

ITEM NO.103

COURT NO.4

SECTION X

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

Writ Petition(s) (Civil) No(s). 50/2008

WILDLIFE TRUST OF INDIA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

T.C. (C) No. 3/2016 (XVI-A)

T.C. (C) No. 39/2015 (XVI-A)

W.P. (C) No. 109/2008 (X)

T.C. (C) No. 41/2015 (XVI-A)

T.C. (C) No. 59/2015 (XVI-A)

T.C. (C) No. 103/2015 (XVI-A)

W.P. (C) No. 514/2006 (X)

T.C. (C) No. 132/2015 (XVI-A)

T.C. (C) No. 85/2011 (XVI-A)

T.C. (C) No. 87/2011 (XVI-A)

Date : 07-03-2018 These matters were 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

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.

Mr. P. K. Manohar, AOR

Ms. Shibani Ghosh, Adv.

Mr. G. Umapathy, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Aditya Singh, Adv.

Mr. Shibashish Misra, AOR

Ms. Purnima Bhat, AOR

Mr. Ashok Kumar Singh, AOR

Mr. D. Mahesh Babu, AOR

Mrs. Revathy Raghavan, AOR

Ms. Madhusmita Bora, AOR

Mr. Balaji Srinivasan, AOR

For Respondent(s) Mr. Annam D. N. Rao, AOR

Assam Mr. M. Bala Shivudu, Adv.
Mr. Debojit Borkakati, AOR
Mr. Shuvodeep Roy, AOR

Andhra Prades Mr. Guntur Prabhakar, AOR
Ms. Prerna Singh, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Bihar Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.

Chhattisgarh Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Gujarat Ms. Hemantika Wahi, AOR
Ms. Shodhika Sharma, Adv.
Ms. Mamta Singh, Adv.

Goa Mr. Arjun Vinod Bobde, Adv.
Ms. Surbhi Sardana, Adv.
Mr. Rajat Joseph, AOR

Haryana Mr. Anil Grover, Adv.
Ms. Noopur Singhal, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Suraj P. Ahlawat, Adv.
Ms. Sasmita Tripathy, Adv.
Ms. Ritu Rastogi, Adv.

HP Mr. Ajay Marwaha, Adv.

J&K Mr. M. Shoeb Alam, AOR
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Jharkhand Mr. Anil Kumar Jha, AOR
Ms. Priyanka Tyagi, Adv.

Kerala Mr. Nishe Rajen Shonker, AOR
Mr. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. L. Reegan, Adv.

Karnataka Mr. Joseph Aristotle S., Adv.
Mrs. Priya Aristotle, Adv.
Mr. Ashish Yadav, Adv.

Maharashtra Mr. Mahaling Pandarge, AAG
Mr. Nishant Ramakantrao Katneshwarkar, AOR

Meghalaya Mr. David Stone Lyngdoh, Adv.
Mr. Ranjan Mukherjee, AOR

MP Mr. Saurabh Mishra, AOR

Nagaland Mr. Edward Belho, AAG
Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Mr. Z.H. Isaac Haiding, Adv.

Mr. Anil Shrivastav, AOR

Odisha Mr. Shibashish Misra, AOR

Punjab Mr. Karan Bharihoke, Adv.
Mr. Raj Kamal, Adv.
Mr. BNS Marok, Adv.

Rajasthan Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, AOR

Sikkim Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Simran Jeet, Adv.
For M/S. Arputham Aruna And Co.

Tamil Nadu Mr. M. Yogesh Kanna, AOR
Mrs. Sujatha Bagadhi, Adv.

Tripura Mr. Gopal Singh, AOR
Mr. Rituraj Biswas, Adv.

Uttarakhand Mr. Ashutosh Kumar Sharma, Adv.
Mr. Jatinder Kumar Bhatia, AOR

U.P. Ms. Aishwarya Bhati, Adv.
Mr. Akshat Kumar, Adv.

W.B. Mr. Chanchal Kumar Ganguli, AOR
Mr. Raja Chatterjee, Adv.
Mr. Piyush Sachdev, Adv.
Mr. Adeel Ahmed, Adv.
Ms. Runa Bhuyan, Adv.
Ms. Abhinandini Yadav, Adv.

Mr. Anshuman Shrivastava, Adv.
Mr. Apoorva Bhumesh, AOR

Ms. Arunima Dwivedi, Adv.
Mr. K. Parmeshaver, Adv.
Mr. K. Radha Krishan, Adv.

Ms. Swarupama Chaturvedi, Adv.
Ms. Bhavna Singh Dev, Adv.
Mr. B.N. Dubey, Adv.

Mr. Radha Shyam Jena, AOR

Mr. Gautam Bhatia, Adv.
Ms. Deeksha Gujral, Adv.
Mr. Nikhil Nayyar, AOR

Mr. Varinder Kumar Sharma, AOR

Mr. Gopal Prasad, AOR

Ms. Anitha Shenoy, AOR

Mr. Rana Ranjit Singh, AOR

Mr. P. V. Yogeswaran, AOR

Mr. Milind Kumar, AOR

Mr. Rajiv Yadav, AOR

A&N Mr. Bhupesh Narula, Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR

Puducherry Mr. V. G. Pragasam, AOR
Mr. S. Prabu Ramasubramanian, Adv.
Mr. S. Manuraj, Adv.

Mr. Amit Kumar Chopra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. T.S. Te lwar, Adv.
Mr. Anil K. Chopra, AOR

Mr. Tara Chandra Sharma, AOR

Mr. Karan Bharihoke, AOR

Mr. Naresh Kumar, AOR

Mr. S. Ravi Shankar, AOR

Mr. Jayant Mohan, AOR

Mr. Neeraj Kumar Sharma, AOR

Ms. Sharmila Upadhyay, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Ravi Prakash Mehrotra, AOR

Mr. Kuldip Singh, AOR

Mr. G. Prakash, AOR

Mr. Parijat Sinha, AOR

Mr. Aruneshwar Gupta, AOR

Mr. B. S. Banthia, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Kr. Tyagi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

W.P. (C) No. 109/2008

This writ petition will be taken as a lead case for final hearing.

Our attention has been drawn to the order dated 29.01.2016 wherein certain information was required to be furnished by the State Governments.

We have been informed that most State Governments have filed affidavits in compliance with the order of 29.01.2016 but some of them have not filed any affidavit of compliance. Be that as it may, whatever information has been supplied pursuant to our order dated 29.01.2016 is about two years old. This outdated information may not assist us in disposal of the present batch of writ petitions and transferred cases.

Under the circumstances, we issue a fresh direction to all the State Governments to file a tabular statement in the form of an affidavit indicating the following:-

(i) The number of claims for the grant of land under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

(ii) The claims should be divided into claims made by the Scheduled Tribes and separately by other traditional forest dwellers;

(iii) The number of claims rejected by the State Government in respect of each category;

(iv) The extent of land over which such claims were made and rejected in respect of each of the two categories;

(v) Action taken against those claimants whose claims have been rejected;

(vi) The status of eviction of those claimants whose claims have been rejected and the total extent of area from which they have been evicted;

(vii) The extent of the area in respect of which eviction has not yet taken place in respect of rejected claims.

The cut-off date for providing this information is 31.12.2017.

The information, as required above, shall be furnished within a period of four weeks. To follow up on the progress of the case, list the matter for further directions on 18th April, 2018.

We may indicate that learned counsel for the petitioner has challenged the constitutional validity of the Act as well as legislative competence of Parliament to enact the Act. He submits that discriminatory grant of pattas is objectionable and steps must be taken to evict those persons whose claims have been rejected those persons being encroachers.

It is submitted by learned counsel for the petitioners that at a later stage, he might request for a performance audit being conducted by the Comptroller and Auditor General of India or by any other appropriate authority. His concern, as expressed, is to preserve the forest and wild life of the country which according to him is in a critical state.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER