdal, AOR

Mr. V.N. Raghupathy, AOR

Mr. Karan Sharma, AOR
 Ms. Astha Sharma, AOR
 Mr. Sudeep Kumar, AOR
 Mr. Shovan Mishra, AOR
 Mr. Shuvodeep Roy, AOR
 Ms. Sugandha Anand, AOR
 Mr. Abhishek Atrey, AOR
 Mr. Nishe Rajen Shonker, AOR
 Mr. Aaditya A. Pande, AOR
 Mr. K. Enatoli Sema, AOR
 Mr. Pashupati Nath Razdan, AOR
 Mr. Anando Mukherjee, AOR
 Mr. Guntur Pramod Kumar, AOR
 Ms. Nidhi Jaswal, AOR
 Mr. Chirag M. Shroff, AOR
 Ms. Swati Ghildiyal, AOR
 Ms. Mrinal Gopal Elker, AOR
 Mr. Sameer Abhyankar, AOR
 Mr. Shishir Deshpande, AOR
 Mr. Pukhrambam Ramesh Kumar, AOR
 Mr. Sravan Kumar Karanam, AOR
 Mr. Avijit Mani Tripathi, AOR
 Ms. Rani Mishra, AOR

Ms. Shalini Kaul, AOR
 Mr. Tarun Gupta, AOR
 Mr. Dinesh C. Pandey, AOR
 Dr. Surender Singh Hooda, AOR
 Mr. Rajeev Singh, AOR

Mr. Surender Singh Hooda, AOR
 Mr. S.N. Terdal, AOR
 Mr. Apoorva Singhal, AOR

Mr. Kunal Chatterji, AOR
 Ms. Astha Sharma, AOR
 Mr. Naresh Kumar, AOR
 Mr. G.S. Makker, AOR
 Mr. Anando Mukherjee, AOR
 Ms. Pooja Dhar, AOR
 Mr. S.N. Terdal, AOR
 Mr. Mohit D. Ram, AOR

Mr. Pranav Sachdeva, AOR
 Mr. P.S. Sudheer, AOR
 Mr. Nishant Patil, AOR
 Mr. Aswathi M.K., AOR
 Ms. Prathibah Jain, AOR
 Mr. Sunil Kumar Jain, AOR
 Mr. Satish Kumar, AOR
 Mr. Shankar Divate, AOR
 Ms. Binu Tamta, AOR
 Mr. Rohit K. Singh, AOR

Mr. Rajesh Srivastava, AOR
 Mr. Radha Shyam Jena, AOR
 Mr. Nishanth Patil, AOR
 Mr. E.C. Agrawala, AOR
 Mr. Farukh Rasheed, AOR

Mr. Siddharatha Jha, AOR
 Mr. Sandeep Kumar Jha, AOR
 Ms. Nidhi Jaswal, AOR

Dr. Abhishek Atrey, AOR
 Mr. G.S. Makker, , AOR
 Mr. M.K. Maroria, AOR

Mr. Akshay Mann, Adv.
 Mr. Mukesh Kumar, AOR

Mr. Venkata Raghuvamsy D., AOR

Ms. Misha Rohatgi Mohta, AOR
 M/S. Karanjawala & Co., AOR
 Mr. Krishna Ballabh Thakur, AOR
 Mr. T.R.B. Sivakumar, AOR
 Mr. Aaditya A . Pande, AOR

Mr. Deeptakirti Verma, AOR

Mr. Arun K. Sinha, AOR
 Mr. Ashutosh Kumar Sharma, AOR

Mr. Nishant R. Katneshwarkar, AOR
 Mr. Aaditya A. Pande, AOR

Mr. Puneet Jain, Sr. Adv.
 Mrs. Christi Jain, Adv.
 Mr. Mann Arora, Adv.
 Ms. Akriti Sharma, Adv.
 Mr. Harsh Jain, Adv.
 Mr. Om Sudhir Vidyarthi, Adv.

Mr. Rohit Bohra, Adv.
 Ms. Nandana Menon, Adv.
 Mr. Shyam D. Nandan, AOR

By Courts Motion, AOR

Ms. Purnima Bhat, AOR

Mr. Mukesh Kumar, AOR

Mr. Kunal Chatterji, AOR
 Ms. Maitrayee Banerjee, Adv.
 Mr. Rohit Bansal, Adv.

Mr. Sudiep Shrivastava, Adv.
Mr. Pranav Sachdeva, AOR
Mr. Jatin Bhardwaj, Adv.
Ms. Neha Rathi, Adv.
Mr. Abhay Nair, Adv.
Mr. P Rohit Ram, Adv.

Mr. Chanchal Kumar Ganguli, AOR
M/S. Plr Chambers And Co., AOR
Mr. Syed Mehdi Imam, AOR
Mr. T. Harish Kumar, AOR
M/S. Mitter & Mitter Co., AOR
M/S. Lawyer S Knit & Co, AOR

Mr. Gurmeet Singh Makker, AOR
Mr. Gaichangpou Gangmei, AOR
Mrs. Anil Katiyar, AOR
Mr. Raj Kishor Choudhary, AOR

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

Mrs. B. Sunita Rao, AOR
Mr. Gunmaya S Mann, Adv.

Mr. Kamal Mohan Gupta, AOR

Mr. Sudarsh Menon, AOR
Mrs. Nimisha Sudarsh Menon, Adv.

Mr. Ramesh Babu M. R., AOR
Mr. Vikrant Singh Bais, AOR
Mr. Shiva Pujan Singh, AOR
Mrs. Manik Karanjawala, AOR

Mr. Bhavanishankar V.gadnis, Adv.
Mr. A. Venayagam Balan, AOR
Mr. Vishwanath Gadnis, Adv.
Mr. Yashodeep P Deshmukh, Adv.

Mr. Ejaz Maqbool, AOR
Mr. Rajesh, AOR
M/S. Corporate Law Group, AOR
Mr. Lakshmi Raman Singh, AOR
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UPON hearing the counsel the Court made the following
 O R D E R

[1] I.A. NO. 55806 OF 2025 AND I.A. NO. 55814 OF 2025 IN W.P.(C)
 NO. 171/1996y

List on 26.03.2025.

[2] I.A. NOS. 269550, 269552 and 269553 of 2024

1. These applications have been filed by the applicants
 seeking the following reliefs:

a) Direct the Central Empowered Committee to investigate and submit a status report on the illegalities committed by various individuals, including government officials, in connection with the construction of the road.

b) Direct the State to take penal action against the individuals involved in the illegal construction of the road.

c) Order the restoration of the area affected by the illegal construction of the road.

d) Grant exemplary environmental compensation to the affected parties under the "polluter pays" principle.

2. It is the case of the applicants that certain persons are illegally, without approval of the competent authority, carrying on mining activities and construction of the road.

3. We, therefore, request the Central Empowered Committee (CEC) to examine the matter and submit a report pertaining to the aforesaid within four weeks from today.

4. List on 16.04.2025.

[3] I.A.NOS.44500 & 44502 OF 2025 & I.A.NOS. 44507, 44504 OF 2025

List on 26.03.2025.

[4] I.A. NO. 41723 OF 2022 (DISPOSED OF ON 18.12.2024)

List on 16.04.2025.

[5] I.A. Nos. 1424-1425 of 2005 AND I.A. No. 2749 of 2009, I.A. No. 2211 of 2008, I.A. No. 3427 of 2012, I.A. Nos. 167802 AND 167804 of 2019 WITH I.A. Nos. 187590 AND 187591 of 2019 AND I.A. NO. 67672 OF 2025 (CEC REPORT NO. 09/2025 IN I.A. NOS. 1424-1425/2005) WITH CONTEMPT PETITION (C) No. 388 of 2009 IN I.A. Nos. 1424- 1425 of 2005 IN W.P.(C) No. 202 of 1995 WITH SLP(C)No. 37511 of 2013 AND W.P.(C) No. 469 of 2005

List on 16.04.2025.

