

ITEM NO.12+13

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. &amp; ORS.

Respondent(s)

(INTERLOCUTORY APPLICATION FOR 24.07.2024 (THROUGH SUPPLEMENTARY LIST) "ONLY" [1] I.A. NO. 98622 OF 2024 (CEC REPORT NO. 4 OF 2024-Report Of The CEC On Violation of Orders Of The Hon'ble Supreme Court in I.A. No. 191635 Of 2022 In W.P.(C)No. 202 of 1995) WITH I.A. NO. 117204 OF 2024 (CEC REPORT NO. 5 OF 2024-Status Report in Delhi Ridge) IN I.A. NO. 191635 OF 2022 (CEC REPORT NO. 31 OF 2022 - Report Of CEC in Appln. No. 1559/2022 Filed Before It By Ministry Of Finance) IN RE : MINISTRY OF FINANCE IN RE : DELHI RIDGE AND [ 2 ] I. A. NOS. 1408, 1457, 1462 OF 2005, 1787 OF 2007, 1863-1864 OF 2007, 3453 OF 2012 WITH I. A. NO. 178808 OF 2023 (Application For Extension Of Time) AND I. A. NO. 192984 OF 2023 (Application Seeking Permission To File Additional Documents ) AND I. A. NO. 212703 OF 2023 (Application For Directions In I.A. No. 1462/2005) AND I. A. NO. 10936 OF 2024 (Application For Intervention In I.A. No. 1462/2005) AND I. A. NO. 10949 OF 2024 (Application For Directions In I.A. No. 1462/2005) IN RE : CARDAMOM CULTIVATION IN KERALA AND [ 3 ] 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] IN RE : SHRMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND [ 4 ] I.A. NOS. 36847 & 36852 OF 2024 [Applications For Impleadment As Co-Petitioner And Directions Filed By Mr. Gaurav Kumar Bansal ] IN RE : MR. GAURAV KUMAR BANSAL (APPLICANT-IN-PERSON) AND [ 5 ] I.A. NOS. 66542, 66546, 66548 OF 2024 [Applications For Impleadment As Party Respondents , Directions And Stay Filed By Ms. Rani Mishra, Advocate ] IN RE : VANRAMCHHUANGI & ORS. AND [ 6 ] I.A. NOS. 99457 AND 99462 OF 2024 [Application For Intervention And Clarification] IN RE : SUMITRA NEGI AND ORS. AND [ 7 ] I.A. NO. 263809 /2023 [APPLICATIONS FOR INTERVENTION] WITH I.A. NOS. 263810, 263811 AND 263812/2023 [APPLICATIONS SEEKING PERMISSION TO FILE APPLICATION FOR DIRECTIONS, DIRECTIONS AND EXEMPTION FROM FILING O.T.] AND I.A. NO. 92980/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY DR. SURENDER SINGH

HOODA, ADVOCATE FOR THE APPLICANT] AND I.A. NO. 141598/2024 [APPLICATIONS FOR PLACING ON RECORD ADDITIONAL DOCUMENTS IN I.A. NO. 263809/2023 FILED BY MR. DINESH C. PANDEY, ADVOCATE FOR THE APPLICANT NO. 2] IN RE : ANUJ KAUSHAN & ANR. IN RE : SUKHNA LAKE AND [ 8 ] I.A. NO. 5891 OF 2019 [Application For Directions] IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS ALONGWITH IN RE: STATUS OF FUNDS AND [ 9 ] I.A.NO. 42944 OF 2019 [Application For Directions] IN RE : ILLEGAL/UNAUTHORIZED MINING IN KAZIRANGA NATIONAL PARK, ASSAM WITH I.A. NOS. 146755 AND 146756 OF 2021 [Applications For Intervention And Stay] AND I.A. NOS. 158973, 158975 AND 159054 OF 2021 [Applications For Intervention, Exemption From Filing O.T. And Stay] AND I.A.NOS. 28731, 28732 AND 28905 OF 2022 [Applications For Intervention, Exemption From Filing O.T. And Modification Of Court's Order Dated 12.04.2019] AND I.A. NOS. 41069 AND 41070 OF 2022 [Applications For Intervention And Exemption From Filing O.T.] AND I.A. NO. 51917/2022 [Applications For Interim Stay Of Demolition In The Animal Corridors In Kaziranga National Park During The Pendency Of The Application Directions - I.A. No. 42944/2022] IN RE : BHAB BARGOHAI & ORS. AND [ 10 ] I.A. NO. 108587 OF 2024 [Applications For Impleadment Filed By Mr. Sudarsh Menon, Advocate] WITH INTERLOCUTORY APPLICATION NO. 108243 OF 2024 [Applications For Directions Filed By Mr. Sudarsh Menon, Advocate] IN RE : KANAK FOUNDATION AND [ 11 ] I.A. NO. 58031 OF 2024 [Application For Intervention In W.P.(C)No. 202/1995 Filed By Ms. Parul Gupta, Advocate] AND I.A. NO. 58032 OF 2024 [Application For Directions In W.P.(C)No. 202/1995 Filed By Ms. Parul Gupta, Advocate] AND I.A. NO. 156701 OF 2024 [Application For Impleadment filed by Mr. Shrey Kapoor, Advocate] AND I.A. NO. 156707 & 156710 OF 2024 [Application For Directions and Exemption from filing O.T. filed by Mr. Shrey Kapoor, Advocate] IN RE : PAVAN SINGHAND AND [ 11 (a) ] CIVIL APPEAL DIARY NO. 12516 OF 2019 AND [ 12 ] SPECIAL LEAVE PETITION(C) No. 25047 OF 2018 AND [ 13 ] [i] I.A. NO. 19010 OF 2019 [Application For Directions] WITH [ii] I.A. NO. 75982 OF 2019 [Application For Exemption From Filing O.T] WITH [iii] I.A. NO. 86706 OF 2019 [Application For Directions] WITH [iv] I.A. NO. 90640 OF 2019 [Application For Permission To File Additional Documents] WITH [v] I.A. NO. 122128 AND 122130 OF 2019 [Application For Extension Of Time And Exemption From Filing O.T.] Filed By Mr. Nishant R. Katneshwarkar, Advocate WITH [vi] I.A. NO. 129260 AND 129264 OF 2019 [Application For Impleadment And Directions Filed By Mr. Ravindra Keshavrao Adsure, Advocate] AND [vii] I.A. NO. 129279 OF 2019 [Application For Directions Filed By Mr. Gopal Balwant Sathe, Advocate AND [viii] I.A. NOS. 150901 AND 150915 OF 2019 (Applications For Intervention And Directions Filed By Ms. Mayuri Raghuvanshi, Advocate) IN RE : CONSERVATION ACTION TRUST, MAHARASHTRA AND [ 14 ] SUO-MOTU WRIT PETITION (C) NO. 1 OF 2023 IN RE : SARISKA TIGER RESERVE AND [ 15 ] I. A. NOS. 153500 & 153501 OF 2024 [Applications For Directions and Exemption from filing O.T. filed by Ms. Shibani Ghosh, Advocate] WITH I. A. NO. 153501 OF 2024 [Applications For Intervention filed by Ms. Shibani Ghosh, Advocate] IN RE : DR. DAYA SHANKAR SRIVASTAVA IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995

