

ITEM NO.21

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 AND ORS. & ORS.

Respondent(s)

(In Re : Mining in Aravalli in the State of Rajasthan
[1] I.A.NOS. 828, 2020, 833, 846-847, 834-835, 3951, 837,
893-894, 901-902, 903-904, 1310 @ CONTEMPT PETITION(C)No. 412/2004,
3394, 3396, 1329, 1331, 1450, 1451, 1452, 2447, 2602, 2822, 2824,
3124, 3689, 2825, 2827, 3123, 3686, 2828, 2830, 3131, 3688, 2758-
2759, 3210, 3457, 2803, 2814, 2840, 3952, 2834, 2836, 3281, 2837,
2839, 2874, 2876, 3129, 2877, 2879, 3125, 2883-2885, 2887-2889,
2891, 2893, 3361-3362, 3397, 3296, 3799, 3801, 3957

[Second Monitoring Report dated 28.10.2002 of Central Empowered
Committee and Applications for Further Directions,
Modification/Clarification of Order dated 30.10.2002 and Amendment
of I.A.No. 833, Impleadment, Modification/Clarification of Order
dated 29/30.10.2002, Modification/Clarification, Modification/
Directions, Directions, Intervention, Clarification/Modification of
Order dated 08.04.2005, Interim Directions, Stay, Modification of
Order dated 19.02.2010 , Permission to file Additional Documents
and Early Hearing of I.A.No. 828]

Date : 23-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim Qadri, Adv.

Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasni Sen, Adv.
Mr. R. Balasubramanian, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Aarti Sharma, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaiswal, Adv.
Ms. Ruchi Kohli, AOR

Ms. Sumita Hazarika, AOR
Mr. Sunil Dogra, Adv.
Ms. Ipsita Behura, Adv.

Mr. Subodh K. Pathak, Adv.
Mr. Pawan K. Sharma, Adv.
Mr. Vinod K. Soni, Adv.
Mr. Shashi Ranjan, Adv.

Ms. Sandhya Goswami, AOR

Ms. Shobha, AOR

Mr. V. Balachandran, AOR

Mr. Anil Nag, AOR

Mr. Praveen Jain, AOR

Mr. K. Rajeev, AOR

Mr. S.K. Sinha, AOR
Mr. Rattan Lal, Adv.
Ms. Seema Kashyap, Adv.

Ms. Binu Tamta, AOR

Mr. Sarad Kumar Singhania, AOR

Group Captain Karan Singh Bhati, AOR

Ms. Aruna Gupta, AOR

Mr. Naveen Chawla, AOR

Ms. A. Sumathi, AOR

Mr. Syed Mehdi Imam, AOR
Mr. Atif Sunrawardi, Adv.
Ms. Shamama Anis, Adv.
Mr. Tabree Ahmed, Adv.

Ms. Suruchi Aggarwal, AOR
Ms. Ankita Prakash, Adv.

Mr. Satya Mitra, AOR

Mr. Aruneshwar Gupta, AOR
Mr. Varun Dewan, Adv.
Mr. Abhishek Sharma, Adv.

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

Report No.24 of 2018 filed by CEC

The State of Rajasthan has filed a status report with respect to the third Report of the Central Empowered Committee (CEC) dated 26.06.2018.

We have gone through the Status Report, but are not at all satisfied with the contents, most of which deal with the so-called inefficiency or incompetence of the Forest Survey of India.

It must be appreciated by the State of Rajasthan that the Forest Survey of India is a Government of India Organization and is a premier body in respect of forest survey and it is not proper to make unsubstantiated allegations against such a body.

Without going any further in this issue, we have noted that the State of Rajasthan has filed an annexure with the Status Report being Annexure RA/14 which

indicates that illegal mining is going on as per the Report of Ground Truthing by Joint Team of Forest, Revenue and Mines Departments over a total area of 115.34 hectares.

The State of Rajasthan has filed the Status Report on 10th September, 2018. There is no clarity on the question whether this illegal mining over 115.34 hectares has been stopped or not. We direct the Chief Secretary to ensure that the illegal mining over 115.34 hectares as per Annexure RA/14 to the Status Report is stopped within 48 hours.

The Chief Secretary of the State of Rajasthan should file his/her own affidavit indicating compliance of the direction given above.

We are compelled to pass an order of this nature in view of the fact that it appears from a reading of the Status Report that the entire issue of mining in the Aravalli Hills has been taken very lightly by the State of Rajasthan.

In this context, we may mention that the State of Rajasthan has noted the Report of the CEC which states that out of 128 samples taken by the Forest Survey of India, as many as 31 hills/hillocks have vanished. This has not been denied by the State of Rajasthan in the Status Report. This is an indication of lack of concern shown by the State of Rajasthan which, we find, is a little unfortunate.

Taking all this into consideration, we require the Chief Secretary of the State of Rajasthan to file an affidavit, as mentioned above, so that there is a compliance of the order passed by this Court. The affidavit be filed well before the next date of hearing.

Other directions will be passed as and when they become necessary.

It is stated by learned counsel appearing on behalf of the State of Rajasthan that 27% ground truthing has been completed. There should be some urgency shown in this case and balance ground truthing should be completed within a maximum period of three months.

List the applications on 29th October, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

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IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

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Respondent(s)

[2] [i] INTERLOCUTORY APPLICATION NO. 2343
[APPLICATION FOR PERMISSION]

WITH

[ii] INTERLOCUTORY APPLICATION NO. 2784
[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 12.12.1996]

WITH

[iii] INTERLOCUTORY APPLICATION NO. 3735
[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED
07.05.2002/DIRECTIONS]

WITH

[iv] INTERLOCUTORY APPLICATION NO 1659
[REPORT OF CENTRAL EMPOWERED COMMITTEE]

In Re: REHABILITATION OF FARMERS FROM ANDAMAN AND NICOBAR ISLAND
[FOR FINAL DISPOSAL]

Date : 23-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasni Sen, Adv.
Mr. R. Balasubramanian, Adv.

Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Aarti Sharma, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.
Mr. Mirnal Kanthi Mondal, Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

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

It is stated by learned Additional Solicitor General that in terms of the order dated 4th October, 2018, a meeting was held on 17th October, 2018, but that was chaired by the Additional Secretary in the Ministry of Environment, Forest and Climate Change since the Secretary had some personal commitments.

Learned Additional Solicitor General says that another meeting will be held now on 30th October, 2018 in which the Director General of Forest will also be invited along with other members of the meeting that has already been held so that some finality is attached to the discussions on rehabilitation of farmers in the Andaman and Nicobar Islands as a result of Tsunami.

The decisions/recommendations made in the meeting proposed to be held on 30th October, 2018 should be placed on record before the next date of hearing.

List the applications on 12th November, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR