



**BEFORE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.**

**Original Application No- 187 of 2024**

**IN THE MATTER OF:**

**DILLIP KUMAR PRADHAN AND ANOTHER...  
APPLICANTS**

VERSUS

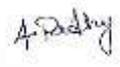
**STATE OF ODISHA AND OTHERS ...          RESPONDENTS**  
**INDEX**

SI NO	PARTICULARS	PAGE NO
1	Rejoinder affidavit on behalf of the applicants.	1-17
2	Copy of the order dated 19/02/2024 and 04/03/2025 passed in Writ Petition (C) (Civil) No(S) 1164/2023 as <b>ANNEXURE-1.</b>	18-43

PLACE: Bhubaneswar

SANKAR PRASAD PANI 

DATE: 30/04/2025

ASHUTOSH PADHY 

FILED ON - 28/07/2025

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278, Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)



**BEFORE HONBLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA.**

**Original Application No- 187 of 2024**

**IN THE MATTER OF:-**

**Dillip Kumar Pradhan and Another      ...APPLICANTS**

**VERSUS**

**State of Odisha and Others      ....Respondents**

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT**

1. That the present original application has been filed by the applicants praying for the following orders by the Hon'ble Tribunal,
  - a. Restrain the respondents and IDCO from accessing and using the forest land for non-forest activity until approval of central government is obtained under Forest Conservation Act of 1980.
  - b. Hold and Declare that the conversion of Sabik forest land to non-forest kisam is contrary to law and there by illegal
  - c. Hold and declare that lease granted in favor of IDCO and subsequent transfer to the NALCO as illegal and void for want of forest clearance.
  - d. Pass any other order(s)/direction(s) that Your Lordships may deem fit and proper in the interest of justice, equity and good



conscience.

2. That the District Magistrate Angul on dated 18/01/2025 filed its response affidavit to the Original Application and in the same affidavit in Paragraph 7 it is categorically mentioned that *“That, in reply to the averments made in Para-.8 to 25 of the Original Application, it is submitted herewith that, as per Valuation of tree growth over the land in question, the MD, OSCDC (Orissa State Cashew Development Corporation) has requested to IDCO Authorities to deposit the compensation claim towards cost of **4636 nos.** of cashew tress to be removed from Cashew Plantation amounting to Rs.46, 17,125/- vide letter No. 5458 dated 12.8.2010. The MD, Orissa State Cashew Development Corporation has also issued clearance and NOC for relinquishment of land for cashew plantation vide letter No. 5455 dated 12.8.2010.”* that the same paragraph also suggests that in the land in question there **exists 4636 number of cashew trees, 35 mango trees** and other trees are also exists over the plot. Hence by saying the Cashew Plantation do not make the land as Forest is untrue and rather the patch is having a mixed variety of species including Sal and Mango. As such Cashew Plantation does not make the site a lesser degree of forest when the land recorded continues to be of Chhota Jungle Kisam. In deserts

4

thorny bushes too count as Forest and here the status is much better than the bushes in terms of green cover.

3. That in the same affidavit of the District Magistrate Angul in paragraph 7 it is also stated that *“In this connection, it may be stated here that on verification of **Khata No.1 of village Kosala** it reveals that Plot No. 6,9,10,12,& 76 were **Chhota Jungle** as per **Sabik Record** and the above plots have been changed to Puratan Patita vide RP Case No. 25244/1971 by the then Tahasildar. Chhendipada which is much prior to Forest Conservation Act, 1980 came into force. The status of the proposed plots as on 25.10.1980 was Puratan Patita and the mutation proceeding Vide Mutation Case No.612 of 1984 is initiated only to implement the order passed in R.P No.25244 of 1971.”*

It is submitted that there have been no document/ case details of the RP Case No. 25244/1971 annexed with the Reply Affidavit, hence it is not clear what order were passed in RP case. Be that as it may, the document relied by DM in page No-84 also clearly acknowledge that the **conversion from Chhota Jungle to Puratan Patita was done pursuant to the Mutation proceeding No.612/84, hence until 1984 the land continues to be in Chhota Jungle kism.** Further this fact is also substantiated by the proceedings of Sub-

## 8

collector in its order dated **04/04/1994** and observed “*Thus it is seen that by the time Forest Conservation Act, 1980 came into force, i.e., 25.10. 1980 the land continued as forest land and hence could not be put to non-forest use without approval of Central Government.*”

It is further submitted that the District Magistrate Angul or other Respondents such as NALCO and IDCO have not filed any document in support of the above-mentioned paragraph showing that the KISSAM of the land was changed in the year 1971. The NALCO in its affidavit states that the **case record is not available in record Room of Revenue Divisional Commissioner Sambalpur. Hence it is apparent that the RP case has nothing to do with the Change of KISSAM which was effected only in 1984 pursuant to Mutation Proceeding 612/84**

4. It is further submitted that in the same sabik khata, plot no.1 having kISSAM Chhota Jungle was settled by Tahasildar Chhendipada in favor of one individual who had encroached the 2 Acres of land for some time. The same order of Tahasildar was challenged by State Govt. before Sub Collector Angul in 1984 and the order of granting land right to the individuals were cancelled by the **Sub Collector/ Appellate Authority on dated 04/04/1994**, by stating that **by the time Forest Conservation Act, 1980 came into force, i.e., 25.10.80**

## 6

**the land continued as forest land and hence could not be put to non-forest use without approval of Central Government. Even the same proceeding has recorded that even after RP case the land continues to be as Chhot Jungle until 1984.** Copy of the same is also annexed to the OA at Annexure-4(page No.30-33).

5. It is pertinent to mention here that from the Sabik-Hal comparison it is seen that the Hal Plot No. 19,29,33,35,39,23,24,25,26,27,28,37 corresponds to the Sabik Plot No.6,9,10,12,76 under Sabik Holding No.1 of village Kosala. These plots were "**Chhota Jungle**" kism originally and had been converted to "Puratan Patita" on the basis of a Mutation proceeding No. 612 of 1984. Certified copy of Hal- Sabik comparison is also annexed to the OA at ANNEXURE-6.
6. It is further submitted that from the certified copy of ROR it is clear that only in the year 1984, **vide mutation case no 612/84, the kism of the land was changed from Chhota Jungle to Puratan Patita.** Certified copy of ROR of Khata No.1 is annexed to the OA at ANNEXURE-5.
7. It is not out of place to mention here that the land in question was originally classified under the **Chhota Jungle Kism** and later in the year 1984 changed to Puratan Patita and the same is in derogation of section 2 of Forest Conservation Act 1980. That the section 2 of



Forest Conservation Act 1980 reads as follows,

*“Restriction on the de-reservation of forests or use of forest land for non-forest purpose: Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing- (i) That any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved: (ii) That any forest land or any portion thereof may be used for any non-forest purpose: (iii) That any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government: (iv) That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-afforestation.*

8. It is further submitted that the **Land in question is contiguous to Kosala Reserve Forest**, that the forest is having various species of flora and fauna and home to many wild life species.
9. That from the photographs which were attached to the OA at annexure-3, it is quite evident that **the land in question looks like a**



**forest and the same qualifies the dictionary meaning of forest.** In addition to that a sign board was also placed in the land in question which states that the Cashew Plantation + Sal forest is being protected by the Kosala villagers.

10. It is humbly submitted that according to India's National Forest Policy (1988), an ideal forest cover is 33% of the total geographical area. This is considered essential to maintain ecological stability, including atmospheric equilibrium, and prevent issues like soil erosion and natural disasters. In the District of Angul due to Coal mining, Aluminum smelter, Thermal power plants and other developmental activities already large chunk of forest has been diverted and lakhs of trees have already felled and in the present case if the trees growth which exist in the Forest Kissam land is not preserved then the ecological balance of the area will be endangered and the local population have to suffer a lot.

11. That the Revenue Department, State Government of Odisha in its letter dated 24/10/2011, letter no 43968 has clarified that the Govt. **Land recorded in non-forest kism with a note of Sabik Kism Jungle in the RoR finally published after 25/10/1980 but which was forest kism in Sabik Record, the forest conservation Act of 1980 will be applicable to all such forest lands.** The same position



has been reiterated in the letter dated 7th March 2014 written by MOEFCC, Government of India addressing to Chief Secretary, Government of Odisha. In the present case it is a fact that the land **continues to be recorded as Chhota Jungle** in the Sabik record and only in the year 1984 the land has been converted to Puratan Patita which is after the commencement of Forest Conservation Act 1980. Hence the entire conversion of land is bad in law. **As such the RP case of 1971 to which no record has been filed can not be the ground to say that land has been converted prior to 1980 when the conversion is only done in the year 1984** and further the land in question continues to be a physical forest even today qualifying the dictionary meaning of forest as per Godavarman judgement of 12/12/1996.

**12.**That the IDCO affidavit saying there is no Sabik Kisam Jungle in Remark column, hence the Circular of Govt of Odisha dated 7/10/2011 has no applicability to the present case. It is submitted that the present case stands in a better footing than the type of land addressed in the state Government Circular. The last para of the same clarificatory letter issued by Government of Odisha, it is stated that the FC act 1980 is applicable to any type of Forest land including the land recorded as Non-Forest which is recorded in Hal record published after 25/10/1980 which was recorded as Jungle Kisam in

## 10

its sabik record. In case of Angul District which was Bifurcated from Dhenkanal District in the year 1993 and the Sabik record was prepared with in 1952 -62 and Hal record prepared and published in the year 2002. So far, the change of kism is concerned it not during settlement process but by the Tahasildar who **do not have power to convert the forest Land after 1980** and rightly observed by the Sub-Collector, the Appellate Authority in revenue matters. Hence mentioning of Sabik Kism Jungle in remark column of ROR published as per Hal Settlement as is not necessary as the Land Continued as **Chhota Jungle Kism until 1984. The correction was made by Tahasildar by deleting the Chhota Jungle Kism and replaced with Puratan Patit Kism in the year 1984.**

13.It is further submitted that the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam 2023 is not applicable in the present case in view of the order of Hon'ble Supreme Court in Writ Petition (C) (Civil) No(S) 1164/2023 and observed that **“the principle which was elucidated in the judgment of this Court in the case of T.N. Godavarman (supra) must continue to be observed.”** Hence the **Forest Conservation (amendment)Act 2023 has not been given any effect so far, the Definition of Forest is concerned** and the definition of forest as per Supreme Court order dated 12/12/1996 continues to operate.

**1X**

14. That the Hon'ble Supreme Court in **Writ Petition (C) (Civil) No(S) 1164/2023** in its order dated 19/02/2024 in the matter of **Ashok Kumar Sharma, Indian Forest Service (Retired) and Others Versus Union of India** and Another has observed'

*“Para-1, In T N Godavarman Thirumulpad vs Union of India, this Court while noting that the Forest Conservation Act 1980 was enacted to curb the deforestation which results in an ecological imbalance, indicated that the provisions incorporated to conserve forests and for other connected matters “must apply to all forests irrespective of the nature of ownership or classification”. Apart from the above principle, the Court spelt out in paragraph 4 of the order, the meaning which must be attributed to the expression ‘forest’. For convenience of reference, it would be appropriate to disaggregate the contents of paragraph 4 so as to indicate the components of the expression ‘forest’ as explained in the order of this Court:*

*Firstly, the decision in T N Godavarman (supra) indicates that expression ‘forest’ must be understood according to its dictionary meaning;*

*Secondly, the description of the expression ‘forest’ would cover all statutorily recognized forests whether they are designated*

## **12**

*as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act 1980;*

*Thirdly, besides including forests as understood in the dictionary sense, the term 'forest' in Section 2 would include "also any area recorded as forest in the government record irrespective of the ownership"; and*

*Fourthly, the provisions for the conservation of forests and ancilliary matters in the Forest Conservation Act 1980 must apply to all forests "so understood" irrespective of ownership or classification."*

