

ITEM NO.25

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

INTERLOCUTORY APPLICATION NOS. 39 in
Writ Petition(s)(Civil) No(s).171/1996

ENVIRONMENT AWARENESS FORUM

Petitioner(s)

VERSUS

THE STATE OF JAMMU & KASHMIR

Respondent(s)

AND INTERLOCUTORY APPLICATION NO. 57627/2017 IN I.A.NO. 39
[APPLICATIONS FOR FURTHER DIRECTIONS AND IMPLEADMENT]

In Re : Environment Awareness Forum

Date : 13-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S.W. Qadri, Adv.
Mr. Ravindara Bana, Adv.
Ms. Gargi Khanna, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Ritesh Kumar, Adv.
Mr. G.S. Makker, Adv.
Mr. M.K. Maroria, AOR
Mr. Zaid Ali, Adv.
Mr. Arun Kumar Yadav, Adv.
Mr. Amrish Kumar Sharma, Adv.

Ms. Purnima Bhat Kak, AOR

Mr. M. Shoeb Alam, AOR

Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Bimal Roy Jad, AOR
Mr. N.G. Dev, Adv.
Ms. Shikha Dixit, Adv.

Mr. Vipin Kumar, Adv.
Mr. Deepak Goel, AOR

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

Application for impleadment is allowed.

Learned counsel for the State of Jammu and Kashmir has drawn our attention to an order dated 16th September, 2013 wherein it is directed that the annual felling of khair trees from the private land in the State of Jammu and Kashmir will not exceed 20,970 cubic metre of volume, including firewood and lops and tops and will be regulated as per the division-wise details as given in Table 4 of the Report given by the Central Empowered Committee.

Our attention has also been drawn to an order dated 5th October, 2015 wherein it is recorded that licences for felling of khair trees will be granted only by the State Level Committee based on the recommendations given by the Ministry of Environment, Forest and Climate Change.

Our attention has been drawn by learned counsel for the applicant to a few no objection certificates that have been granted to some parties. But, it is stated by learned counsel for the State of Jammu and Kashmir that

no objection certificate has been granted only for the purpose of registration with the District Centre and it is not a licence to fell khair trees or manufacture katha.

We would require the State of Jammu & Kashmir to file an affidavit indicating the persons to whom licences have been granted, the date of the licences as well as the volume of felling of trees permitted.

We may note that learned counsel for the State of Jammu and Kashmir says that there is no intention of exceeding 20,970 cubic metres laid down by this Court in its order dated 16th September, 2013.

The affidavit by the State be filed within two weeks.

List the matter on 27th March, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER