

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No. _____ OF 2018
(D.NO.3092 OF 2018)

MANALI HOTELIERS ASSOCIATION .. APPELLANT(S)

Versus

RAMESH CHAND & ORS. .. RESPONDENT(S)

O R D E R

Vide the impugned order passed by the National Green Tribunal, a Joint Inspection Committee of certain senior officers has been constituted to conduct an inspection and prepare a complete and comprehensive report on various aspects. The learned counsel appearing for the appellant states that she has no objection insofar as constitution of the Committee for the aforesaid purpose is concerned. However, she submits that the appellant has aggrieved by direction No.4 in the said order which reads as follows:

"In the event first category hotel, lodges, home stays are operating without consent of the Board and/or fall in forest area and are found to be flouting any environment laws such hotels, lodges, home stay etc. with be ordered to be shut down forthwith and will be deregistered by all authorities including Tourism Department. Their power, electricity supply and water supply shall be disconnected."

The submission is that Section 39 of the Town and Country Planning Act, 1977 prescribes the procedure for non-compliance which has to pass a statutory provision. There

could not have been any direction to shut down on those aspects which are found to be flouting any of the environment laws forthwith without compliance with the procedure laid down in Section 39 of the Act.

Needless to mention that since the aforesaid provision is statutorily ingrained in the Town and Country Planning Act, 1977 the competent authority/Committee shall adhere to the said procedure.

With these observations, the civil appeal is disposed of.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI,
MARCH 05, 2018.

ITEM NO.29

COURT NO.6

SECTION XVII

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

CIVIL APPEAL Diary No(s). 3092/2018

(Arising out of impugned final judgment and order dated 15-12-2017 in OA No. 635/2017 07-12-2017 in OA No. 635/2017 passed by the National Green Tribunal)

MANALI HOTELIERS ASSOCIATION

Petitioner(s)

VERSUS

RAMESH CHAND & ORS.

Respondent(s)

(IA No.25379/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.25381/2018-APPLICATION FOR PERMISSION TO BRING ON RECORD SUBSEQUENT FACTS, EVENTS AND ANNEXURES A-1 AND A-2 and IA No.25380/2018-EX-PARTE STAY and IA No.25378/2018-PERMISSION TO FILE APPEAL)

Date : 05-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Ms. Bina Madhavan, Adv.
Mr.S. Udaya Kumar Sagar, Adv,
Ms. Shreyasi Kunwar, Adv.for
M/S. Lawyer S Knit & Co, AOR

For Respondent(s) Mr. Ajay Marwah, Adv.

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

The civil appeal is disposed of in terms of the signed order.

(USHA RANI BHARDWAJ)
AR CUM PS

(MALA KUMARI SHARMA)
BRANCH OFFICER

Signed order is placed on the file.