

REVISED

ITEM NO.7

COURT NO.5

SECTION PIL-W7

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

("ONLY"[1] INTERLOCUTORY APPLICATION NOS. 160157 AND 160159/2021[APPLICATIONS FOR DIRECTIONS ON BEHALF OF STATE OF H.P.] WITH INTERLOCUTORY APPLICATION NOS. 95844 AND 99314/2021[APPLICATIONS FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAIL VIKAS NIGAM LIMITED (RVNL)] IN INTERLOCUTORY APPLICATION NO. 3840 (Disposed of) [APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES]
IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESHAND

[2] INTERLOCUTORY APPLICATION NO. 61371/2021 (CEC REPORT NO. 7) [APPLICATION FOR PERMISSION] WITHINTERLOCUTORY APPLICATION NO. 93836/2021 [APPLICATION FOR SEEKING DIRECTIONS IN CEC REPORT NO. 7 OF 2021 FILED BY CEC] IN RE : ANDHARI TIGER RESERVE, CHANDRAPUR, MAHARASHTRAAND

[3] INTERLOCUTORY APPLICATION NO. 107443/2021 (CEC REPORT NO. 11) [APPLICATION FOR DIRECTIONS FILED BEFORE CEC BY DR. P.C. PRASAD AND ADITYA PRASAD, APPLICANTS] WITH INTERLOCUTORY APPLICATION D. NO. 161311 AND INTERLOCUTORY APPLICATION NO. 161312/2021[APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON BEHALF OF BY DR. P.C. PRASAD AND ADITYA PRASAD, APPLICANTS IN I.A. NO. 107443/2021]
IN RE : DELHI METRO RAIL CORPORATION (DMRC)IN WRIT PETITION (CIVIL) NO. 202/1995"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 14.12.2021

Date : 14-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For the parties :

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IA 95844/2021

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M/S. Cyril Amarchand Mangaldas, AOR
Mr. Somesh Chandra Jha, AOR
Ms. Adarsh Nain, AOR
Ms. Seita Vaidyalingam, AOR

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

IA NO.160157/2021.

This application has been filed by the State of Himachal Pradesh to grant permission for execution of linear projects as per the guidelines issued by the Ministry of Environment and Forest vide letter bearing F.No.11-306/2014-FC dated 08.08.2014 and letter bearing F.No.11-158/2017-FC dated 15.01.2015. The CEC may examine the application and file its response within a period of four weeks from today.

List on 08.02.2022.

IA No.160159/2021

The word "6 projects" mentioned in prayer (b) of the application may be read as "11 projects".

This application has been filed by the State of Himachal Pradesh seeking relaxation of the restrictions imposed by this Court on diversion of the forest land under the Forest (Conservation) Act,

1980 (in short 'FCA') and the Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short 'FRA') in respect of

(i) 11 cases of FCA pertaining to Roads (7), Bowstring Bridge (1), Electric Sub-station (1), Police Post (1), NDRF Company (1); and

(ii) 66 cases under FRA pertain to Community Centre (1), Drinking water supply and water pipelines (9), Roads (48), Schools (4), Minor Irrigation Canals (1) and Dispensaries/Hospitals(3).

292 trees have to be felled for the purpose of construction of 48 roads and 6 trees for the construction of 4 schools. CEC has examined the application and recommended for permission to be granted for diversion of the forest area for the projects.

In respect of the roads, they are stand alone projects and not part of one composite unit/project.

After hearing Mr. A.D.N. Rao learned Amicus Curiae and Mr. Tushar Mehta, learned Solicitor General of India appearing for the State of Himachal Pradesh and examining the application and the response of the CEC, we are of the considered view that this Interlocutory Application deserves to be allowed and the restrictions imposed for diversion of forest land can be waived in respect of 11 projects as mentioned in para 11 and 66 projects as mentioned

in para 12 of the application subject to the State of Himachal Pradesh following the directions issued by this Court on 09.12.2021 relating to reforestation.

I.A. stands allowed.

I.A. No.95844 of 2021

This application is filed by Rail Vikas Nigam Limited seeking permission for diversion of forest land in Bilaspur Forest Division, District Bilaspur (Himachal Pradesh) for laying Bhanupali-Bilaspur-Beri, New Rail Line Project. Permission for the Phase-I of the project has already been approved under the F.C. Act. This application concerns diversion of 56.36 hectares of forest land which is in Phase-II of the project and 29.6343 hectares of forest land which is in Phase III of the project. We are informed that the Stages I & II approval has already been granted in respect of Phase II and Phase III.

The CEC has recommended grant for permission for diversion of forest land as mentioned in this application in view of the project being public in nature and is of public importance.

IA is allowed. Permission is granted for diversion of 56.36 hectares of forest land which is in Phase-II of the project and 29.6343 hectares of

forest land in Phase III for construction of Bhanupali - Bilaspur - Beri, New Rail Line subject to compliance of directions issued by this Court for re-afforestation.

IA No.93836/2021 and IA No.61371/2021

IA No.93836/2021

This application is filed by the State of Maharashtra seeking permission for diversion of 374.75 hectares of forest land under the Forest (Conservation) Act, 1980 in Compartment No.14-B of Village Salori, District Chandrapur, Maharashtra for rehabilitation of families residing in Rantalodhi Village in Tadoba - Andhari Tiger Reserve occupying an area of 175.26 hectares of forest land in core area of Tadoba-Andhari Tiger Reserve. CEC has submitted a detailed report after considering the request made by the State of Maharashtra. In the report it has been stated that two options were given to the occupants of Village Rantalodhi. First is to accept an amount of Rs.10 Lakhs and get resettled on their own without availing Government land and other civic amenities and the second is to get resettled in a new village by availing the Government scheme. Out of 244 families, 99 families have opted for the first option and have accepted one time compensation of Rs.10 Lakhs for their relocation outside the Tiger Reserve. Remaining 145 families have to be

rehabilitated at a new place for which purpose land of 374.75 hectares is required. Views of the National Tiger Conservation Authority (NTCA) have also been obtained by the CEC before recommending permission to be granted for rehabilitation of 145 families from Village Rantalodhi.

After carefully examining the application and the recommendations made by the CEC in Report No.7/2021, this application is allowed. Accordingly, IA No.61371/2021(CEC Report No.7) stands disposed of.

Permission is granted for relocating 145 families in Compartment No.14-B of Village Salori, District Chandrapur, Maharashtra for rehabilitation of families residing in Rantalodhi Village in Tadoba - Andhari Tiger Reserve, subject to grant of necessary permission by MOEF as recommended by CEC for diversion of 374.75 hectares of forest land for non-forest use.

I.A. NO. 107443/2021 (CEC REPORT NO. 11), IA No.D 161311/2011, IA No.161312/2021

List tomorrow, i.e. 15.12.2021.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

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 Mr. Somesh Chandra Jha, AOR
 Ms. Adarsh Nain, AOR
 Ms. Seita Vaidyalingam, AOR

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

IA NO.160157/2021.

This application has been filed by the State of Himachal Pradesh to grant permission for execution of linear projects as per the guidelines issued by the Ministry of Environment and Forest vide letter bearing F.No.11-306/2014-FC dated 08.08.2014 and letter bearing F.No.11-158/2017-FC dated 15.01.2015. The CEC may examine the application and file its response within a period of four weeks from today.

List on 08.02.2022.

IA No.160159/2021

The word "6 projects" mentioned in prayer (b) of the application may be read as "11 projects".

This application has been filed by the State of Himachal Pradesh seeking relaxation of the restrictions imposed by this Court on diversion of the forest land under the Forest (Conservation) Act,

1980 (in short 'FCA') and the Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short 'FRA') in respect of

(i) 11 cases of FCA pertaining to Roads (7), Bowstring Bridge (1), Electric Sub-station (1), Police Post (1), NDRF Company (1); and

(ii) 66 cases under FRA pertain to Community Centre (1), Drinking water supply and water pipelines (9), Roads (48), Schools (4), Minor Irrigation Canals (1) and Dispensaries/Hospitals(3).

292 trees have to be felled for the purpose of construction of 48 roads and 6 trees for the construction of 4 schools. CEC has examined the application and recommended for permission to be granted for diversion of the forest area for the projects.

In respect of the roads, they are stand alone projects and not part of one composite unit/project.

After hearing Mr. A.D.N. Rao learned Amicus Curiae and Mr. Tushar Mehta, learned Solicitor General of India appearing for the State of Himachal Pradesh and examining the application and the response of the CEC, we are of the considered view that this Interlocutory Application deserves to be allowed and the restrictions imposed for diversion of forest land can be waived in respect of 11 projects as mentioned in para 11 and 66 projects as mentioned

in para 12 of the application subject to the State of Himachal Pradesh following the directions issued by this Court on 09.12.2021 relating to reforestation.

I.A. stands allowed.

I.A. No.95844 of 2021

This application is filed by Rail Vikas Nigam Limited seeking permission for diversion of forest land in Bilaspur Forest Division, District Bilaspur (Himachal Pradesh) for laying Bhanupalli-Bilaspur-Beri, New Rail Line Project. Permission for the Phase-I of the project has already been approved under the F.C. Act. This application concerns diversion of 56.36 hectares of forest land which is in Phase-II of the project and 29.6343 hectares of forest land which is in Phase III of the project. We are informed that the Stages I & II approval has already been granted in respect of Phase II and Phase III.

The CEC has recommended grant for permission for diversion of forest land as mentioned in this application in view of the project being public in nature and is of public importance.

IA is allowed. Permission is granted for diversion of 56.36 hectares of forest land which is in Phase-II of the project and 29.6343 hectares of

forest land in Phase III for construction of Bhanupalli - Bilaspur - Beri, New Rail Line subject to compliance of directions issued by this Court for re-afforestation.

IA No.93836/2021

This application is filed by the State of Maharashtra seeking permission for diversion of 374.75 hectares of forest land under the Forest (Conservation) Act, 1980 in Compartment No.14-B of Village Salori, District Chandrapur, Maharashtra for rehabilitation of families residing in Rantalodhi Village in Tadoba - Andhari Tiger Reserve occupying an area of 175.26 hectares of forest land in core area of Tadoba-Andhara Tiger Reserve. CEC has submitted a detailed report after considering the request made by the State of Maharashtra. In the report it has been stated that two options were given to the occupants of Village Rantalodhi. First is to accept an amount of Rs.10 Lakhs and get resettled on their own without availing Government land and other civic amenities and the second is to get resettled in a new village by availing the Government scheme. Out of 244 families, 99 families have opted for the first option and have accepted one time compensation of Rs.10 Lakhs for their relocation outside the Tiger Reserve. Remaining 145 families have to be

rehabilitated at a new place for which purpose land of 374.75 hectares is required. Views of the National Tiger Conservation Authority (NTCA) have also been obtained by the CEC before recommending permission to be granted for rehabilitation of 145 families from Village Rantalodhi.

After carefully examining the application and the recommendations made by the CEC in Report No.7/2021, this application is allowed.

Permission is granted for relocating 145 families in Compartment No.14-B of Village Salori, District Chandrapur, Maharashtra for rehabilitation of families residing in Rantalodhi Village in Tadoba - Andhari Tiger Reserve, subject to grant of necessary permission by MOEF as recommended by CEC for diversion of 374.75 hectares of forest land for non-forest use.

I.A. NO. 107443/2021 (CEC REPORT NO. 11), IA No.D 161311/2011, IA No.161312/2021

List tomorrow, i.e. 15.12.2021.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master