

(2000) 09 SC CK 0120

Supreme Court of India

Case No: I.A. No. 574 in I.A. No. 424 in Writ Petition (C) 202 of 1995, I.A. No. 569 in Writ Petition (C) 202 of 1995, I.A. No. 570 in WP (C) 202 of 1995, I.A. No. 580 in WP (C) 202 of 1995, I.A. No. 512 in Writ Petition (C) 202/95, I.A. No. 513 in Writ Petition (

T.N. Godavarman Thirumalpad

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision: Sept. 22, 2000

Citation: (2001) AIRSCW 2396 : (2001) 4 SCALE 107 : (2000) 6 SCALE 582 : (2000) 7 SCALE 380 : (2001) 10 SCC 645

Hon'ble Judges: V.N. Khare, J; M.B. Shah, J; B. N. Kirpal, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

I.A. No. 580

1. Consequent to the seizure of the railway wagons show cause notice dated 6th July, 2000 had been issued to the applicant by the investigating team. The applicant has chosen not to file a reply to the said show cause notice, as according to Mr. Rohtagi, present application has been filed. In our view, it is more appropriate that the questions of fact involved in this application are decided by the S.I.T. who have issued the aforesaid show cause notice. Counsel for the applicant wants ten days" time to file reply to the show cause notice. We grant three weeks time to reply to the show cause notice. On the reply being filed the S.I.T. will, after giving reasonable opportunity to the applicant of being heard and producing evidence if necessary, take a decision within four weeks thereafter. This I.A. is disposed of.

I.A. No. 604

2. This is an application seeking modification of the directions issued by the Ministry of Environment & Forests with regard to movement of timber through railways from

North Eastern States. If there is any difficulty felt by any consignor with regard to the applicability of the said guidelines, it is open to the consignor, like the applicant, to make a representation to the Ministry of Environment & Forests who will consider the same. This application is misconceived. Liberty is granted to make a representation. I.A. is disposed of.

I.A. No. 609

3. It is stated by the learned Counsel that the applicants have received a show cause notice dated 6th August, 2000 with regard to the seized wagons. He further states that a reply has already been filed. A decision in respect thereof shall be taken by the SIT within six weeks from today after giving an opportunity of hearing to the applicants and taking such evidence as necessary. I.A. stands disposed of.

I.A. Nos. 569-570

4. I.A. No. 570 for exemption from filing O/T is allowed.

5. I.A. No. 569: It is explained by the learned Advocate General for the State of Madhya Pradesh that the mining lease of the applicant has been cancelled not on the ground that the mining activity was being carried on in forest land but for other reasons. It is admitted by the counsel for the applicant that pursuant to the cancellation of the lease a revision petition has been filed before the Central Government. This being so, the I.A. is dismissed.

I.A. No. 424

6. Certain directions regarding felling & regeneration, regularisation of encroachments and authority competent to write a CR of Forest Deptt. officer, are issued which are contained in the Signed order.

7. To come up after 10 weeks.

I.A. 603

8. Mr. Mukul Rohtagi states that the applicant will comply with any condition with regard to reforestation as may be imposed by this Court and the permission for mining may be granted. In view of the said undertaking, the ad interim permission is granted and the State of M.P. may release the land required for the Dudichua Open Cast Project and Jayant Open Cast Project in respect of which decision has been taken by the Ministry of Environment and Forests. To come up for further orders alongwith the case of Southern Coalfields Ltd. (I.A. No. 574 in W.P. 202/1995).

I.A. 605

9. Issue notice. Respondents to file reply within four weeks thereafter.

I.A. 521, 606 & 607

10. Application for impleadment (IA 607) is dismissed.

11. In these applications, the only prayer is that the applicants may be permitted to cut and transport the plantation wood.

12. It has always been the intention of the orders of this Court that social forestry should be encouraged. There should be more plantation and it is that wood which should be used. However, in the transport of bamboo, eucalyptus(sic) and plantation wood, it is said that natural wood is also transported. In order to prevent that, the State of M.P. is in the process of framing Transit Rules which we are informed will be in place within one month from today. We, accordingly, direct that on the Transit Rules being framed, approved and brought into force applicants would be at liberty to cut and transport plantation wood in accordance with the said rules.

13. I.As are disposed of.

Rest of the I.As.

14. To be listed on 20th October, 2000.