And further in para 13 Hon'ble Supreme court has observed,

*"13. At that stage, a statement was made by the Additional Solicitor General appearing on behalf of the Union Government that "there is no intention to dilute the scope of forest as defined in the judgment of this Court in T N Godavarman (supra)". Hence, it was also stated that the exemptions which would be granted under subsection (2) of Section 1A would accord with the guidelines which may be spelt by the Union Government. The Union Government, the Court was informed, was in the process of formulating the guidelines, but in order to allay the apprehensions of the petitioners, a statement was made by the Additional Solicitor General that no precipitate action*

## 13

*will be taken by the Union Government “until further orders in respect of the forest as understood in accordance with the dictionary sense”.*”

15. It is further submitted that the Hon’ble Supreme Court in Writ Petition (C) (Civil) No(S) 1164/2023 in its order dated 04/03/2025 has clearly stated that,

*“4. The matter was thereafter heard by this Court on 19th February, 2024. On that day, this Court reiterated the directions given in the case of T.N. Godavarman (supra) and also directed that pending the completion of exercise by the administrations of the State Governments and Union Territories under Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 (for short, ‘the Rules of 2023’), the principle which was elucidated in the judgment of this Court in the case of T.N. Godavarman (supra) must continue to be observed.”* Copy of the order dated 19/02/2024 and 04/03/2025 passed in Writ Petition (C) (Civil) No(S) 1164/2023 is annexed here unto as **ANNEXURE-1**.

16. The DFO Angul letter dated 12/11/2024 annexed with DM affidavit acknowledge there is a Elephant Crossing Zone and only says now movement of elephant is infrequent. Hence it does not rule out that there is no elephant moment or crossing zone in the site in question.

## 14

As such the State Government is responsible for fragmentation of elephant corridor by promoting coal mining in ecologically sensitive areas and habitats of elephants and the State Government has a duty to restore the elephant habitat and its pathway intact.

17. In view of the aforementioned paragraphs more particularly the land record continues to be **Chhota Jungle until 1984 and same was changed to Puratan Patita in the year 1984 vide Mutation Proceeding** Case no 612/84. Further on the same land while setting aside the settlement of land in favor of one Suresh Ch. Mohapatra on the ground the land is Chhota Jungle kissam and cannot be settled in violation of Forest Conservation Act 1980. Further considering the photographs annexed as well as google earth images which clearly suggests the land in question is a physical forest and contiguous to Kosala Reserve Forest a pre dominantly Sal forest, the land in question qualifies to be a forest as per the dictionary meaning observed in T.N. Godavarman case.

18. The applicant prays for to hold and declare the land as Chhota Jungle in view of the conversion made by the Tahasildar without any authority Post 15/10/1980 and consequently any leases or transfer of Land in favor of IDCO and thereafter NALCO is bad in law, hence those lease agreements may be declared as nullity for the reason

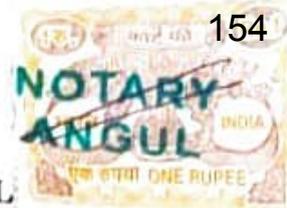
~~15~~

forest land can not be leased out without prior approval of Central Government in accordance with Section 2 of Forest Conservation Act 1980.

DATE-30/04/2025

*S Pami* *A Padihy*

APPLICANTS THROUGH  
ADVOCATE



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -..... OF 2024/EZ

IN THE MATTER OF:

Dillip Kumar Pradhan and Another APPLICANTS

VERSUS

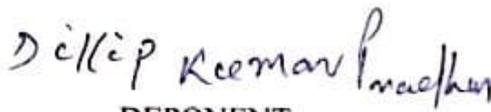
STATE OF ODISHA AND Others ... RESPONDENTS

AFFIDAVIT

I, **Dillip Kumar Pradhan** S/o Khira Mohan Pradhan, aged about 64 years, At-Kadalikhola po-Kosala, Dist-Angul, pin-759130 do hereby solemnly affirm, and declare as under:

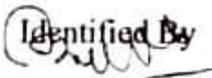
1. That I am one of the applicants in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Original Affidavit and the same is true and correct and is drafted on my instruction.

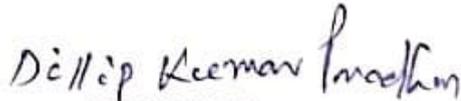
  
**ASHISH KUMAR SAHOO**  
 Notary, Regd. No. 42573/25  
 Government of India

  
 DEPONENT

**VERIFICATION**

Verified on this 30th day of April...2025 at 7:30AM that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
  
 Advocate  
30-4-2025

  
 DEPONENT



Affidavit No. 416 Date 30/04/2025  
 Deponent/Deponents is/are being identified by  
 Sri Prasanna Beler Advocate Angul  
 before me on this day 30th April 25  
 at about 7.30 AM solemnly affirm and  
 state that, the facts stated above are true  
 to the Best of his/her knowledge and belief

*[Signature]*  
**ASHISH KUMAR SAHOO**  
 Notary, Regd. No. 42573/25  
 Government of India

*Dilip Kumar Prachin*

WPC 1164/2023

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**Writ Petition (Civil) No 1164 of 2023**

**Ashok Kumar Sharma, Indian Forest Service  
(Retired) and Others**

**... Petitioners**

**Versus**

**Union of India and Another**

**... Respondents**

**W I T H**

**Writ Petition (Civil) No 1336 of 2023**

**Writ Petition (Civil) No 1375 of 2023**

**Writ Petition (Civil) No 42 of 2024**

**Writ Petition (Civil) No 85 of 2024**

**O R D E R**

1 In ***T N Godavarman Thirumulpad vs Union of India***<sup>1</sup>, this Court while noting that the Forest Conservation Act 1980 was enacted to curb the deforestation which results in an ecological imbalance, indicated that the

1 (1997) 2 SCC 267

provisions incorporated to conserve forests and for other connected matters “must apply to all forests irrespective of the nature of ownership or classification”. Apart from the above principle, the Court spelt out in paragraph 4 of the order, the meaning which must be attributed to the expression ‘forest’. For convenience of reference, it would be appropriate to disaggregate the contents of paragraph 4 so as to indicate the components of the expression ‘forest’ as explained in the order of this Court:

Firstly, the decision in **T N Godavarman** (*supra*) indicates that expression ‘forest’ must be understood according to its dictionary meaning;

Secondly, the description of the expression ‘forest’ would cover all statutorily recognized forests whether they are designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act 1980;

Thirdly, besides including forests as understood in the dictionary sense, the term ‘forest’ in Section 2 would include “also any area recorded as forest in the government record irrespective of the ownership”; and

Fourthly, the provisions for the conservation of forests and ancillary matters in the Forest Conservation Act 1980 must apply to all forests “so understood” irrespective of ownership or classification.

- 2 The directions which were issued by this Court, included the following:
- (i) The necessity of prior approval of the Central Government for any non-forest activity within the area of any “forest”; and
  - (ii) A mandamus to the State Governments to constitute Expert Committees to:
    - (a) Identify areas which are forests irrespective of whether they are so notified, recognized or classified under any law and irrespective of the ownership of the land;
    - (b) Identify areas which were earlier forests, but were degraded, denuded or cleared; and
    - (c) Identify areas covered by plantation trees belonging to the government and those belonging to private persons.
- 3 Further directions were issued in the judgment of this Court in ***T N Godavarman Thirumulpad vs Union of India [Lafarge Umiam Mining Private Limited - Applicant]***<sup>2</sup>.
- 4 The process of identification of forests was crucial to the implementation of the directions which were issued by this Court. The purpose of identification was to ensure that the areas which fell within the description of ‘forests’ as

2 (2011) 7 SCC 338

WPC 1164/2023

explained in the decision would be capable of being preserved upon the process of identification being carried out under the auspices of Expert Committees in every State.

- 5 In this batch of petitions, there is a challenge to the constitutional validity of the Forest Conservation Amendment Act 2023 (Act No 15 of 2023).
- 6 Section 4 of the Amending Act has introduced Section 1A after Section 1 of the principal Act in the following terms:

“4. After section 1 of the principal Act, the following section shall be inserted, namely:—

‘1A. (1) The following land shall be covered under the provisions of this Act, namely:—

- (a) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;
- (b) the land that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

(a) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and (c) such forest land,—

(i) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.”

7 Sub-section (1) of Section 1A, as introduced, indicates that two categories of lands are sought to be covered under the provisions of the parent enactment, namely, (i) lands which have been declared or notified as forests under the Act of 1927 or any other law for the time being in force; and (ii) lands not covered by (i) but which are recorded in government records as forests on or after 25 October 1980. An exception is provided in the proviso

WPC 1164/2023

as set out above. The Explanation indicates that for the purpose of sub-section (1) of Section 1A, 'government records' would mean records held by the Revenue department or forest department of the State or Union Territory or any authority, local body, community or council recognized by the State Government.

- 8 The amendment is in challenge on the ground that while the dictionary meaning of the expression 'forests' which was adopted in ***T N Godavarman*** (*supra*) provided a broad and all encompassing meaning to the expression, the amendment circumscribes the coverage of the statute to two categories falling in clauses (a) and (b) of sub-section (1) of Section 1A. As a consequence, it has been submitted that whereas the total coverage of forests in the country is expected to be in the vicinity of 7.13 lakhs square kilometers, about 1.97 lakh square kilometers would stand excluded by the constriction of the coverage by the amending legislation.
- 9 Rule 16 of the Rules which were notified on 29 November 2023 deals with 'miscellaneous matters' and provides that for the purpose of the explanation of the expression 'government records' in sub-section (1) of Section 1A, the State Governments and the Union Territory administrations shall within a period of one year prepare a consolidated record of such lands, including (i) 'forest like areas' identified by the Expert Committee constituted for this purpose; (ii) 'unclassified forest lands'; and (iii) 'community forest lands' to which the provisions of the Amending Act would be applicable. The

provisions of Rule 16(1) are footnoted<sup>3</sup> below.

- 10 Sub-Rule 4 of Rule 16 indicates that for the purpose of forest cover under the Rules, the figures and description used in the latest India State of Forest Report published by the Forest Survey of India shall be referred.
- 11 Mr Prashanto Chandra Sen, senior counsel and Mr Prashant Bhushan, counsel for the petitioners have submitted that the application of the provisions of amended Section 1A is likely to result in a substantial dilution of the coverage of lands protected as forests under the broad definition adopted in the judgment of **T N Godavarman** (*supra*). On the other hand, the argument of the Union of India, as set forth by Ms Aishwarya Bhati, Additional Solicitor General, is that the purpose of introducing the amendment and the Rules as noted above was not to constrict the definition as adopted by this Court, but to implement the decision. In other words, the case of the Union of India is that the coverage which has been statutorily provided for in Section 1A as well as Rule 16 is in furtherance of the above decision of this Court.
- 12 On 30 November 2023, this Court, in the course of the preliminary hearing, noted the submissions which were urged on behalf of the petitioners which have been reiterated in the submissions urged at this hearing.

3 16. **Miscellaneous.**- (1) For the purpose of explanation of government records provided under sub-section (1) of Section 1A of the Adhiniyam, the State Governments and Union Territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

- 13 At that stage, a statement was made by the Additional Solicitor General appearing on behalf of the Union Government that “there is no intention to dilute the scope of forest as defined in the judgment of this Court in **T N Godavarman** (*supra*)”. Hence, it was also stated that the exemptions which would be granted under sub-section (2) of Section 1A would accord with the guidelines which may be spelt by the Union Government. The Union Government, the Court was informed, was in the process of formulating the guidelines, but in order to allay the apprehensions of the petitioners, a statement was made by the Additional Solicitor General that no precipitate action will be taken by the Union Government “until further orders in respect of the forest as understood in accordance with the dictionary sense”.
- 14 The decision in **T N Godavarman** (*supra*) needs to be understood from two perspectives. First, the expression ‘forest’ was read in a broad sense bearing in mind the object and purpose of the Forest Conservation Act 1980. While adopting the dictionary meaning of the expression ‘forest’, the Court intended to impart a purposive interpretation to the phrase so as to accord with the intent underlying the enactment of the law in 1980. Hence, the Court clarified that this would cover but not be confined only to lands recorded as forest in government records. Moreover, the expression ‘forest’ would be independent of the nature of ownership or title.

- 15 As regards the modalities for implementing the directions, the decision of this Court envisaged that all State Governments would constitute Expert Committees in order to identify forests as understood in the judgment. Proper implementation of the directions would take place once such a process of identification was made.
- 16 By the amending statute, the coverage of the Act has been extended to two categories. The first category consists of lands which have been declared or identified as forests in accordance with the Indian Forest Act or any other law for the time being in force. The second category consists of lands which have not been so declared or notified but which are recorded in government records as forests on or after 25 October 1980. The Explanation somewhat broadens the definition of the expression government records so as to include lands recorded either in the records of the Revenue or Forest departments of the States or Union Territories or any other authorities, local bodies, communities or council recognized by the State/Union Territories.
- 17 Rule 16 to which a reference has been made above requires the States and the Union Territory Administrations to prepare a consolidated record of such lands for the purpose of the explanation of government records under subsection (1) of Section 1A. This would include forest like areas identified by the Expert Committees for this purpose, unclassed forest lands or community forest lands to which the provisions of the amended statute would be applicable. Such an exercise is to be carried out within a period of one year.

It is thus evident that the exercise which is to be carried out by the State Governments and the Union Territory Administrations is expected to be completed within that period. However, there is a need to impart clarity to the position as it should obtain pending such a determination and beyond. The position must be governed by the directions which were issued by this Court in **T N Godavarman** (*supra*), which have held the field for over twenty-five years.

- 18 Both in the submissions at the preliminary hearing on 30 November 2023, as well as in the submissions which were urged during the course of the present hearing, it is not the contention of the Union Government that the statutory amendment seeks to bring about any change in the law which was laid down in **T N Godavarman** (*supra*). That apart, both the counsel for the petitioners have adverted to the stand of the Government before the Joint Parliamentary Committee which preceded the enactment of the law and the clear elaboration of the Union of India that the proposed coverage in the legislative provision which was under consideration, would accord with the decision of this Court. That being the position, we clarify that pending the completion of the exercise by the Administrations of the State Governments and the Union Territories under Rule 16 and pending these proceedings, the principles which are elucidated in the judgment of this Court in **T N Godavarman** (*supra*) must continue to be observed.

- 19 As a matter of fact, it is evident that Rule 16 includes within its ambit forest like areas to be identified by the Expert Committee, unclassified forest lands; and community forest lands. While being guided by the provisions of the statute and those contained in Rule 16, the State Governments as well as Union Territory Administrations shall peremptorily ensure compliance with the ambit of the expression 'forest' as explained in the decision in **T N Godavarman**.
- 20 The Union Ministry of Environment and Forest shall in pursuance of the interim order issue a circular to all the States and the Union Territory Administrations to act strictly in accordance with the present directions. This shall be issued within two weeks.
- 21 Apart from the above interim direction, it must be noted that following the decision in **T N Godavarman**, Expert Committees were required to be constituted by all the States (and Union Territory Administrations). The reports of the Expert Committees is crucial for the maintenance of a contemporaneous public record of lands which were identified as forests within the ambit of that expression as explained in the decision of this Court. The Union of India through the Ministry of Environment, Forest and Climate Change shall within a period of two weeks from the date of this order require all the States and the Union Territory Administrations to provide to it a comprehensive record of lands which have been identified as forests by the Expert Committees constituted by the State Governments/Union Territories

in pursuance of the directions in **T N Godavarman**.

- 22 All States and Union Territory Administrations shall comply with the present direction by forwarding records of the reports of the Expert Committees to MoEFCC no later than by 31 March 2024. These records shall be maintained by MoEFCC and shall be duly digitized and made available in the electronic format on the website of the MoEFCC no later than by 15 April 2024.
- 23 The Expert Committees which are constituted in pursuance of Rule 16 by the States/Union Territory Administrations shall duly bear in mind the work of identification which was carried out by the Expert Committees in pursuance of the directions in **T N Godavarman**. This shall however not preclude the Expert Committees from expanding the ambit of forest lands which are worthy of protection particularly having regard to the coverage as specified in Section 1A of the amended statute read with Rule 16(1).
- 24 Apart from the above directions, the attention of the Court has been drawn to the provisions contained in Section 5 of the Amending Act of 2023 which is in the following terms:

“5. In the principal Act, section 2 shall be renumbered as sub-section (1) thereof and—

(a) in sub-section (1) as so renumbered,—

(l) in clause (iii), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(II) in the Explanation, for the long line occurring after clause (b), the following shall be substituted, namely:— but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(i) silvicultural operations including regeneration operations;

(ii) establishment of check-posts and infrastructure for the front line forest staff;

(iii) establishment and maintenance of fire lines;

(iv) wireless communications;

(v) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

(vi) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

(vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(viii) any other like purposes, which the Central Government may, by order, specify.";

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose."

- 25 Our attention is drawn to the fact that a co-ordinate Bench of this Court presided over by Hon'ble Mr Justice B R Gavai has reserved orders on the subject. Specifically, with reference to clause (6) above, we issue an interim order to the effect that any proposal for the establishment of zoos and safaris referred to in the Wile Life Protection Act 1972, enacted by the Government or any authority in forest areas other than protected areas, shall not be finally approved by the States/Union Territories, save and except with the prior permission of this Court. Where any such proposal is sought to be implemented, this Court shall be moved by the Union Government or, as the case may be, the competent authority for the prior approval of this Court. This part of the interim direction will hold the field only till the final judgment of the co-ordinate Bench. Necessarily therefore the judgment of the co-ordinate Bench shall govern the arena, once it is pronounced.
- 26 The Petitions shall now be listed for hearing and final disposal in the month of July 2024.
- 27 Mr Kaushik Chaudhary, Advocate-on-Record for the petitioner and Ms Suhasini Sen, counsel instructing the Additional Solicitor General are nominated as nodal counsel to prepare a consolidated compilation in the electronic form in terms of the Circular dated 22 August 2023.
- 28 The written submissions on behalf of the petitioners shall be provided to the nodal counsel no later than 30 April 2024. The written submissions of the

WPC 1164/2023

Union Government in response shall be provided no later than 30 June 2024 to the nodal counsel. The common compilation duly indexed shall be prepared in terms of the above circular and shall be emailed to [cmvc.dyc@gmail.com](mailto:cmvc.dyc@gmail.com).

