

ITEM NO.27

COURT NO.1

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 29.05.2025 (THROUGH SUPPLEMENTARY LIST) "ONLY"

[1] I.A. NOS. 269550, 269552 AND 269553 OF 2024 [Application for Impleadment, Directions and O.T. filed by Ms. Rani Mishra, Advocate] WITH I.A. NO. 100529 OF 2025 [CEC REPORT NO. 17 OF 2025] WITH I.A. NO. 137359 OF 2025 [CEC REPORT NO. 29 OF 2025- ADDENDUM TO THE REPORT NO. 17 OF 2025 IN I.A. NO. 269550, 269552 AND 269553 OF 2024] IN RE : JUMMA & ORS. AND

[2] IN RE : CORBETT 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.) AND I.A. NO. 199355 OF 2024 (CEC REPORT NO. 16/2024 - INTERIM REPORT OF THE CEC ON APPLN. NO. 1578/2024 FILED BY SHRI ABHIJAY NEGI IN I.A. NO. 20650/2023) IN RE : GAURAV KUMAR BANSAL (FOR COMPLIANCE OF ORDER DATED 06.03.2024) AND

[3] I.A. NO. 285881 OF 2024 (Application for Impleadment as Co-petitioners filed by Mr. Arun K. Sinha, Advocate) WITH I.A. NOS. 285829 & 285830 OF 2024 (Applications for Directions and Exemption from filing O.T. filed by Mr. Arun K. Sinha, Advocate) AND I.A. NO. 300603 OF 2024 (Application seeking Impleadment of the owner of the Land as Party Respondent filed by Mr. Arun K. Sinha, Advocate) IN RE : Udit Narayan Sonakiya & ANR. AND

[4] 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] AND I. A. NO. 111336 OF 2025 [Application permission to file Additional documents in I.A. No. 79569 & 79576/2019 filed by Mr. Aaditya A. Pande, Advocate] AND I. A. NO. 137276 OF 2025 [Application permission to file Additional Documents in I.A. No. 40599 & 40624/2021 filed by M/s. Karanjawala & Co., Advocate] IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA IN RE : E-RICKSHAW IN MATHERAN AND

Signature of the
Digital Signature
NARENDRA PRA
Date: 2025.06.04
14:11:15 IST
Reason

[5] I. A. NOS. 62990 & 62991 OF 2025 [Applications for Impleadment and Directions filed by Ms. Rani Mishra, Advocate] WITH I.A. NO. 138126 OF 2025 [CEC REPORT NO. 28 OF 2025] IN RE : SANJAY KUMAR AND

[6] I.A. NO. 5891 OF 2019 [Application For Directions] AND I.A. NOS. 259426, 259429 & 259431 OF 2024 (Applications for Impleadment, Directions and Exemption from filing O.T. filed by Ms. Rani Mishra, Advocate) IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS ALONGWITH IN RE: STATUS OF FUNDS IN RE: VAISHALI RANA AND

[7] I.A. NOS. 122148 & 122149 of 2025 [Applications for Impleadment and Directions] IN RE : MOHAN LAL & ORS. AND

[8] ISSUE REGARDING ORDER DATED 16.04.2025 PASSED IN W.P.(C)NO. 4677 OF 1985. AND

[9] I.A. NOS. 132289 AND 132290 of 2025 [Applications for Intervention and Directions] WITH I. A. NO. 138819 OF 2025 [Applications for permission to file Additional documents in I.A. 132290/2025 filed by Ms. Swathi H. Prasad, Advocate] IN RE : KICHU K. RAVI AND

[10] I. A. NOS. 100352 & 100351 OF 2024 [Applications for Impleadment and Directions filed by Mr. Rajeev Kumar Dubey, Advocate] AND I. A. NOS. 56927, 56928 & 56929 OF 2025 [Applications for Amendment of I.A. Nos. 100351 & 100352/2024 , Amended application for Directions and Exemption form filing O.T. filed by Mr. Rajeev Kumar Dubey, Advocate] IN RE : SHRI RAM KRISHNA PANDEY AND

[11] I.A. NO. 126582 OF 2025 (CEC REPORT NO. 25 OF 2025) AND I.A. NOS. 135736 & 136040 OF 2025 (Applications for Intervention and Directions in I.A. 126582/2025 filed by Ms. Tanya Srivastava, Advocate) AND I.A. NO. 135654 OF 2025 (Applications for Intervention in I.A. 126582/2025 filed by Ms. Ranu Purohit, Advocate) AND I.A. NO. 138810 OF 2025 (Applications for permission to file Additional documents in I.A. 136040/2025 in I.A. 126582/2025 filed by Ms. Tanya Srivastava, Advocate) AND I.A. NO. 138813 OF 2025 (Applications for permission to file Additional documents in I.A. 136040/2025 in I.A. 126582/2025 filed by Ms. Tanya Srivastava, Advocate) IN RE: M/S. RR TEXKNIT LLP IN RE: RAJEEV RANJAN IN RE: VASANT KUNJ RESIDENTS WELFARE ASSOCIATION AND

[12] I. A. NO. 82534 OF 2025 [Application for Clarification filed by Mr. M.K. Maroria, Advocate in I.A. No. 47367/2019 (CEC Report No. 08/2019)] IN RE : REFERAL AND RESEARCH (R AND R) ARMY HOSPITAL, MINISTRY OF DEFENCE AND

[13] ISSUE REGARDING ORDER DATED 18.03.2025 PASSED IN W.P.(C)NO. 13381 OF 1984. AND

[14] I.A. NO. 218391 OF 2024 (CEC REPORT NO. 19 OF 2024) IN RE :
TO PREVENT THE CONSTRUCTION OF BAL-BHARATI PAUD PHATA (BBPP) ROAD,
BY PUNE MUNICIPAL CORPORATION (PMC)

Date : 29-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

(PARTIAL COURT WORKING DAYS BENCH)

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

[1] I.A. NOS. 269550, 269552 AND 269553 OF 2024 WITH I.A. NO. 100529 of 2025 (CEC REPORT NO. 17 OF 2025) WITH I.A. NO. 137359 of 2025 (CEC REPORT NO. 29 OF 2025)- In Re:Jumma & Ors.

1. This matter pertains to the construction of road by cutting from an area falling within the State of Haryana to the mines in the State of Rajasthan, in order to facilitate illegal mining

activities undertaken by the mafia.

2. When the said issue was brought to the notice of this Court, *vide* order dated 19th March 2025, this Court requested CEC to investigate in the matter. Consequently, the CEC had filed its report on 15th April 2025. Pursuant thereto, the Chief Secretary, State of Haryana has filed an affidavit addressing the aforesaid issue.

3. A perusal of the affidavit dated 15th May 2025 filed by the Chief Secretary would clearly show that the construction of road has been orchestrated in collusion with the Sarpanch of the concerned village, the officials of the Revenue Department and the Police Department. It is only on account of the intervention of the CEC on the basis of the orders passed by this Court, on the applicant bringing it to the notice of this Court, that the things have moved.

4. A perusal of the affidavit would also reveal that the officers of the Revenue Department have acted with utmost laxity. Though notice dated 1st April 2025 was received by the office of the Chief Secretary on 3rd April 2025, informing him about the meeting with CEC scheduled on 9th April 2025 - neither the Collector nor the Chief Secretary nor their representatives were present before the CEC on the said date.

5. To pass the buck, the Chief Secretary in his affidavit states that he had forwarded a copy of the notice to the Additional Chief Secretary of Environment, Forest and Wildlife, Government of Haryana for taking his opinion. However, there is no explanation in the affidavit as why at least the Additional Chief Secretary was

not present in the said meeting. The affidavit further reveals that after the CEC noticed that the officers of the Revenue Department were not present, it issued another notice to the said officers calling upon them to remain present in the office of CEC on 11th April 2025 at 15:30 hours.

6. Again, the game of passing the buck does not stop. The Chief Secretary in the affidavit blames it on the staff of his office and states that the notice was never presented before him. Furthermore, the affidavit does not state as to what action the Chief Secretary has taken against such an officer/official.

7. The Chief Secretary, further in the affidavit, comments on the proposal made by the Forest Department authorising DFO, Nuh to initiate the proceedings against the CEO, Zila Parishad, Nuh; DRO, Nuh; ACO, Nuh and Sarpanch Gram Panchayat, Basaimeo and further initiate disciplinary action against officials/officers of staff of several other departments like the development and Panchayat, officers of Revenue Department, Environmental Department and that of the Haryana State Pollution Control Board.

8. Thereafter, the Chief Secretary attempts to put the blame on the DFO by stating that the DFO should have been the first person to take action when a wide road had been constructed through a forest area, which had remained closed for last 55 years or so.

9. If that be the approach we may simply remind the learned Chief Secretary that he is not the Chief Secretary only of the Revenue Department but is the Chief Secretary heading all departments in the State. Rather than finding out when the illegal activities were carried out, the Chief Secretary attempted to put the blame on the

officers of the other departments.

10. The issue with regard to the possession of forest land with the Revenue Department and the Forest Department having no control over such land has been considered by us in the two recent judgments viz. *In Re: Construction of Multi-Storeyed Buildings in Forest Land of Maharashtra* [Judgment dated 15.05.2025 in W.P.(C) 202 of 1995] and *In Re: Zudpi Jungle Lands* [Judgment dated 22.05.2025 in the W.P.(C) 202 of 1995].

