

ITEM NO.38

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
RECORD OF PROCEEDINGS

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

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 20.11.2024 (THROUGH SUPPLEMENTARY LIST) "ONLY" [1] I. A. NO. 245699 OF 2024 [Applications for Impleadment in I.A. 211378 & 211725/2024 in I.A. 58031/2024] IN RE : M/S. RADHE GOVIND MARBLE AND [2] I.A.NO. 42944 OF 2019 [Application For Directions] IN RE : ILLEGAL/UNAUTHORIZED MINING IN KAZIRANGA NATIONAL PARK, ASSAM WITH I.A. NOS. 146755 AND 146756 OF 2021 [Applications For Intervention And Stay] AND I.A. NOS. 158973, 158975 AND 159054 OF 2021 [Applications For Intervention, Exemption From Filing O.T. And Stay] AND I.A.NOS. 28731, 28732 AND 28905 OF 2022 [Applications For Intervention, Exemption From Filing O.T. And Modification Of Court's Order Dated 12.04.2019] AND I.A. NOS. 41069 AND 41070 OF 2022 [Applications For Intervention And Exemption From Filing O.T.] AND I.A. NO. 51917 OF 2022 [Application for Ad Interim Stay of demolition in the animal corridors in Kaziranga National Park in I.A. Nos. 41069 in 42944/2022] AND [3] I.A. NOS. 99457 AND 99462 OF 2024 [Applications for Intervention and Clarifications filed by Ms. Shalini Kaul, Advocate] WITH I.A. NO. 211469 OF 2024 [Applications for Intervention filed by Mr. Tarun Gupta, Advocate in I.A. 99457/2024] WITH I.A. NO. 256515 OF 2024 [Applications for permission to place Additional documents on record filed by Mr. Tarun Gupta, Advocate in I.A. 211469/2024] IN RE : SUMITRA NEGI & ORS. IN RE : LIEUTENANT GENERAL SARVJIT SINGH CHAHAL (RETD.) & ORS. AND [4] I.A. NO. 263809 /2023 [APPLICATIONS FOR INTERVENTION] WITH I.A. NOS. 263810, 263811 AND 263812/2023 [APPLICATIONS SEEKING PERMISSION TO FILE APPLICATION FOR DIRECTIONS, DIRECTIONS AND EXEMPTION FROM FILING O.T.] AND I.A. NO. 92980/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY DR. SURENDER SINGH HOODA, ADVOCATE FOR THE APPLICANT] AND I.A. NO. 141598/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY MR. DINESH C. PANDEY, ADVOCATE FOR THE APPLICANT NO. 2] IN RE : ANUJ KAUSHAN & ANR. IN RE : SUKHNA LAKE AND [5] I.A. NO. 108587 OF 2024 [Applications For Impleadment Filed By Mr. Sudarsh Menon, Advocate] WITH I.A. NO. 108243 OF 2024 [Applications For Directions Filed By Mr. Sudarsh Menon, Advocate] IN RE : KANAK FOUNDATION AND [6] I. A. NOS. 153500 & 153501 OF 2024 [Applications For Directions and Exemption from filing O.T. filed by Ms. Shibani Ghosh, Advocate] WITH I. A. NO. 153502 OF 2024 [Applications For Intervention filed by Ms. Shibani Ghosh, Advocate] IN RE : DR. DAYA SHANKAR SRIVASTAVA AND [7] I. A. NOS. 31095, 31104, 31118 OF 2019 [APPLICATIONS FOR

IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING OFFICIAL TRANSLATION] WITH I. A. NO. 59646 OF 2021 [APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION IN R/O ANNEXURES FILED BY MR. SUNNY CHOUDHARY, ADV.] AND I. A. NO. 43308 OF 2022 [APPLICATION FOR PERMISSION TO FILE REJOINDER AFFIDAVIT] IN RE : REFUND OF NPV PAYMENT INTO COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMP) FUNDS AND [8] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH I.A. NO. 75033 OF 2023 (Application For Exemption From Filing O.T.) IN RE : GAURAV KUMAR BANSAL AND [9] CONTEMPT PETITION (CIVIL) NO. 938/2021 IN CIVIL APPEAL NOS. 12234-12235 OF 2018 AND [10] I.A.NO. 172781 OF 2024 [Application for Impleadment filed by Mr. Vishnu Kant, Advocate] WITH I.A.NO. 172375 OF 2024 [Application for Directions filed by Mr. Vishnu Kant, Advocate] IN RE : MAHAN SINGH & ORS. IN WRIT PETITION (CIVIL) NO. 171/1996 AND [11] I.A. NOS. 85332 AND 85124 OF 2023 [Applications For Intervention And Directions] WITH I.A. NOS. 60136 AND 60352 OF 2024 (Applications For Intervention Filed By Mr. Anurag Tandon, Advocate In I.A. No. 85332/2023) WITH I.A. NOS. 64180 AND 64434 OF 2024 [(Applications For Interventions Filed By Mr. Anurag Tandon, Advocate On Behalf Of "Bilibar Patar" And "Harichandra Boro", Applicants Respectively In I.A. No. 85332/2023) WITH I.A. NO. 67379 OF 2024 (Application For Permission To Bring On Record Additional Documents Filed By Mr. Shuvodeep Roy, Advocate In I.A. No. 85124/2023) IN RE : ROHIT CHOUDHARY IN RE : PITSING KONWAR & APURBA KUMAR DEKA IN RE : BILIBAR PATAR & HARICHANDRA BORO AND [12] I. A. NOS. 79569 AND 79576 OF 2019 [Applications For Intervention And Directions] WITH I. A. NOS. 159670 AND 159677 OF 2019 [Application For Exemption From Filing Official Translation] WITH I. A. D. NOS. 14261 AND 14262 OF 2021 [Applications For Urgent Listing Of I.A. Nos. 79569 And 79576/2019 And Exemption From Filing Duly Attested Affidavit] AND I. A. NOS. 40599 AND 40624 OF 2023 [Applications For Intervention And Modification Of Court's Order Dated 12.05.2022] AND I. A. NO. 220675 OF 2023 [Application For Direction In I.A. No. 79576/2019] IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND [13] I. A. Nos. 118236 AND 129623 OF 2020 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : M/O AGRICULTURE AND FARMERS WELFARE WITH I.A. No. 179389/2018 [APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002 IN I. A. NO. 502] AND I.A. No. 69399/2021 [APPLICATION FOR PERMISSION TO FILE ADDITIONAL AFFIDAVIT] AND I.A. No. 144539/2021 [APPLICATION FOR INTERVENTION IN I.A. NO. 179389/2018] AND I.A. No. 13413/2023 [CEC REPORT NO. 2/2023 - NOTE FILED BY MEMBER SECRETARY, CEC IN I.A. NO. 179389/2018] AND I.A. No. 217138/2024 [APPLICATION SEEKING EXTENSION OF TIME ON BEHALF OF MOEF & CC IN I.A. NO. 179389/2018] IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION AND [14] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018 AND [15][i] I.A. NOS. 1424-1425 OF 2005 AND 2749 OF 2009 (Applications for Directions and Stay) IN RE : ALLEGED NON-FORESTRY ACTIVITIES AND ENCROACHMENT BY BALCO AND [ii] I.A. NOS. 2211 OF 2008 (Applications for Clarification of Court's Order dated 29.02.2008) In Re : BALCO AND [iii] I.A. NO. 3427 OF 2012 (Applications for Directions) WITH I.A. NOS. 167802 AND 167804 OF 2019 (Applications

For Directions And Exemption From Filing O.T.) WITH I.A. NOS. 187590 AND 187591 OF 2019 (Applications For Directions And Exemption From Filing O.T.) IN RE : BALCO, RESPONDENT NO. 7 IN I.A.NO. 1424-1425 WITH [iv] CONTEMPT PETITION (C) No. 388 OF 2009 IN I.A. NOS. 1424-1425 IN WRIT PETITION(C) NO. 202 OF 1995 WITH SPECIAL LEAVE PETITION(C) NO. 37511 OF 2013 WITH WRIT PETITION (C) NO. 469 OF 2005 IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 20.11.2024 (THROUGH SUPPLEMENTARY LIST) AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, SR. ADVOCATE [A.C.] MR. G.S. MAKKER, MR. S.N. TERDAL FOR S.NO. [1] MR. K. PARAMESHWAR (A.C.), MS. ARUNA GUPTA FOR S. NO. [2] MR. K. PARAMESHWAR (A.C.), MR. SHUVODEEP ROY (FOR STATE OF ASSAM), MR. KAUSHIK CHOUDHURY (FOR KAAC) MR. SUNIL KR. SHARMA (INTERVENOR), MR. RAJNISH KUMAR JHA (INTERVENOR) FOR S. NO. [3] MR. K. PARAMESHWAR (A.C.), MS. SHALINI KAUL, MR. TARUN GUPTA FOR S. NO. [4] MR. K. PARAMESHWAR (A.C.), MR. DINESH C. PANDEY, DR. SURENDER SINGH HOODA FOR S. NO. [5] MR. K. PARAMESHWAR (A.C.), MR. SUDARSH MENON, MR. SUBHASISH MOHANTY (STATE OF ODISHA) FOR S.NO. [6] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH, MS. PALLAVI LANGAR, MR. G.S. MAKKER FOR S.NO. [7] MR. K. PARAMESHWAR (A.C.), MR. KRISHNA BALLABH THAKUR, MR. V. N. RAGHUPATHY (FOR STATE OF KARNATAKA), MR. SUNNY CHOUDHURY (FOR STATE OF MADHYA PRADESH), MR. AADITYA A . PANDE (FOR STATE OF MAHARASHTRA), MR. A.D.N. RAO, MR. G.S. MAKKER FOR S. NO. [8] MR. K. PARAMESHWAR (A.C.), DR. ABHISHEK ATREY (FOR STATE OF UTTARAKHAND), MR. G.S. MAKKER, MR. M.K. MARORIA (FOR C.B.I.) FOR S. NO. [9] MR. K. PARAMESHWAR (A.C.), MS. SRISHTI AGNIHOTRI, MR. SYED JAFAR ALAM FOR S.NO. [10] MR. K. PARAMESHWAR (A.C.), MR. VISHNU KANT, MR. AKSHAY AMRITANSHU FOR S.NO. [11] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH, MR. ANURAG TANDON, MR. SHUVODEEP ROY (STATE OF ASSAM) FOR S.NO. [12] MR. K. PARAMESHWAR(A.C.), MS. MISHA ROHATGI MOHTA, M/S. KARANJAWALA & CO., MR. KRISHNA BALLABH THAKUR, MR. T.R.B. SIVAKUMAR, MR. AADITYA A . PANDE (STATE OF MAHARASHTRA) FOR S.NO. [13] MR. K. PARAMESHWAR (A.C.), MR. RAJ BAHADUR YADAV, MS. MRINAL ELKER MAZUMDAR, MR. RAJAT ARORA, MR. P.K. MANOHAR, MR. G.S. MAKKER FOR S. NO. [14] MR. K. PARAMESHWAR (A.C.), MR. KUNAL CHATTERJI, MS. ASTHA SHARMA, MR. NARESH KUMAR, MR. G.S. MAKKER, MR. ANANDO MUKHERJEE, MS. POOJA DHAR, MR. S.N. TERDAL, MR. MOHIT D. RAM FOR S.NO. [15] MR. K. PARAMESHWAR (A.C.), MR. PRANAV SACHDEVA, MR. P.S. SUDHEER, MR. NISHANT PATIL, MR. ASWATHI M.K., MS. PRATHIBAH JAIN, MR. SUNIL KUMAR JAIN, MR. SATISH KUMAR, MR. SHANKAR DIVATE, MS. BINU TAMTA, MR. ROHIT K. SINGH, MR. RAJESH SRIVASTAVA, MR. RADHA SHYAM JENA, MR. NISHANTH PATIL)

WITH

W.P.(C) No. 171/1996 (PIL-W)

(IA No. 172375/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 172781/2024 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 469/2005 (X)
(IA No. 2/2006 - EXEMPTION FROM FILING O.T., IA No. 3/2007 - STAY APPLICATION)

CONMT.PET.(C) No. 388/2009 In W.P.(C) No. 202/1995 (PIL-W)
(FOR ON IA 1/2017)

SLP(C) No. 37511/2013 (IV-C)
(IA No. 68210/2018 - EXEMPTION FROM FILING O.T., IA No. 90909/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 68208/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 25047/2018 (XVI)

CONMT.PET.(C) No. 938/2021 in C.A. No. 12234-12235/2018 (XVII)
(FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 115589/2024, IA No. 115589/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

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 Mr. Ashok Mathur, AOR

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 Ms. Jyoti Mendiratta, AOR
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 Ms. Rani Mishra, AOR

Mr. Sameer Abhyankar, AOR
 Mr. Rahul Kumar, Adv.
 Mr. Aryan Srivastava, Adv.
 Mr. Krishna Rastogi, Adv.
 Mr. Aakash Thakur, Adv.

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

[1] I. A. NO. 245699/2024 in I.A. 211378 & 211725/2024 in I.A. 58031/2024]

Adjourned. To be heard along with other applications relating to Sariska.