**IA No 5280 of 2023 In Writ Petition (Civil) No 1336 of 2023**

- 1 The application for impleadment is allowed.
- 2 Liberty to serve the Standing Counsel for the newly impleaded States. They shall file their counter affidavit by 31 May 2024.

.....CJI.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[J B Pardiwala]

.....J.  
[Manoj Misra]

New Delhi;  
February 19, 2024  
CKB

WPC 1164/2023

ITEM NO.22

COURT NO.1

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 (Civil) No.1164/2023

ASHOK KUMAR SHARMA, INDIAN FOREST SERVICE  
(RETD) & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With IA No.10020/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.214764/2023 - STAY APPLICATION and IA No.240922/2023 - STAY APPLICATION)

WITH W.P.(C) No.1336/2023 (PIL-W)

(With IA No.5280/2024 - INTERVENTION/IMPLEADMENT, IA No.10426/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.247593/2023 - STAY APPLICATION)

W.P.(C) No.1375/2023 (PIL-W)

W.P.(C) No.42/2024 (PIL-W)

(With IA No.14901/2024 - GRANT OF INTERIM RELIEF)

W.P.(C) No.85/2024 (PIL-W)

(With IA No.30155/2024-EXEMPTION FROM FILING O.T.)

Date : 19-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

<b>For Petitioner(s)</b> WPC 1164/2023	Mr. Prashanto Chandra Sen, Sr. Adv. Mr. Kaushik Choudhury, AOR Ms. Shibani Ghosh, Adv. Mr. Jyotirmoy Chatterjee, Adv. Ms. Khyati Jain, Adv. Ms. Akshata Chhabra, Adv. Mr. Yogesh Malik, Adv. Mr. Saksham Garg, Adv.
WPC 1336/2023	Mr. Satyajit Sarna, Adv. Mr. Prashant Padmanabhan, AOR Ms. Reaa Mehta, Adv. Mr. Vishal Sinha, Adv.
WPC 42/2024	Mr. Prashant Bhushan, AOR Ms. Neha Rathi, Adv. Ms. Kajal Geri, Adv. Mr. Kamal Kishore, Adv.
WPC 1375/2023	Mr. Balaraj Malik, Adv. Mr. R.C. Kaushik, AOR
WPC 85/2024	Mr. Shyam Divan, Sr. Adv. Ms. Madhusmita Bora, AOR Mr. Riju Raj Singh Jamwal, Adv. Mrs. Madhur Dadlani, Adv. Mr. Dipankar Singh, Adv.
<b>For Respondent(s)</b>	Ms. Aishwarya Bhati, ASG Mr. Gurmeet Singh Makker, AOR Ms. Ruchi Kohli, Adv. Ms. Bani Dixit, Adv. Mr. Rajat Nair, Adv. Mr. Sridhar Pottaraju, Adv. Mr. Kanu Agarwal, Adv.  Dr. N. Visakamurthy, AOR

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

- 1 In terms of the signed order, the Petitions shall now be listed for hearing and final disposal in the month of July 2024.
- 2 Mr Kaushik Chaudhary, Advocate-on-Record for the petitioner and Ms Suhasini Sen, counsel instructing the Additional Solicitor General are nominated as nodal counsel to prepare a consolidated compilation in the electronic form in terms of the Circular dated 22 August 2023.
- 3 The written submissions on behalf of the petitioners shall be provided to the nodal counsel no later than 30 April 2024. The written submissions of the Union Government in response shall be provided no later than 30 June 2024 to the nodal counsel. The common compilation duly indexed shall be prepared in terms of the above circular and shall be emailed to [cmvc.dyc@gmail.com](mailto:cmvc.dyc@gmail.com).

**IA No 5280 of 2023 In Writ Petition (Civil) No 1336 of 2023**

- 1 The application for impleadment is allowed.
- 2 Liberty to serve the Standing Counsel for the newly impleaded States. They shall file their counter affidavit by 31 May 2024.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**  
**(Signed order is placed on the file)**

ITEM NO.6

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). 1164/2023

ASHOK KUMAR SHARMA, INDIAN FOREST SERVICE  
(RETD) & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA &amp; ANR.

RESPONDENT(S)

[IA No. 133296/2024 - APPLICATION FOR PERMISSION  
IA No. 134865/2024 - APPLICATION FOR PERMISSION  
IA No. 134867/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 115428/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 10020/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 133300/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 133298/2024 - EXEMPTION FROM FILING O.T.  
IA No. 207035/2024 - EXEMPTION FROM FILING O.T.  
IA No. 115430/2024 - EXEMPTION FROM FILING O.T.  
IA No. 133301/2024 - EXEMPTION FROM FILING O.T.  
IA No. 133297/2024 - INTERVENTION APPLICATION  
IA No. 157284/2024 - INTERVENTION APPLICATION  
IA No. 134866/2024 - INTERVENTION APPLICATION  
IA No. 108937/2024 - INTERVENTION APPLICATION  
IA No. 166299/2024 - INTERVENTION/IMPLEADMENT  
IA No. 209063/2024 - INTERVENTION/IMPLEADMENT  
IA No. 108949/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
IA No. 28902/2025 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 240922/2023 - STAY APPLICATION  
IA No. 214764/2023 - STAY APPLICATION)

WITH

W.P.(C) No. 1336/2023 (PIL-W)  
(IA No. 22042/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 209243/2024 - INTERVENTION/IMPLEADMENT  
IA No. 10426/2024 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 44469/2024 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 247593/2023 - STAY APPLICATION

W.P.(C) No. 1375/2023 (PIL-W)  
(IA No. 217032/2024 - INTERVENTION/IMPLEADMENT

Signature Not Verified

Digitally signed by  
NARENDRA PRASAD  
Date: 2025.03.07  
19:04:10 IST  
Reason:

(C) No. 42/2024 (PIL-W)  
IA No. 14901/2024 - GRANT OF INTERIM RELIEF

W.P.(C) No. 85/2024 (PIL-W)  
(FOR EXEMPTION FROM FILING O.T. ON IA 30155/2024  
IA No. 30155/2024 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 152/2024 (PIL-W)  
(FOR STAY APPLICATION ON IA 55916/2024  
IA No. 55916/2024 - STAY APPLICATION)

Date : 04-03-2025 These matters were called on for hearing today.

