

2025 LiveLaw (SC) 1046

IN THE SUPREME COURT OF INDIA

B.R. GAVAI; CJI., K. VINOD CHANDRAN; J.

WRIT PETITION(S)(CIVIL) NO(S). 202/1995; 15-10-2025

IN RE: T.N. GODAVARMAN THIRUMULPAD *versus* UNION OF INDIA & ORS.

Forest And Environment Law – Judicial Discipline – Interference with Pending Supreme Court Proceedings – Contempt of Court - Supreme Court has strongly criticised the Uttarakhand High Court for entertaining a plea and staying a sanction order that was passed during the pendency of proceedings before the Apex Court concerning illegal constructions and felling of trees in the Corbett Tiger Reserve - The High Court, no doubt, is a Constitutional Court and not inferior to this Court. However, in judicial matters, when this Court is seized of the matter, it is expected of the High Courts to keep their hands away - Notice is issued to Shri Rahul (IFS), Chief Conservator of Forests, to remain present and show cause as to why an action for committing contempt of this Court be not initiated against him.

[Paras 9 - 13]

ORDER

1. We are disturbed by certain events that have taken place during the pendency of the present proceedings.
2. This Court is seized of a suo moto action pertaining to the illegal constructions and rampant felling of trees in the Corbett Tiger Reserve. The Court has been passing orders from time to time.
3. Initially, the Uttarakhand High Court had directed that an investigation be carried out by the Central Bureau of Investigation (CBI). Accordingly, CBI had conducted the investigation and an FIR also came to be filed.
4. The Court has been consistently monitoring the investigation and the CBI is submitting reports to Court. Parallely, the departmental proceedings are also under progress.
5. When the matter was listed before this Court on 08.09.2025, it was noticed that though the State Government had granted sanction in respect of the prosecution of all the officers except one, the Court had questioned the respondent(s)/State as to why special treatment was given to one officer. It appears that pursuant to the oral observations made by this Court on 08.09.2025, the sanction came to be granted on 16.09.2025.
6. On the next date of hearing i.e. on 17.09.2025, the Court was informed that the State Government had granted sanction for prosecution against the said officer under Section 218 of the BNSS/Section 197 of the Cr.P.C. The Court also recorded that insofar as the sanction under Section 19 of the Prevention of Corruption Act, 1988 (for short, 'P.C. Act') is concerned, the State Government had forwarded the papers for sanction to the Union of India. We had directed the Union of India to consider the proposal submitted by the Government of Uttarakhand for grant of sanction under Section 19 of the P.C. Act.
7. It appears that after the sanction was granted on 16.09.2025, the said officer, namely, Shri Rahul filed Writ Petition (Crl) No.1220 of 2025 before the High Court. In the said proceedings, sanction order dated 16.09.2025 came to be challenged. The learned Single Judge of the Uttarakhand High Court vide order dated 14th October, 2025 has admitted the matter and granted stay to the effect and operation of the sanction order dated 16.09.2025.
8. When this fact is brought to the notice of this Court by the learned Amicus Curiae, Shri Tanvir Ahmed, learned senior counsel, suo moto appeared on behalf of Shri Rahul. Shri

Ahmed, learned senior counsel, submits that the sanction order dated 16.09.2025 is totally impermissible in law in view of two judgments by the Constitution Bench of this Court. It is submitted that the sanctioning authority did not have the jurisdiction to review the order dated 4th August, 2024, vide which sanction was refused and subsequently grant the sanction. It is therefore submitted that in these facts the said Shri Rahul was advised to file a petition before the High Court. Shri Ahmed, learned senior counsel, further states that the party is entitled to take recourse to a legal remedy available to him in law, if he is aggrieved by an illegal order.

9. Shri Ahmed, learned senior counsel, states that the said Shri Rahul was watching the proceedings before this Court through video conferencing and therefore noticed the proceedings which were conducted before this Court on 08.09.2025 and 17.09.2025.

10. We are deeply perturbed by the approach of said Shri Rahul as well as the High Court of Uttarakhand. When the said Shri Rahul was continuously following the proceedings before this Court and was aware about the oral observations and the orders passed by this Court, nothing prevented him from intervening in these proceedings if he was of the view that any of the orders passed by this Court or any of the observations made by this Court prejudiced him. However, in the teeth of the sanction which was granted during the pendency of the proceedings before this Court, approaching the High Court to challenge an order virtually amounts to interference in the present proceedings. The High Court, no doubt, is a Constitutional Court and not inferior to this Court. However, in the judicial matters, when this Court is seized of the matter it is expected of the High Courts to keep their hands away. The learned Judge of the High Court does not even find it necessary to refer to the proceedings before this Court, though according to Shri Ahmed, learned senior counsel, the details of the present proceedings are mentioned in Writ Petition (Crl) NO.1220 of 2025, filed before the High Court.

11. In that view of the matter, we direct that the proceedings in Writ Petition (Crl) No.1220 of 2025, pending before the High Court, are withdrawn from the High Court of Uttarakhand and transferred to this Court. To be heard along with this matter. The High Court of Uttarakhand is directed to transfer the records of Writ Petition (Crl) NO.1220 of 2025 to this Court forthwith.

12. Until further orders, the order dated 14.10.2025 passed by the High Court of Uttarakhand in Writ Petition (Crl) No.1220 of 2025 shall stand stayed.

13. We also issue notice to Shri Rahul (IFS), Chief Conservator of Forests, (Information Technology), Forest Headquarters, 85, Rajpur Road, Dehradun-248001, to remain present before this Court on 11.11.2025 and show cause as to why an action for committing contempt of this Court be not initiated against him.

14. List on 11.11.2025

15. The Registrar concerned of this Court shall ensure that the notice is served to the noticee/Shri Rahul through the Chief Administrative Officer in the office of the District Judge, Dehradun.

IA No. 218391/2024 (CEC REPORT NO. 19 OF 2024) WITH SLP(C) DIARY NO. 22109 OF 2025 (Item No.27.1)

1. Permission to file special leave petition(s) is granted.

2. I.A. No.216431/2025 is allowed at the risk of the petitioner(s).

3. The Special Leave Petition@ Diary No. 22109/2025 challenges the order passed by the Division Bench of the High Court of Judicature at Bombay, dated 20.02.2025. vide which a public interest litigation filed by one Nagrik Chetna Manch came to be rejected. As the organization seeks to close down permanently, the present petitioners who were not parties before the High Court have filed this Special Leave Petition.

4. We have heard Ms. Anitha Shenoy, learned senior counsel for the petitioners and Shri Tushar Mehta, learned Solicitor General of India, appearing for the Pune Municipal Corporation/Res. No.1.
5. The petitioners have raised a concern that the proposed project of the D.P. Road would cut the Vetal Hill/Law College Hills. Ms. Shenoy, learned senior counsel, submits that the expert body appointed by the respondent No.1 itself has observed that before the report is submitted the four seasons environmental impact assessment should be done. She further submits that in view of the orders passed by this Court in the case of Ashok Kumar Sharma, Indian Forest Service (Retd) & Ors. v. Union of India and Another, (W.P.(C) No.1164/2023) rendered on 04.03.2025, the work of identification of the forests has already commenced in Pune. She therefore submits that if the Experts Committee finds the said area to a forest area then the clearance under Section 2 of the Forest Conservation Act would also be required.
6. We find that in view of the orders dated 02.11.2020 passed by the learned National Green Tribunal (NGT), a similar alignment has been found to be requiring Environment Clearance (hereinafter referred to as the 'EC'). The said order was upheld by this Court vide order dated 09.07.2021.
7. Shri Tushar Mehta, learned Solicitor General of India, fairly states that the respondent does not have any objection to carry out Environmental Impact Assessment (EIA) and apply for EC. He further submits that in fact an application for EC was made on Parivesh Portal of the Ministry of Environment, Forest and Climate Change. however, the status on the portal shows that the project does not fall under the category wherein EC is required.
8. Be that as it may, since for a similar alignment the NGT by order dated 02.11.2020 has found EC to be necessary, which order has been upheld by this Court on 09.07.2021, we direct that the project shall not commence unless EC is granted by the State Environment Impact Assessment Authority (SEIAA).
9. Taking into consideration that the project is pending for a long period, we direct SEIAA to decide the application of the petitioner herein for grant of EC within a period of three months from the date of making it.
10. The Special Leave Petition is, accordingly, disposed of. Pending application(s), if any, shall stand disposed of.
11. I.A. No.253212/2025-Application for Intervention, is disposed of. However, we clarify that we have not considered the issue in the writ petition filed by the applicant, which is pending before the High Court. The High Court would decide the same in accordance with law, on its own merits.
12. We are informed by Shri Abhijit Kulkarni, learned counsel assisting Shri Tushar Mehta, learned Solicitor General, that the first project in respect of which EC was found to be necessary has been abandoned for the present by the Corporation and in substitution thereof the present project is being implemented.
13. The parties would be entitled to raise their objections before the SEIAA.
14. IA No. 218391/2024 (CEC REPORT NO. 19 OF 2024) is, accordingly, disposed of.