

WP(C) NO. 202 of 1995

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ITEM NO.301-303 and 310-313 & MM

COURT NO.12

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA Nos. 3118-3120 in WRIT PETITION (CIVIL) NO(s). 202 OF 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For impleadment, permission and exemption from filing Official Translation)

ITEM No. 302

3347 & 3348 in WP(C) No. 202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

For impleadment and directions)

tem No. 303

A NO. 3402 in IA

No. 2378 in 2164 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

For directions and application for seeking permission to place additional facts and documents on record)

tem No. 310

A Nos. 3424-3426 in WP(C) NO. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

WP(C) NO. 202 of 1995

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For impleadment, directions and exemption from filing Official Translation)

tem No. 311

A Nos. 3355-3357 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For impleadment, directions and exemption from filing official translation)

Item No. 312

IA No. 3415 in IA Nos. 3277-3280 in WP(C) 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For restoration of IA Nos. 3277-3280)

AND

Item No. 313

A Nos. 3429-3432 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For impleadment and filing additional documents, directions/interim order and exemption from filing Official Translation)

Item No. MM

IA No. 3427-3428/2012 in IA 1424-1425
WP(C) NO. 202 of 1995

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Date: 16/04/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

Mr. P.S. Narasimha, Sr. Adv.

For Petitioner(s)

Mr. Gaurav Agrawal, Adv.

For Applicant(s)
in IA 3118-3120

Mr. Ranjay N., Adv.
Mr. R.S. Jena, Adv.

In IA No. 3347 & 3348

Mr. Sanjay Upadhyay, Adv.
Mr. Tushar Thareja, Adv.
Ms. Lalitha Kuashik, Adv.

In IA 3402
Issa Mining
Corpn.

In IA 3424-3426

In IA 3355-3357

In IA 3415

In IA 3429-3432

In IA 3427(MM)
in BALCO appln.

For Respondent(s)
For UOI/ MOEF

WP(C) NO. 202 of 1995

Mr. K.K. Venugopal, Sr. Adv.
Mr. Raj Kumar Mehta, Adv.

Mr. Gaurav Banerjee, ASG.
Mr. Arjun Krishnan, Adv.
Mr. Tayenjam Momo Singh, Adv.

Mr. S. Wasim A. Qadri, Adv.
Mr. Zaid Aali, Adv.
Mr. Tamim Qadri, Adv.
Mr. L.R. Singh, Adv.

Mr. Vidya Bhushan Mishra, Adv.
Mr. R.D. Rathore, Adv.
Mr. S.K. Jha, Adv.
Dr. Kailash Chand, Adv.

Mr. Rohit Rao N., Adv.
Mr. Vijay Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Prashant Chandra Sen, Adv.
Ms. Binu Tamta, Adv.

Mr. T.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.

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Ms. Asha G. Nair, Adv.
Ms. Varuna Bhandari, Adv.
Mr. R.K. Rathore, Adv.
Mr. R.K. Tanwar, Adv.
Mr. R.K. Thakur, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Y.P. Mahajan, Adv.
Mr. M. Khairati, Adv.
Mr. R.K. Rathore, Adv.
Mr. R.S. Nagar, Adv.
Mr. Harish Khare, Adv.
Mr. D.S. Mahra, Adv.
Mr. B.V. Balaram Das, Adv.
Mr. Shreekant N. Terdol, Adv.

Mr. Shibashish Mishra, Adv.

Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar singh, Adv.
Ms. Nimshim Washum, Adv.

Ranjan Mukherjee, Adv.
S. Bhowmick, Adv.
S.C. Ghosh, Adv.
Garima Bose, Adv.

Mr. Ajay Bhargava, Adv.
Ms. Vanitha Bhargava, Adv.

For State of Odisha

For State of Nagaland

For State of Meghalaya

Mr.
Mr.
Mr.
Ms.

Mr. Nitin Mishra, Adv.
Ms. Priyambada Mishra, Adv.
For M/s. Khaitan & Co., Advs.

For State of UP

Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamalendra Mishra, Adv.

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

IA Nos. 3118-3120

Perused the letter circulated by the applicant
seeking an adjournment to place on record objections
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to the report filed by the Central Empowered
Committee. Prayer granted.

Post the applications after two weeks.

Item No. 302

IA Nos. 3347 and 3348

Applications are disposed of with liberty to the
applicants to approach the concerned High Court.

Item No. 303

IA Nos 3402

Mr. K.K. Venugopal, learned senior counsel
appearing for the Orissa Mining Corporation referred
to relief No.3 in the applications which reads as
follows:-

"Pass an interim order permitting the
applicant Orissa Mining Corporation
Limited (OMC) only to sell and despatch
its huge stock of iron ore of
Gandhamardan B mining lease presently
lying in Gandhamardan-A mining lease area
(confined to 31.404 hect. Of broken up
forest land referred to in para 7 and 9
above)."

Learned counsel appearing for the Ministry of
Environment and Forests submitted that no
application has been submitted by the applicants

1/4/1980 12:22 AM

even for removal of the already stored material lying at Gandhamardan-A.

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Learned Amicus Curiae submitted that without getting permission from the Ministry of Environment and Forests the stored material cannot be removed. Learned Senior Counsel for the applicant states that he will submit an application within three days from today to the State of Odisha seeking permission for the removal of the stored items from Gandhamardan-A. We make it clear that if such application is received by the State they will forward the same to the Ministry of Environment and forests within one week from the date of receipt of the same expressing their views. After receipt of the application, the Ministry of Environment & Forests will pass necessary orders in accordance with law within two weeks thereafter.

"With regard to relief Nos. (i) and (ii) the applicant has to make proper application before the State Government and who will forward the same to the Ministry of Environment & Forests and the Ministry shall consider the application for permission under the Forest Conservation Act in accordance with law."

Post the applications on 7th May, 2012.

Item No.310
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IA Nos. 3424-3426

Learned counsel appearing for the applicants

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seeks to withdraw the applications with liberty to approach the Ministry of Environment & Forests for clearance under Section 2 of the Forest Conservation Act.

Applications are allowed to be withdrawn with the aforesaid liberty.

Item No. 311

IA Nos. 3355-3357

No grounds are made out for our interference.

The applications are dismissed.

Item No. 312

IA Nos. 3415 in IA Nos. 3277-3289

Application seeking restoration of the application Nos. 3277-3280 are allowed.

Post them after the ensuing summer vacation.

Item No. 313

IA Nos. 3429-3432

Learned counsel appearing for the applicants seeks to withdraw the applications with liberty to approach the Ministry of Environment & Forests for clearance under Section 2 of the Forest Conservation Act.

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Act.

Applications are allowed to be withdrawn with the aforesaid liberty.

Mentioned Matter

IA No. 3427-3428/2012 in IA 1424-1425

On being mentioned by the learned Senior Counsel, post the applications on Monday the 23rd April, 2012.

1/4/1980 12:22 AM

[KALYANI GUPTA]
COURT MASTER

[RENUKA SADANA]
COURT MASTER

1/4/1980 12:22 AM