

ITEM NO.20

COURT NO.3

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

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

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NO. 1288

[APPLICATION FOR DIRECTIONS]

IN RE : ILLEGAL MINING IN ROHTAS REGION OF BIHAR FILED BY DR.
GHANSHYAM NARAIN SINGH, APPLICANT-IN-PERSON

Date : 11-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

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

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

Mr. Sudipto Sircar, Adv.

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. Maninder Singh, ASG

Mr. R. Balasubramanian, Adv.

Mr. Prabhas Bajaj, Adv.

Ms. Aarti Sharma, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Zaid Ali, Adv.

Mr. Saeed Qadri, Adv.

Mr. G.S. Makker, Adv.

Mr. Ravindra Bana, Adv.

Ms. Anil Katiyar, Adv.

Dr. Ghanshyam Narain Singh,

Applicant-In-Person,

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

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

Report of CEC dated 13th December, 2017

We have seen the report filed by the CEC dated 13th December, 2017 as well as the status report filed on behalf of the Forest Department of State of Bihar to check illegal mining, stone crushing and deforestation in Rohtas region of Bihar.

The CEC has given the following recommendations:

“30. Keeping all the facts and discussions as highlighted in the preceding paragraphs the Government of Bihar may be directed to take action as proposed below for checking/preventing illegal mining in Rohtas Region:

- a) Demarcate the boundary of forests with permanent cement concrete pillars/cairns.
- b) Erect physical barriers between the forest boundary and the public road along Gaighat, Gijawahi area upto Tarachandi to prevent entry of vehicles to the illegal mining sites.
- c) Take immediate action to remove all crushers from Neema Mandi as was done in respect of other Mandis in the area.
- d) Set up at least two protection camps manned with armed police and forest staff at selected vulnerable sites in Karavandiya area.

e) Intensify joint patrolling of the area and surprise inspections by senior officers.

f) The recruitment process of Forest guards and Foresters need to be speeded up pending which the Department may temporarily fill up the vacant posts by engaging the services of qualified ex-servicement who may be paid a consolidated remuneration."

The Forest Department of the State of Bihar has filed an affidavit. Unfortunately, we find that the affidavit is somewhat vague inasmuch as several of the recommendations of the CEC are under consideration and some actions are pending for a considerable period of time. For example, the recruitment of 142 Foresters is pending since 9th August, 2017.

There is also reference to certain writ petitions filed in the Patna High Court being CWJC No.12346 of 2015 and CWJC No.11945 of 2015, etc. Full details of these writ petitions as well as the interim orders passed therein with regard to removal of crushers from Neema Mandi should be placed on record.

In other words, the State of Bihar should file a detailed affidavit of the Chief Secretary with regard to the recommendations of the CEC.

Learned counsel for the State of Bihar states that recommendations of the CEC are acceptable and have been accepted by the State of Bihar, but are at various levels

of implementation. Further, there is no illegal mining going on in Rohtas Region.

We would require all this information on affidavit within two weeks.

List the application on 31st July, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

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IN RE : T.N. GODAVARMAN THIRUMULPAD

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Respondent(s)

[2] INTERLOCUTORY APPLICATION NO. 131938/2017
[REPORT OF CEC IN APPLICATION NO. 1412 OF 2017 FILED BEFORE
IT BY THE PRESIDENT, SOUTH ASIAN UNIVERSITY]

IN RE : PRESIDENT, SOUTH ASIAN UNIVERSITY FOR CONSTRUCTION OF
UNIVERSITY BUILDING

WITH

INTERLOCUTORY APPLICATION NO. 58986/2018

[APPLICATION FOR DIRECTIONS]

IN RE : UNION OF INDIA, MINISTRY OF EXTERNAL AFFAIRS

Date : 11-07-2018 These applications were called on for hearing
today.

Mr. Harish N. Salve, Sr. Adv. [A.C.] (NP)
Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.
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. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Prabhas Bajaj, Adv.
Ms. Aarti Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Zaid Ali, Adv.
Mr. Saeed Qadri, Adv.
Mr. G.S. Makker, Adv.
Mr. Ravindra Bana, Adv.
Ms. Anil Katiyar, Adv.

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

I.A. No.58986/2018

This is an application filed by the Ministry of External Affairs for directions and for permission for non-forest use of 1.0789 Ha of Ridge Reserved Forest Land and 5.763 Ha of Morphological Ridge Area for construction of building for South Asian University at Maidan Garhi, New Delhi.

There are two prayers made in the application. These prayers are as follows:

- (a) Pass appropriate directions permitting the Union of India, Ministry of External Affairs, for non-forest use of forest reserved land of 1.0789 Ha. and 5.763 Ha. of morphological ridge area for construction of 10 hostel buildings, students activity centre, bank extension and sports complex for South Asian University at Maidan Garhi, Delhi.
- (b) Since the user agency, SAU, has already deposited an amount of Rs. 19.8 crore, i.e., 2% of the Project Cost with the forest department, as stated in para 12, for development of soil and moisture conservation and ground water improvement due to proximity of Asola Wild Life Sanctuary, the Hon'ble Court may kindly consider waiving the condition of depositing another 5% of Project Cost as stated in Para 17(iii) of the Application.

As far as Prayer (b) is concerned, this prayer is rejected and the South Asian University must deposit 5% of the project cost.

Insofar as Prayer (a) is concerned, the matter was examined by the Central Empowered Committee

and it has given its Report dated 30th November, 2017. The recommendations of the CEC with its conditions are as follows:

"It is recommended that this Hon'ble Court may consider permitting the Applicant South Asian University for non-forest use of 1.0789 Ha. forest land and 5.763 Ha. of Morphological Ridge area for construction of 10 hostel buildings, students activity centre and sports complex at Maidan Garhi subject to the following conditions:

- i) SAU shall obtain necessary clearance under Forest (Conservation) Act, 1980 for non-forest use of area under Southern Ridge Reserve Forest and comply with all conditions that will be imposed for such diversion of forest land including payment of Net Present Value and cost of Compensatory Afforestation;
- ii) an area of about 2000 sq.m. of the Southern Ridge Reserve Forest within the SAU campus will be maintained as green area by planting indigenous species under the supervision of the Forest Department of Delhi Government;
- iii) the User Agency shall deposit 5% of project cost with the Ridge Management

Board Fund;

iv) the conditions prescribed by the Standing Committee of National Board for Wildlife shall be strictly complied with;

v) since 210 trees are likely to be felled the SAU will plant ten times this number rounding it to 2500 in the area earmarked for the purpose;

vi) Compensatory Afforestation in lieu of diversion of forest land shall be undertaken adjacent to the existing reserved forest land; and

vii) the SAU will deposit the cost of undertaking of plantation and its maintenance for a period of five years with the Delhi Forest Department which shall take up plantation of indigenous species and its maintenance."

The Report of the CEC is accpeted.

Prayer (a) is allowed. The conditions imposed by the CEC which are required to be complied with, such as planting of trees, compensatory afforestation, deposit of project cost, shall be complied with within a period of six weeks from today.

Application along with Report of CEC (I.A.
No.131938/2017) stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

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IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

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Respondent(s)

[3] INTERLOCUTORY APPLICATION NO. 41532/2018
[APPLICATION FOR DIRECTIONS]

IN RE : DELHI DEVELOPMENT AUTHORITY, SIRI FORT SPORTS COMPLEX

Date : 11-07-2018 This application was called on for hearing today.

CORAM :

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

Mr. Harish N. Salve, Sr. Adv. [A.C.] (NP)
Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.
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. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Prabhas Bajaj, Adv.
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Mr. Zaid Ali, Adv.
Mr. Saeed Qadri, Adv.
Mr. G.S. Makker, Adv.
Mr. Ravindra Bana, Adv.
Ms. Anil Katiyar, Adv.

Mr. A. Sharan, Sr. Adv.
Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
for M/S Saharya And Co.

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

The CEC may submit its report within four weeks.

List thereafter.

**(SANJAY KUMAR-I)
AR-CUM-PS**

**(KAILASH CHANDER)
COURT MASTER**