(2010) 01 SC CK 0094

Supreme Court of India

Case No: IA No"s. 2, 92, 52, 95, 54, 67, 76, 83-84, 37, 100, 104-105, 116-118, 119-121, 122-123, 128-129, 130-131, 133 and 135-136 and in Writ Petition (Civil) No. 337 of 1995

Centre for Envir. Law, WWF-I		APPELLANT
	Vs	
Union of India (UOI) and Others		RESPONDENT

Date of Decision: Jan. 12, 2010

Hon'ble Judges: K.G. Balakrishnan, C.J.; Deepak Verma, J; B.S. Chauhan, J

Bench: Full Bench

Advocate: Raj Panjwani and Vijay Panjwani, for the Appellant; Ejaz Maqbool, T.S. Doabia, Sr. Adv, . Kiran Bhardwaj, S.W.A. Qadri for D.S. Mahra, for P. Parmeswaran, for A.K. Sharma, for S.N. Terdal, Ajay Pal, S. Joseph Aristotle, for V.G. Pragasam, Rohen Singh, Ramesh Mishra, for Sanjay R. Hegde, Kamal Mohan Gupta, Rajnish Kr. Singh, Mayank Nigam, for T.V. George, Saurav Kirpal, Vandna Mishra, Ashutosh Kr. Sharma, M.P. Meharia, (NP), Rajesh Srivastava, Aruneshwar Gupta, (NP), Biswanath Aggarwalla, A. Henry, for Rajiv Mehta, Soli Sorabjee Vibha Datta Makhija, A. Subhashini, Anil Shrivastav, Aruna Mathur, for Arputham Aruna and Company, Naresh K. Sharma, Ranjan Mukherjee, Momata Oinam, Riku Sarma, for Corporate Law Group, Manish Kumar, for Gopal Singh, Adv, . Sumita Hazarika, (NP), Ashok K. Srivastava, Ashok Mathur, Anis Suhrawardy, (NP), Ajit Pudussery, (NP), B.B. Singh, (NP), D.N. Goburdhan, Advocate(NP), G. Prakash, Hemantika Wahi, Adv, Kamini Jaiswal, (NP), M. Veerappa, (NP), Pradeep Misra, (NP), Rajesh Prasad Singh, Sushma Suri, (NP), Naresh Kaushik, Rupesh Kaushik, for Lalita Kaushik, Jana Kalyan Das, Annam D.N. Rao, S.S. Shamsherry, for Rachana Srivastava, Anitha Shenoy, Amit Kumar, Debasis Mishra, (NP), Asha G. Nair, A.P. Mayee, (NP), Ravindra Keshavrao Adsure, Adv (NP), Vandana Mishra, Rajeev Dubey, for Shail Kr. Dwivedi, for Kamlendra Mishra, for Anil Kr. Jha, B.S. Banthia, Vikas Upadhyay, R. Sathish, P.V. Dinesh, Manish Kumar, Nitin Bhatia, Sakesh Kumar, Rohit Singh, for K.V. Bharathi Upadhyaya, Milind Kumar, V. Vasudevan, P. Prasanth for T. Harish Kumar, Niraj Sharma and V.K. Sidharthan, (NP), for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

I.A. Nos. 2 and 92:

1. All the States which have not filed their status reports are directed to file the same within six weeks.

2. MoEF is directed to file an affidavit dealing with the difficulties expressed by various State Governments in terms of the order passed by this Court on 11.01.2007.

I.A. Nos. 37 & 52:

3. The State of Uttarakhand wants to file its response regarding the alleged construction of power house inside the wildlife protection area. I.A. No. 52 relates to the rehabilitation of about 1400 Gujjar families occupying the land within the Rajaji National Park. We are told that some of the families have already been shifted but still large number of families are to be shifted to the place of rehabilitation. The State is requested to take steps in this regard within a short time and is directed to file an affidavit as to what steps have been taken by it in this regard within a period of six weeks.

I.A. No. 95:

4. Certain lands in the wildlife protection area were leased out to the Irrigation Department and Jal Vidyut Nigam of the State of Uttarakhand. We are told that about 120 unauthorised occupants have settled therein. The State is directed to file an affidavit of its stand in this regard within a period of six weeks.

I.A. No. 54:

5. Report awaited from the National Board for Wildlife. List after receipt of the same.

I.A. Nos. 67 and 76:

6. Report awaited from the National Board for Wildlife. List after receipt of the same.

I.A. Nos. 83-84 & 135-136:

I.A. Nos. 135-136 are allowed.

7. The State Forest Department has made its recommendation to the Forest Advisory Committee. F.A.C. to take a decision regarding the encroachment. F.A.C." s recommendation is awaited. List after receipt of the report of F.A.C. If the Government has not sent the proposal already, it is directed to send the same to the F.A.C. Within six weeks.

I.A. No. 100:

8. De-link and list separately on 11.02.2010.

I.A. Nos. 104-105:

9. Report awaited from the National Board for Wildlife. List after receipt of the same.

I.A. Nos. 116-118 and 199-121:

10. The State of Uttarakhand has not submitted the proposal in the prescribed format to the MoEF. The State is directed to submit the proposal accordingly within six weeks. To be listed after the receipt of the report.

I.A. Nos. 122-123:

11. Applicant is not present. Adjourned.

I.A. Nos. 128-129:

12. construction of Adwa-Meja link canal was approved by the National Board for Wild Life subject to certain conditions. The main condition being the shifting of 10 villages. The State had agreed to rehabilitate the people of the said 10 villages, but now it is stated by the State that it is not feasible and the project could be implemented even without the shifting of the villages. Therefore, the matter should again go to the N.B.W.L. for exploring the feasibility of the proposal. N.B.W.L. to examine the matter and give its report within a period of six weeks.

I.A. Nos. 130-131:

13. As regards the Dhauladhar Wildlife Sanctuary, the applicant has not submitted its proposal in the prescribed format to the State. The applicant may send its proposal in the prescribed format to the State and the State in turn send the same to the MoEF. MoEF may consider the same within a period of six weeks. List after the receipt of the report of MoEF.

I.A. No. 133:

Adjourned.