[2] I.A.NO. 42944 OF 2019 WITH 146755 AND 146756 OF 2021 AND I.A. NOS. 158973, 158975 AND 159054 OF 2021 AND I.A. NOS. 28731, 28732 AND 28905 OF 2022 AND I.A. NOS. 41069 AND 41070 OF 2022 AND I.A. NO. 51917 OF 2022]

1. Pursuant to order passed by this Court dated 13.03.2024, the State of Assam as well as Karbi Anglong Hill Council (KAHC) have filed their affidavits of compliance.

2. In the affidavit dated 13.09.2024 filed by the State of Assam it is stated that the elevated corridor of approximately 34.5 kms was proposed as a wildlife friendly measure. The project includes

three elevated sections. It is stated that DPR work is in progress by NHAII, which is yet to be finalized. It is further stated that the National Board of Wildlife (NBWL) has accorded its approval to the proposal for diversion of 20.241 hectares of forest land. It is further stated that vide OM dated 14.08.2024, the Ministry of Road Transport and Highways (MoRTH) has placed the said project in Category 1.

3. It, thus, appears that the State of Assam and the MoRTH are taking necessary steps to provide an elevated corridor, which bifurcates the two parts of Kaziranga National Park (KNP) so as to provide free access to the wildlife from one part of the forest to the other part.

4. We expect the NHAII to complete the project at the earliest and expect the other stakeholders to provide full support and cooperation for the expeditious completion of the said project.

5. In the affidavit filed on behalf of KAAC dated 05.11.2024, it is stated that all the mining activities inside the Karbi Anglong District bordering the southern parts of Kaziranga National Park (KNP) has already been closed pursuant to the meeting of the CEC. It is further stated in the affidavit that notice to close 33 stone quarries and 18 numbers of stone quarries as well as 18 stone crushing units was issued. It is further stated in the affidavit that mining activities along the southern boundary and catchment area of the river/stream originating in Karbi Anglong Hills has already been prohibited vide order dated 4.5.2019 passed by the Deputy Commissioner, Karbi Anglong. The affidavit also places on record a letter dated 07.05.2024 issued by the Divisional Forest

Officer of KAHC stating that no new order for lifting the closure of the quarries has been issued.

6. We, therefore, find that the KAAC has also taken necessary steps to stop the illegal mining in the areas bordering KNP. We, therefore, close the proceedings insofar as these two issues are concerned.

7. These applications are accordingly disposed of.

[3] I.A. NOS. 99457 AND 99462 OF 2024 WITH I.A. NO. 211469 OF 2024 WITH IA NO. 256515 OF 2024

AND

[4] I.A. NO. 263809 /2023 WITH I.A. NOS. 263810, 263811 AND 263812/2023, I.A. NO. 92980/2024 AND IA NO. 141598 OF 2024

1. An affidavit has been filed on behalf of the State of Punjab. Shri Gurminder Singh, learned Advocate General for the State of Punjab appears and submits that a proposal has been approved in principal thereby sub-dividing ESZ into three sub-zones. It is stated that however the said proposal will have to be placed before the Cabinet and only after the Cabinet approves it, the same will be brought into effect.

2. Shri Narender Hooda, learned senior counsel as well as Shri Dinesh C. Pandey and Shri Tarun Gupta, learned counsel, have raised various issues. They have stated that though sanctions have been sought by them for construction of only residential houses, the same are not being considered by the State.

3. We are of the view that once the Cabinet takes a call and finally decides on the issue of ESZ all things would be clear. In any case we request the learned Advocate General for the State of Punjab to place the concerns of the plot holders before the State Government so that the same may also be taken into consideration

while taking a final decision.

4. List on 11.12.2024.

[5] I.A. NO. 108587 OF 2024 WITH I.A. NO. 108243 OF 2024

1. The affidavit filed by the State of Odisha does not show that the State Government has followed the required procedures under Rule 7 of the Wetlands (Conservation and Management) Rules, 2017 (hereinafter referred to as "Rules 2017") for preparing and notifying the brief document in the Official Gazette.

2. Rule 7(1) of the Rules 2017 specifies as to what shall be included in the bid document.

3. When the State is bound to act in accordance with Rule 7 of the Rules 2017, we fail to understand as to why it has not done so.

4. We, therefore, call upon the State Government to explain as to why the provisions under Rule 7 of the Rules 2017 have not yet been followed. The affidavit to satisfy the aforesaid shall also state as to what activities are permitted, regulated and prohibited in the area which is notified as wetland zone. The said affidavit shall be filed within two weeks from today.

5. List on 04.12.2024.

[6] I. A. NOS. 153500 & 153501 OF 2024 WITH I. A. NO. 153502 OF 2024

1. Learned counsel for the State relying on the affidavit of the State of Jharkhand filed by Shri Aviroop Sinha, DFO Saranda, has stated that the status of the entire land in question which was notified as a 'Game Sanctuary' earlier is statutorily secured as reserved forest.

2. It is further stated that neither any kind of mining excavation operations nor any diversion of forest land for mining purpose as approved by the Forest Conservation Act, 1980 has been undertaken. It is further stated that there are no operational mines inside the 126 compartments within the stated area of 31,468.25 hectares.

3. The reliance is also sought to be placed on the order passed by the learned National Green Tribunal (NGT) dated 12.07.2022 in Original Application No.59/2020/EZ. Vide the said judgment and order, learned NGT has held that a conjoint reading of Section 9 with Section 2(26) of the Wildlife Protection Act, 1972 would show that the sanctuary within the meaning of Section 2(26) of the Act, 1972 does not include a Game Sanctuary.

4. Though the learned NGT has rejected the contention of the applicant(s) therein in paragraph 34, it is observed thus:

"34. Annexure-2 to the Original Application mentions that the area of the Saranda/Sasangada Forest is about 31,468.25 hectares. This is a huge area of

pristine forest and whether it has been declared as Game Sanctuary or not, it is nevertheless a repository of some of the finest Sal Forest in the country having rich wildlife and requires protection and preservation and, therefore, a direction is issued to the State Respondents to consider whether the same needs to be declared as a Sanctuary since it has nowhere been stated by the State Respondents in their various affidavits that this massive area does not have any wildlife."

5. It is not in dispute that the said area consists of pristine forest and it is a repository of some of the finest Sal trees in the country. It is also not disputed that it is having rich wildlife and as such requires protection and preservation.

6. A period of 2½ years has lapsed from the date on which the aforesaid observations were made by the learned NGT.

7. Since the State places reliance on the judgment of the NGT, it should have explained to us as to why it has not followed the directions issued by the learned NGT.

8. The 2006 Amendment to the 1972 Act has been brought into effect with a purpose of imposing stringent restrictions for the protection of wildlife. If that be so, there is no reason as to why the State did not take steps to implement the directions issued by the learned NGT on 12.07.2022.

9. We, therefore, direct the State to file an affidavit explaining the aforesaid within a period of two weeks from today.

10. List on 04.12.2024.

11. We clarify that if the State does not come out with a positive response, we will have to consider issuing appropriate directions to the State Government for protecting the wildlife in the said area. We direct specifically so, since from the affidavit of the State of Jharkhand dated 10.11.2024 and particularly Annexure-2 thereof would reveal that iron ore mining activities are being carried out in the abutting area.

[7] I. A. NOS. 31095, 31104, 31118 OF 2019 WITH I. A. NO. 59646 OF 2021 AND IA NO. 43308 OF 2022

1. It is the contention of the applicant(s) that this Court in an identical situation has passed an order dated 02.11.2018 in the case of Wind World India Ltd. It is submitted that different treatment could not be permitted to be meted out to the applicant(s).

2. We request Ms. Aishwarya Bhati, learned Additional Solicitor General to take instructions from the MoEF&CC with regard to the outcome of the directions issued by this Court on 02.11.2018 in the case of Wind World India Ltd.

3. List on 04.12.2024.

[8] I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC WITH I.A. NO. 75033 OF 2023

1. We have perused the report of the Superintendent of Police, Central Bureau of Investigation dated 16.10.2024.

2. We are satisfied with the progress of the investigation.
3. The report is directed to be kept again in sealed cover.
4. The CBI is directed to submit its further report after a period of three months from today.
5. List on 19.03.2025.
6. The State is also at liberty to file reply within two weeks from today.

[9] CONTEMPT PETITION (CIVIL) NO. 938/2021 IN CIVIL APPEAL NOS. 12234-12235 OF 2018 AND

1. As prayed, two weeks' time is granted to respondent No. 6 to file reply affidavit.
2. List on 04.12.2024.

[10] I.A. NO. 172781 OF 2024 WITH I.A. NO. 172375 OF 2024 IN WRIT PETITION (CIVIL) NO. 171/1996

1. The present application(s) has been filed by the applicants seeking following prayers:

"A. Allow the present application and modify the "Management Plan" in relation to felling of Khair Tress for the year 2023-2024 and particular in relation to the Village-Khanna Chargal, Tehsil - Jammu whereby a time period of 8 weeks be allowed to the Applicants to complete the felling activities;

B. Direct the respondents to correct the name of the Village-Khanna Chargal and accept the application "Form-B" of the Applicants and further be directed to complete this Administrative process provided under Rule 4 to 8 (Marking etc.) within 2 weeks so that applicants can cut and remove the tress within six

weeks thereafter."