CORAM :

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

For Petitioner(s) :

Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Satyajit Sarna, Adv.  
Mr. Prashant Padmanabhan, AOR  
Mr. Sudev Juneja, Adv.  
Mr. Vishal Sinha, Adv.

Mr. Prashanto Chandra Sen, Sr. Adv.  
Mr. Kaushik Choudhury, AOR  
Ms. Shibani Ghosh, Adv.  
Mr. Saksham Garg, Adv.  
Mr. Jyotirmoy Chatterjee, Adv.

Ms. Anitha Shenoy, Sr. Adv.  
Ms. Srishti Agnihotri, AOR  
Ms. Ayushma Awasthi, Adv.  
Ms. Sanjana Grace Thomas, Adv.  
Ms. Shreepurna Dasgupta, Adv.  
Ms. Tara Elizabeth Kurien, Adv.

Mr. Shyam Divan, Sr. Adv.  
Ms. Madhusmita Bora, AOR  
Mr. Pawan Kishore Singh, Adv.  
Mr. Dipankar Singh, Adv.  
Ms. Pavithra V., Adv.  
Mr. Sudipto Sircar, Adv.

Mr. Prashant Bhushan, AOR  
Ms. Neha Rathi, Adv.  
Ms. Kajal Giri, Adv.  
Mr. Kamal Kishore, Adv.

Mr. Balraj Singh Malik, Adv.  
Ms. Seema Sindhu, Adv.  
Ms. Tannu, Adv.

Mr. R. C. Kaushik, AOR

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.  
 Ms. Ruchi Kohli, Sr. Adv.  
 Mr. Gurmeet Singh Makker, AOR  
 Ms. Bani Dixit, Adv.  
 Mr. Rajat Nair, Adv.  
 Mr. Sridhar Pottaraju, Adv.  
 Mr. Kanu Agarwal, Adv.  
 Mr. Rohan Gupta, Adv.

Mrs. Aishwarya Bhati, A.S.G.  
 Ms. Ruchi Kohli, Sr. Adv.  
 Ms. Bani Dikshit, Adv.  
 Mr. Rajat Nair, Adv.  
 Mr. Sridhar Potaraju, Adv.  
 Mr. Kanu Agrawal, Adv.  
 Mr. Umesh Babu Chourasia, Adv.  
 Dr. N. Visakamurthy, AOR

Mr. K.N. Balgopal, Sr. Adv.  
 Ms. K. Enatoli Sema, Adv.  
 Mr. Amit Kr. Singh, Adv.

Mr. Abhimanyu Tewari, AOR  
 Ms. Eliza Bar, Adv.

Mr. Debojit Borkakati, AOR

Mr. Lenin Singh Hijam, Adv. Gen, Sr. Adv.  
 Mr. Pukhrambam Ramesh Kumar, AOR  
 Mrs. Anupama Ngangom, Adv.  
 Mr. Karun Sharma, Adv.  
 Ms. Rajkumari Divyasana, Adv.

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Prakash Ranjan Nayak, AOR  
 Mr. Debasis Jena, Adv.

Ms. Anitha Shenoy, Sr. Adv.  
 Ms. Rashmi Nandakumar, AOR  
 Ms. Ayushma Awasthi, Adv.  
 Ms. Yashmita Pandey, Adv.

Dr. Abhishek Atrey, AOR  
 Ms. Ishita Bist, Adv.  
 Ms. Ambika Atrey, Adv.  
 Ms. Jyoti Verma, Adv.

Mr. Nishe Rajen Shonker, AOR  
 Mrs. Anu K Joy, Adv.  
 Mr. Alim Anvar, Adv.  
 Mr. Santhosh K, Adv.

**Applicant-in-person**

Mr. Naveen Kumar, AOR  
 Ms. Stuti Bisht, Adv.  
 Mr. Maitreya, Adv.  
 Mr. Nitesh Bhandari, Adv.  
 Mr. Prabhat Kumar Rai, Adv.  
 Mr. Aditya Goyal, Adv.  
 Mr. Ujjawal Kumar Rai, Adv.  
 Ms. Esha Kumar, Adv.  
 Ms. Nidhi Singh, Adv.  
 Ms. Aprajita Bhardwaj, Adv.  
 Mr. Shourajeet Chakravarty, Adv.  
 Mr. Utkarsh Chandra, Adv.

Mr. Anantha Narayana M.G., AOR  
 Mr. Atul Shankar Vinod, AOR

Mr. Sameer Abhyankar, Adv.  
 Mr. Rahul Kumar, Adv.  
 Mr. Aakash Thakur, Adv.  
 Ms. Yashika Sharma, Adv.  
 Ms. Ripul Swati Kumari, Adv.  
 Mr. Krishna Rastogi, Adv.

Mr. Divyanshu Kumar Srivastava, Adv.  
 Mr. Yash Jain, Adv.

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

1. The main grievance as raised by the petitioners/applicant(s) was that the Forest (Conservation) Amendment Act, 2023 has an effect of diluting the definition of 'forest' as defined by this Court in its order dated 12<sup>th</sup> December, 1996 rendered in T.N. Godavarman v. Union of India (W.P.(C) No.202/1995). It is their contention that as per the order in T.N. Godavarman (supra) the definition of 'forest' has to be understood in the dictionary sense. It is submitted that Section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (for short, 'the Adhiniyam') is likely to restrict the definition of forest and exclude the aforesaid

category of forest, as understood in accordance with the dictionary sense, from the ambit of the Forest (Conservation) Act, 1980.

2. It is further the contention of the petitioners/applicant(s) that the Union of India or the States/Union Territories would be using the land, which in fact is a forest but not recorded as forest like the denuded forest or the private forest etc., for compensatory afforestation. It is submitted that this would, in turn, reduce the forest coverage.

3. This Court, on 30<sup>th</sup> November, 2023 itself had recorded the statement of the then Additional Solicitor General of India appearing on behalf of the Union of India that there was no intention to dilute the scope of forest, as defined/held in the judgment/order of this Court in T.N. Godavarman (supra). The learned Additional Solicitor General had also stated that the exemptions which will be granted under sub-Section (2) of Section 1A of the Adhihiyam would be granted in accordance with the guidelines that the Central Government would be notifying in accordance with sub-section (3) thereof.

4. The matter was thereafter heard by this Court on 19<sup>th</sup> February, 2024. On that day, this Court reiterated the directions given in the case of T.N. Godavarman (supra) and also directed that pending the completion of exercise by the administrations of the State Governments and Union Territories under Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 (for short, 'the Rules of 2023'), the principle which was elucidated in the judgment of this Court in the case of T.N. Godavarman (supra) must continue to be observed.

5. Subsequently, when the matter was listed before this Court, on 3<sup>rd</sup> February 2025, an apprehension was expressed that the States or the Union of India would use forest land for linear projects etc., without doing compensatory afforestation thereby leading to reduction of the forest areas. As such, we passed the following order:-

"4. We make it clear that until further orders, no steps will be taken by the Union of India or any

of the States, which will lead to reduction of the forest land unless a compensatory land is provided either by the State Government or the Union of India for the purpose of afforestation."

6. The learned senior counsel as well as other counsel appearing on behalf of the petitioners/applicant(s) submit that the State Governments or the Union of India would use the forest land which is not yet recorded as forest land for the purpose of compensatory afforestation, which would not be permissible in view of the judgment/order of this Court in the case of T.N. Godavarman (supra).

7. Ms. Aishwarya Bhati, learned Additional Solicitor General, submits that in pursuance to the directions issued by this Court, the Union of India has sought information from various State Governments/Union Territories. She relies on the additional affidavit dated 28.02.2025 filed on behalf of the Ministry of Environment, Forest and Climate Change. A perusal of the same would reveal that certain State Governments and Union Territories have not even appointed Experts Committees, as are required to be constituted as per the directions of this Court. The said affidavit would further show that most of the State Governments and Union Territories have not completed the work required to be undertaken in accordance with Rule 16(1) of the Rules of 2023.

8. Sub-rule (1) of Rule 16 of the Rules of 2023 requires all the State Governments and the Union Territories to prepare a consolidated record of such lands including the forest like areas identified by the Experts Committee constituted for this purpose, unclassed forest lands or community forest lands on which the provisions of the Adhiniyam shall be made applicable.

9. We find that once an exercise, as required to be done under sub-rule (1) of Rule 16 of the Rules of 2023 is complete, it will lead to resolution of many issues. It is therefore necessary that all the State Governments and the Union Territories should make an earnest effort to complete the said exercise within a stipulated

period. While doing so, the State Governments/Union Territories would also be bound to follow the guidelines as issued by this Court in its order dated 6<sup>th</sup> July, 2011 in the case of Lafarge Umiam Mining Private Limited, (2011) 7 SCC 338, which reads thus:-

“(vii) Creation and regular updating of a GIS based decision support database, tentatively containing inter alia the district-wise details of the location and boundary of (i) each plot of land that may be defined as forest for the purpose of the Forest (Conservation) Act, 1980; (ii) the core, buffer and eco-sensitive zone of the protected areas constituted as per the provisions of the Wild Life (Protection) Act, 1972; (iii) the important migratory corridors for wildlife; and (iv) the forest land diverted for non-forest purpose in the past in the district. The Survey of India toposheets in digital format, the forest cover maps prepared by the Forest Survey of India in preparation of the successive State of Forest Reports and the conditions stipulated in the approvals accorded under the Forest (Conservation) Act, 1980 for each case of diversion of forest land in the district will also be part of the proposed decision support database.”

10. We, therefore, direct all the State Governments and the Union Territories, in which the Experts Committees have not yet been constituted, to constitute such committees within a period of one month from today. The said committees shall complete the exercise, as required under Rule 16(1) of the Rules of 2023 along with the directions issued by this Court in the case of Lafarge Umiam Mining Private Limited (supra), within a period of six months from today and submit a report to the Union of India.

11. The Union of India shall consolidate the reports, prepare state-wise position and place the same before this Court.

12. In the meantime, we reiterate the statement made by the then learned Additional Solicitor General of India, which was recorded by this Court in the order dated 30<sup>th</sup> November, 2023 as well as the directions issued by this Court in paragraph 18 of the order dated 19<sup>th</sup> February, 2024 and also the directions which were issued by this Court in its order dated 3<sup>rd</sup> February, 2025.

13. List on 09.09.2025.

14. The Registrar concerned of this Court shall communicate this order to the Chief Secretary of all the State Governments and also to the Administrator of all the Union Territories.

15. We clarify that if the aforesaid directions are not complied with in letter and spirit by the State Governments and the Union Territories before the next date, we will hold Chief Secretaries/Administrators concerned personally responsible for the said lapse and consider taking such steps as would be found appropriate in the circumstances.

(NARENDRA PRASAD)  
DEPUTY REGISTRAR

(ANJU KAPOOR)  
COURT MASTER



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

---

**Rejoinder on behalf of Applicant in OA 187/2024- NGT-EZ**

1 message

---

**Sankar Pani** <sankarprasadpani@gmail.com>

Mon, Jul 28, 2025 at 10:50 AM

To: Parth Sarthi &lt;sarthiparth155@gmail.com&gt;, Amrita Pandey &lt;amritalegal@gmail.com&gt;, Pronoy Mohanty &lt;pronoymohanty@gmail.com&gt;, Bidesh Behera &lt;bidesh.behera@gmail.com&gt;

--

Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani

**REJOINDER dillip\_pagenumber.pdf**

969K