11. We have, in the aforesaid order, specifically directed the Chief Secretary of all the State Governments and Administrators of the Union Territories to take steps for handing over of the reserved forest land to the Forest Department which is in possession of the revenue land, for its management and conservation. Had the State of Haryana done it earlier, such an issue would not have arisen.

12. From the perusal of the affidavit of the Chief Secretary, it is not reflected as to what action has been taken against the concerned officers for such a gross violation which has resulted in disappearance of some of the hills entirely.

13. It appears that the mafia is strong enough to protect not only its members but also the errant officers of the State Government who have acted in collusion to benefit the members of such mafia.

14. Ms. Monica Gosain, learned Senior Counsel appearing for the State of Haryana states that a meeting is scheduled by the Chief Secretary for 30th May 2025 so as to discuss the issue with regard to taking action against the erring officers of all the departments.

15. We have no hesitation to observe that the Chief Secretary as well as the Deputy Commissioner, Nuh have acted with utmost laxity in such an important matter pertaining to ecology and environment. It is only after the orders passed by this Court and the visits conducted by the CEC that the State Government woke up from its deep slumber.

16. We, therefore, direct the Chief Secretary to take immediate action against all the erring officers and file a detailed affidavit in this Court on or before 15th July 2025. We clarify that if we find that the State Government is not paying due attention to the issue involved, we will be constrained to take steps as are permissible in law against the Chief Secretary as well as other erring officers.

17. We fail to understand as to why, in spite of the requests made by the concerned DFO, the First Information Reports have not been registered, or investigation / consequential action have not been initiated against either the members of the mafia or the erring officers. The Chief Secretary, State of Haryana would also call an explanation from the District Superintendent of Police, Nuh with regard to the aforesaid.

18. List on 16th July 2025.

[2] N RE : CORBETT I.A. NO. 20650 OF 2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 WITH I.A. NO. 75033 OF 2023 AND I.A. NO. 199355 OF 2024 (CEC REPORT NO. 16/2024 - INTERIM REPORT OF THE CEC ON APPLN. NO. 1578/2024 IN I.A. NO. 20650/2023) IN RE : GAURAV KUMAR BANSAL

1. This Court, vide judgment dated 06.03.2024 passed in I.A. No. 20650 of 2023 in the present proceedings ¹, had directed

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the Central Bureau of Investigation (CBI) to conduct an investigation and submit a report to this Court.

2. The CBI had from time to time submitted its status report and this Court was satisfied with the progress of the investigation.

3. It is now informed that the field investigation of case is complete and the chargesheet/final report under Section 173(2) of the Criminal Procedure Code, 1973 for the commission of offences under Sections 120-B, 218, 409, 467, 471 of Indian Penal Code, 1860; Section 13(2) read with 13(1)(a) of the Prevention and Corruption Act, 1988; Section 26-1(f) & (h) of the Indian Forest Act, 1927; Section 2(iv) (read with Section 3A & 3B) of the Forest Conservation Act, 1980 and Sections 27(2)(a), 27(4) & 35(6) read with Section 51 of the Wildlife (Protection) Act, 1972 has been filed against the following accused public servants, namely;

(i) Shri Kishan Chand, the then Deputy Conservator of Forest/Divisional Forest Officer, Kalagarh Tiger Reserve Division, Lansdowne.

(ii) Shri Brij Bihari Sharma, the then Forest Range Officer, Sonanadi & Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

(iii) Shri Rahul, the then Director, Corbett Tiger Reserve, Ramnagar, Nainital.

(iv) Shri Akhilesh Tiwari, the then Dy Conservator of Forest/Divisional Forest Officer, Kalagarh Tiger Reserve Division, Lansdowne.

(v) Shri Mathura Singh Mavdi, Deputy Ranger, Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

(vi) Shri Surendra Singh, the then Forester/Van Daroga, Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

(vii) Shri Sandeep Arya, the then Forest Guard, Sonanadi Range, Kalagarh Tiger Reserve Division, Lansdowne.

(viii) Shri Rajesh Rawat, the then Wireless Operator (Daily wages), Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

4. Since the CBI has brought the matter to its logical end, these applications shall stand disposed of insofar as the directions issued to the CBI are concerned.

5. List on 30.05.2025.

[3] I.A. NO. 285881 OF 2024 WITH I.A. NO. 285829, 285830 OF 2024
AND I.A. NO. 300603 OF 2024

List in the month of July, 2025.

[4] 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, I. A. NOS. 40599 AND 40624 OF 2023, I.A. NO. 220675 OF 2023 AND I. A. NO. 111336 OF 2025 WITH I.A. NO. 137276 OF 2025

List in the month of July, 2025.

[5] I.A. NO.62990 & 62991 OF 2025 WITH I.A. NO. 138126 OF 2025
(CEC REPORT NO. 28 OF 2025)

List on 30.07.2025

[6] I.A. NO. 5891 OF 2019 AND I.A. NOS. 259426, 259429 & 259431
OF 2024

1. List in July, 2025.
2. Rejoinder, if any, be filed in the meantime.

[7] I.A. NOS. 122148 & 122149 of 2025

1. Issue notice, returnable in eight weeks.
2. Dasti service, in addition, is granted.
3. In addition to the usual mode, liberty is granted to the applicant(s) to serve notice through the Standing Counsel for the respondent(s)/non-applicant(s).

[8] ISSUE REGARDING ORDER DATED 16.04.2025 PASSED IN W.P.(C)NO.
4677 OF 1985

List after partial court working days.

[9] I.A. Nos. 132289 & 132290 of 2025 WITH I.A. NO. 138819 OF
2025

1. The applicant(s) has approached this Court , inter-alia, seeking the following relief:-

“(a) Declare that the area delineated in the MoEF draft notification shall be treated as ESZ until the final notification is issued, specifically in the context of the State of Kerala.

(b) Permit the Applicant to continue operations of his quarry, located 7.5 km from the PeechiVazhani Wildlife Sanctuary, in compliance with the applicable regulatory framework.

(c) Pass such other or further orders as this Hon'ble Court may deem fit and proper, in the interest of justice."

2. Learned counsel for the applicant submits that the main grievance of the applicant is with regard to condition no.5 of the Environment Clearance imposed by the State Level Environment Impact Assessment Authority, Kerala, Thiruvananthapuram, which reads thus:-

"5. Since, the project is located within 10 km of Peechi Vazhani Wildlife Sanctuary, the Project Proponent has to obtain Wildlife Clearance from the SCNBWL, as per the OM dated 17.05.2022 of MoEF&CC as per the directions in the Hon'ble Supreme Court Judgment dated 26.04.2023 in IA.12177 OF 2022 before the commencement of mining."

3. Learned counsel for the respondent/State justifies the said condition by submitting that the said condition is in tune with the judgment and order of this Court dated 26th April, 2023 and particularly paragraph 50 thereof.

4. It is to be noted that in the I.A. No.138819/2025 (Application for permission to file additional documents) the applicant has

placed on record a copy of the inspection report conducted by the Wildlife Warden, Wildlife Division, Peechi. It will be relevant to refer to the following observations in the said inspection report:-

"The area mentioned in Part I or its near neighboring forest area is not part of any National Park, Elephant Corridor and Tiger Reserve. Considering the facts above and hardly have any ecological impact on wildlife of Peechi-Vazhani Wildlife Sanctuary, which is 8.54 km aerially separated, due to the functioning of the above mining unit is found to be insignificant."

5. It could thus be seen that the area where the applicant is purportedly conducting mining activities is at an aerial distance of 8.54 kms., from the border of the wildlife sanctuary. Insofar as the contention of the respondent/State in the paragraph 51 of the judgment of this Court dated 26th April, 2023, we find the same to be misplaced.

5. Vide an earlier judgment dated 03rd June, 2022, this Court had prohibited mining activities within an area of 10 kms., from the boundaries of the Wildlife Sanctuary and National Park.

6. Subsequently, vide judgment and order dated 26th April, 2023, this Court had reduced the same to 1 km., from such boundaries or ESZ.

7. In that view of the matter, we are inclined to allow the present application. Application for direction being IA No. 132290 of 2025 is allowed in terms of prayer clause (a) and (b), which are extracted below:-

“(a) Declare that the area delineated in the MoEF draft notification shall be treated as ESZ until the final notification is issued, specifically in the context of the State of Kerala.

(b) Permit the Applicant to continue operations of his quarry, located 7.5 km from the PeechiVazhani Wildlife Sanctuary, in compliance with the applicable regulatory framework.”

8. In view of the above, rest of the applications are disposed of.

[10] I.A. NO.100351 & 100352 OF 2024 AND I.A. NOS. 56927, 56928 & 56929 OF 2025

List in July, 2025.

[11] I.A. NO. 126582 OF 2025 (CEC REPORT NO. 25 OF 2025) WITH I.A. NOS. 135736, 136040 OF 2025 WITH I.A. NO. 135954 OF 2025 WITH I.A. NO. 138810 OF 2025 WITH I.A. NO. 138813 OF 2025

List in July, 2025.

REST OF THE MATTERS

List in July, 2025.

I.A. NOS.128159, 127240 AND 127241 OF 2025 (MM)

1. Learned counsel for the State submits that these applications would be treated as a representation and the same will be

considered by the Rationalization Committee on its own merits.

2. The application are, accordingly, disposed of.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(DEEPAK SINGH)
AR-CUM-P.S

(ANJU KAPOOR)
ASSISTANT REGISTRAR