2. In the reply affidavit filed by the State, it is clear that the applicant(s) could not get the requisite permission, though they have applied for the same within the specified time on account of certain technical reasons for which they cannot be blamed.

3. In our order dated 24.03.2023, we have recorded the statement of the learned Advocate General that since the time-frame was being provided, for the first time, and as such there was no proper publication of the said guidelines. The non-consideration of the applicant(s)' application, was due to an error on the part of the State Government.

4. We are informed that the season for felling and conversion is open till January, 2025 and the transportation has to be done between November, 2024 to March, 2025. Since we are in the month of November, 2024, two more months are left during which the felling and conversion as well as transportation activities could be carried out.

5. We, therefore, in the peculiar facts and circumstances of the case and restricting it to the present applicant(s), hereby allow the application(s). The processing of the application filed by the applicant(s) before the State Government shall be completed within a period of two weeks from today. The applicants would be permitted to carry out the

felling and conversion activities between December, 2024 to January, 2025 and transportation activities permitted between December, 2024 to March, 2025.

6. We also grant the prayers made by the State in the reply affidavit which reads as under:-

i. Permit the Empowered Officer to correct the typographical errors inadvertently occur in the Khair management plan including the errors occur in the names of the village which cause delay in processing of the applications.

ii. To avoid hardships to farmers allow rescheduling of timeframes for various operations as per field requirements as proposed below with the condition that all the operations be concluded during the financial year:

S.No.	Operation	Time Schedule
1.	Notification of Villages by the DFO April	April
2.	Invitation and processing of applicants	April to May
3.	Nishandehi / Demarcation / Enumeration of private land and trees therein	June to October
4.	Issuance of Marking and felling permission by the DFO	November to December
5.	Felling and Conversion	November to January
6.	Transportation	November to March

[11] I.A. NOS. 85332 AND 85124 OF 2023 WITH I.A. NOS. 60136 AND 60352 OF 2024 In I.A. No. 85332/2023, WITH I.A. NOS. 64180 AND 64434 OF 2024 WITH I.A. NO. 67379 OF 2024

1. Shri Nalin Kohli, learned Additional Advocate General for the State of Assam, states that the State has decided to increase the area of Pobitra Wildlife Sanctuary and accordingly a proposal for modification of the boundary has already been sent to National Board of Wild Life (NBWL).

2. We expect the NBWL to consider the proposal expeditiously.
3. List on 19.03.2025.

[12] I. A. NOS. 79569 AND 79576 OF 2019, WITH I. A. NOS. 159670 AND 159677 OF 2019 WITH I. A. D. NOS. 14261 AND 14262 OF 2021 AND I. A. NOS. 40599 AND 40624 OF 2023 AND I. A. NO. 220675 OF 2023

1. List on 27.11.2024.
2. A copy of the report be supplied to the concerned parties.

[13] I. A. Nos. 118236 AND 129623 OF 2020 WITH I.A. No. 179389/2018 IN I. A. NO. 502] AND I.A. No. 69399/2021 AND I.A. No. 144539/2021 IN I.A. NO. 179389/2018] AND I.A. No. 13413/2023 IN I.A. NO. 179389/2018 AND I.A. No. 217138/2024 IN I.A. NO. 179389/2018

AND

[14] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018

List on 15.01.2025.

[15] I.A. NOS. 1424-1425 OF 2005 AND 2749 OF 2009, I.A. NOS. 2211 OF 2008, I.A. NO. 3427 OF 2012 WITH I.A. NOS. 167802 AND 167804 OF 2019 WITH I.A. NOS. 187590 AND 187591 OF 2019 WITH CONTEMPT PETITION (C) No. 388 OF 2009, IN I.A. NOS. 1424-1425 IN WRIT PETITION(C) NO. 202 OF 1995 WITH WITH SPECIAL LEAVE PETITION(C) NO. 37511 OF 2013 WITH WRIT PETITION (C) NO. 469 OF 2005

List on 15.01.2025.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER

(NARENDRA PRASAD)
DEPUTY REGISTRAR