[6] I.A. NO. 285881 OF 2024 WITH I.A. NO. 285829, 285830 OF 2024 AND I.A. NO. 300603 OF 2024

1. In pursuance to the order dated 05.03.2025 passed by this Court, Ms. Radha Raturi, Chief Secretary, Government of Uttarakhand, Dehradun, Uttarakhand has filed an affidavit.
2. We had sought the response of the State Government since in the report of the Comptroller and Auditor General certain issues with regard to the mis-utilization of the CAMPA fund were brought out.
3. The perusal of the affidavit would reveal that the amounts spent were on the activities which are directly or indirectly connected with afforestation and/or preservation of forest. The amount spent is about 1.8% of the total fund earmarked for utilization of CAMPA.
4. Insofar as the delayed deposit of interest is concerned, Mr. Tushar Mehta, learned Solicitor General for India submits that since the interest rates were not decided by the Central Government, the State Government could not deposit the same within the stipulated period. It is submitted that as soon as the Central Government notified the interest rates, the interest would be credited in the CAMPA fund.
5. In view of the averment made in the affidavit, we do not propose to proceed any further.
6. We find that the deviations, if any, are trivial in

nature, however, the State would ensure hereinafter that no deviations are made. The State would also ensure that the interest is deposited regularly at an approximate rate which can be subsequently adjusted, as and when the Central Government notifies the rate of interest.

7. In that view of the matter, the proceedings, insofar as the mis-utilization of the CAMPA fund is concerned, stand closed/disposed of.

Issue with regard to the ESZ notification for Rajaji National Park and Corbet National Park

1. Vide our order dated 05.03.2025, we had granted last opportunity for submitting the revised proposal for identification of the ESZ after taking into consideration the suggestions given by the Union of India.

2. Shri J.K. Sethi, learned Deputy Advocate General appearing for the State of Uttarakhand submits that in compliance of orders dated 20.02.2025 and 05.03.2025 the revised proposal has already been forwarded to the Ministry of Environment, Forest and Climate Change ("MoEF&CC" for short) on 11.03.2025. He submits that two affidavits, one in respect of Rajaji National Park and the other in respect of Corbet National Park, have been filed by the State of Uttarakhand.

3. We, therefore, request the MoEF&CC to consider the revised proposal received from the State of Uttarakhand and to take steps for publication of final notification after

following the procedure as prescribed under the law.

4. Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the MoEF&CC assures the Court that the procedure would be started forthwith and an attempt would be made to complete the same at the earliest.

5. List these applications after 12 weeks.

[7] IA No. 20650 of 2023 AND I.A. No. 75033 of 2023 AND I.A. No. 199355 of 2024

1. With regard to the departmental proceedings against the officers involved in illegal construction in the Corbet Tiger Reserve, an affidavit is filed by one Shri Dharendra Kumar Singh, who is presently posted as Deputy Secretary, Forest Department, Government of Uttarakhand.

2. In the affidavit, the details of the departmental proceedings against the forest officers have been given.

3. In the said affidavit, two charts have been placed on record.

4. Insofar as the first chart is concerned, out of 17 officers, who are in the rank of Ranger, Deputy Ranger, Foresters and Forest Guards, the proceedings are completed insofar as 16 officers are concerned. Unfortunately one of them has died in the road accident.

5. However the second chart which pertains to the IFS officers is concerned, the charts would reveal that the

proceedings are moving at a snail's pace.

6. In one of the cases, though the reply to chargesheet is received as way back as on 22.05.2023, nothing has been done.

7. In case of officer at Sr. No.5, though the comments of delinquent officers has been received as early as on 27.01.2025, no further action has been taken.

8. We deprecate the practice of the State in proceeding at a great speed against the lower rank officers but proceeding against the IFS Officers at a snail's pace.

9. In respect of one of the officers, the matter has been pending with the MoEF&CC for a long time. The chart would show in spite of various reminders, the MoEF&CC has not responded.

10. We, therefore, direct the State to conclude all the departmental proceedings with respect to all the officers within the period of three months from today.

11. In case of the officer at serial No.4, the MoEF&CC shall send the information to the State Government as sought by it within a period of a fortnight from today.

12. We have also perused the report submitted by the Central Bureau of Investigation. We are satisfied with the progress of the investigation. The report would reveal that the investigation is complete and the final report under Section 173 of Code of Criminal Procedure, 1973 would be filed before the Trial Court in due course.

13. List these applications after three months for further orders.

14. We expect the final report to be filed before the competent Court prior to the next date.

[8] I.A. NO. 12465 OF 2019 WITH I. A. NO. 98194 OF 2019 IN I.A. NO. 12465/2019] AND I. A. NO. 127871 AND 127874 OF 2020, AND I.A. NO. 44602 AND IA NO. 66986 OF 2025

List on 26.03.2025.

[9] I.A. NOS. 85332 AND 85124 OF 2023 WITH I.A. NOS. 60136 AND 60352 OF 2024 WITH I.A. NOS. 64180 AND 64434 OF 2024 WITH I.A. NO. 67379 OF 2024

1. Shri Nalin Kohli, learned senior counsel appearing for the State of Assam, submits that the process of re-demarcating the boundaries of the Pobitra Wildlife Sanctuary is under active consideration. The matter was referred to the State Board of Wildlife as well as the Ministry of Environment, Forest and Climate Change (MoEF&CC). Learned senior counsel submits that something concrete would come up by the end of April, 2025 and therefore requests for an adjournment of the matter.

2. Adjourned to 21.05.2025.

[10] CONTEMPT PETITION (C) DIARY NO. 39857 OF 2024

List on 02.04.2025.

[11] I.A. NO. 5891 OF 2019 AND I.A. NOS. 259426, 259429 & 259431 OF 2024

1. Ms. Aishwarya Bhati, learned Additional Solicitor General of

India, states that the report is at the stage of preparation and some time is required to finalize the same.

2. List on 16.04.2025.

[12] I.A. NO.212089 OF 2024 AND I.A. NOS. 212084 & 212086 OF 2024 AND CIVIL APPEAL DIARY NO. 12516 OF 2019 AND SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023

List on 16.04.2025.

[13] I. A. NO. 37210 OF 2025 WITH I.A. NOS. 44311 & 44314 OF 2025

1. Application for directions has been filed by the applicant(s) with a grievance that though this Court has specifically banned mining activities within one kilometer of the Sariska Tiger Reserve, the mining activities are illegally being carried out.

2. In an affidavit filed by the State of Rajasthan, the same is specifically denied by the State. It is stated that the inspections are being conducted even at night times and on highways so as to prevent the illegal mining activities.

3. As against this, Ms. Meenakshi Arora, learned senior counsel appearing on behalf of the applicant(s), submits that in spite of the specific ban, mining activities are still going on illegally. Ms. Arora further submits that the equipments and machinery used for the purpose of mining activities are still lying within the area of one kilometer. It is submitted that unless the electricity connections are disconnected and those equipments and machinery are removed from the areas within one kilometer, the mining activities

in effect would not come to a standstill.

4. Shri K. Parameshwar, learned Amicus Curiae, submits that the better way to address the issue/concern would be that the State Government appoints a Nodal Officer for every district, wherein such grievances could be raised. Only upon non-consideration of the grievance by the aggrieved persons, such aggrieved persons can take recourse to the remedies available to them in law.

5. We, therefore, direct the State of Rajasthan to appoint/nominate a Nodal Officer in the office of District Mining Office, Alwar. Such officer, on receipt of the complaint would take a decision on the grievance of the person making it within a period of two weeks from the making the representation. If such a grievance is not entertained, the aggrieved person can approach the jurisdictional High Court for raising their grievance.

6. With these observations, these applications are disposed of.

[14] I.A. NOS. 99457 AND 99462 OF 2024 WITH
I.A. NO. 211469 OF 2024 WITH I.A. NO. 256515 OF 2024 AND

I.A. NO. 263809 OF 2023 WITH I.A. NOS. 263810, 263811 & 263812
 OF 2023 AND I.A. NO. 92980 OF 2024 AND I.A. NO. 141598 OF 2024
 & SPECIAL LEAVE PETITION(C) NO. 26642 OF 2024

1. Shri Gurminder Singh, learned Advocate General, appearing on behalf of the State of Punjab states that the border abutting Sukhna Wildlife Sanctuary in the State of Punjab is about 13.2 kilometers. He states that in the said area there are certain thickly populated areas and the concern of the people residing in such areas shall also to be taken into consideration.

2. Learned Advocate General further submits that the State of Punjab proposes to have Eco-Sensitive Zone (ESZ) ranging for 11.2 kilometers from the 13.2 kilometers area. Insofar as the remaining two kilometers is concerned the learned Advocate General states that the State Government proposes to have two 100 meters buffer zones where no activities would be permitted.

3. Learned Advocate General states that the proposal to that effect would be approved by the Cabinet and thereafter be forwarded to the Ministry of Environment, Forest and Climate Change (MoEF&CC), within a period of four weeks from today.

4. Shri Narender Hooda, learned senior counsel, Ms. Shalini Kaul, learned counsel and Mr. Dinesh C. Pandey, appearing for the applicant(s) submit that the applicants have purchased residential plots in the proposed ESZ areas. It is submitted that though the residential activity is a permitted activity within the ESZ areas, the applications for grant of permission to carry out constructions are not being considered by the competent authority.

5. Shri Gurminder Singh, learned Advocate General for the State of Punjab, states that the respective Municipal Committees within whose jurisdiction such plots are situated would consider such applications in accordance with law and if the plans submitted are permissible with the requisite height restrictions there should be no impediment in granting the same.

6. We take the statement of learned Advocate General for the State of Punjab on record.

7. List after four weeks.

**I.A. NO. 268213 AND 268214 OF 20234
IN RE : ALL INDIAN KISAN SABHA ANDAMAN & NICOBAR STATE COMMITTEE
AND GOURANGA CHANDRA MAJHI**

List on 16.04.2025.

[15] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018

List on 16.04.2025.

**[16] I. A. NOS. 79569 AND 79576 OF 2019
WITH I. A. NOS. 159670 AND 159677 OF 2019
WITH I. A. D. NOS. 14261 AND 14262 OF 2021
AND I. A. NOS. 40599 AND 40624 OF 2023
AND I. A. NO. 220675 OF 2023**

1. The issue pertains to placing the paver blocks on the mud roads situated in the hill city of Matheran.
2. Shri Shyam Divan, learned senior counsel appearing for the applicant(s), submits that the entire effort of placing paver blocks is an attempt to motorize the city of Matheran, which hitherto was a city meant only for pedestrians and the mode of transportation was either horses or manual rickshaws.
3. In our earlier orders, we had clearly observed that permitting plying of manual rickshaws in this day and age would be against the human rights.
4. We had, therefore, on an experimental basis permitted use of E-Rickshaws only for the purpose of rehabilitation of the rickshaw pullers.
5. The State is trying to justify the installation of paver blocks on the ground that if the paver blocks are not installed there is a possibility of soil erosion. The learned counsel

appearing for the State also submits that in collaboration with the I.I.T. Bombay, it is considering the installation of clay paver blocks instead of concrete paver blocks.

6. We find that it will be appropriate that the National Environmental Engineering Research Institute (NEERI), which is the most prestigious body in the sphere of Environmental Science examines the issue. We, therefore, call a report from NEERI on the following aspects:-

- i. As to whether it is necessary to install the paver blocks in order to avoid soil erosion.
- ii. As to whether there could be any other alternative than installation of clay-paver blocks, in order to avoid the soil erosion.
- iii. As to whether, installation of paver blocks would arrest the soil erosion.
- iv. As to whether the use of clay-paver blocks instead of the concrete paver blocks would address the issue.

7. The report, as above, be submitted within a period of four weeks.

8. The State of Maharashtra shall make necessary arrangements for the visit of experts from NEERI and provide them with all the facilities required for conducting the inspection and the necessary assistance for submitting the report.

9. List on 16.04.2025.

I.A. NOS.254548, 254550 & 254551 OF 2023

1. These applications were mentioned.
2. List these applications on 16.04.2025 along with other applications.

**(NARENDRA PRASAD)
DEPUTY REGISTRAR**

**(DEEPAK SINGH)
AR-cum-PS**

**(ANJU KAPOOR)
ASSISTANT REGISTRAR**



भारत सरकार
GOVERNMENT OF INDIA



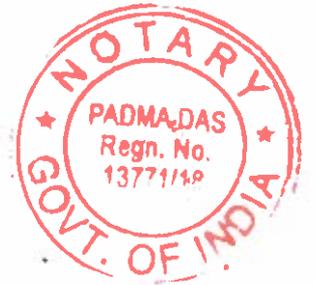
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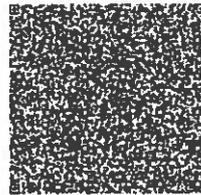
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