"ONLY" ON 24.07.2024 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, ADVOCATE [A.C.] MR. K. PARAMESHWAR, ADVOCATE [A.C.] MR. G.S. MAKKER FOR S.NO. [ 1 ] MR. K. PARAMESHWAR (A.C.) FOR S.NO. [ 2 ] MR. K. R. SASIPRABHU, MR. HIMINDER LAL, MR. M. K. MICHAEL, MS. USHA NANDINI V., MR. G. PRAKASH (FOR STATE OF KERALA), MR. NISHE RAJEN SHONKER FOR S.NO. [ 3 ] MR. RAO RANJIT, MR. MILIND KUMAR (STATE OF RAJASTHAN) FOR S.NO. [ 4 ] MR. GAURAV KUMAR BANSAL (APPLICANT-IN-PERSON) FOR S.NO. [ 5 ] MS. RANI MISHRA, ADVOCATE FOR S. NO. [ 6 ] MR. K. PARAMESHWAR (A.C.) MS. SHALINI KAUL FOR S. NO. [ 7 ] Mr. K. Parameshwar (A.C.) Mr. Dinesh C. Pandey Dr. Surender Singh Hooda FOR S. NO. [ 8 ] MR. K. PARAMESHWAR (A.C.) FOR S. NO. [ 10 ] MR. K. PARAMESHWAR (A.C.) MR. SHUVODEEP ROY (FOR STATE OF ASSAM), MR. KAUSHIK CHOUDHURY (FOR KAAC) MR. SUNIL KR. SHARMA (INTERVENOR), MR. RAJNISH KUMAR JHA (INTERVENOR) FOR S. NO. [ 9 ] MR. K. PARAMESHWAR (A.C.) MR. SUDARSH MENON FOR S. NO. [ 11 ] MR. K. PARAMESHWAR (A.C.) MS. PARUL SHUKLA MR. MILIND KUMAR Mr. Shrey Kapoor FOR S. NO. [ 11 (a) ] MR. SHYAM D. NANDAN FOR S. NO. [ 12 ] MR. KUNAL CHATTERJI, MS. ASTHA SHARMA, MR. NARESH KUMAR, MR. G.S. MAKKER, MR. ANANDO MUKHERJEE, MS. POOJA DHAR, MR. S.N. TERDAL, MR. MOHIT D. RAM FOR S. NO. [ 13 ] MR. K. PARAMESHWAR (A.C.) MS.VANSHAJA SHUKLA MR. NISHANT R. KATNESHWARKAR, MR. GOPAL BALWANT SATHE, MR. RAVINDRA KESHAVRAO ADSURE, MS. MAYURI RAGHUVANSHI, MS. MRIDULA RAY BHARDWAJ FOR S.NO. [ 13 ] MR. K. PARAMESHWAR (A.C.) FOR S.NO. [ 14] MR. K. PARAMESHWAR (A.C.) FOR S.NO. [ 15] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH )

WITH

SLP(C) No. 25047/2018 (XVI)

([TO BE TAKEN UP ALONG WITH W.P.(C) No. 202/1995].)

Diary No(s). 12516/2019 (XVII)

SMW(C) No. 1/2023

Date : 24-07-2024 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE K.V. VISWANATHAN

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Ms. Garima Prashad, Sr. A.A.G.  
Mr. Sudeep Kumar, AOR

Mr. Gaurav Kumar Bansal, Adv.  
Mr. Vishnu Gupta, Adv.  
Ms. Nandita Bansal, Adv.  
Ms. Rani Mishra, AOR

Mr. Nishanth Patil, AOR  
M/S. Venkat Palwai Law Associates, AOR

Mr. Sanjay Upadhyay, Sr. Adv.  
Ms. Mayuri Raghuvanshi, AOR  
Mr. Vyom Raghuvanshi, Adv.  
Mr. Shubham Upadhyay, Adv.  
Ms. Akanksha Rathore, Adv.

Mr. Vivek Jain, AOR

Mr. Parth Awasthi, Adv.

Mr. Pashupathi Nath Razdan, AOR  
Ms. Maitreyee Jagat Joshi,, Adv.  
Mr. Astik Gupta, Adv.

Mr. Tarun Gupta, AOR

Ms. Vanshaja Shukla, AOR  
Ms. Ankeeta Appanna, Adv.  
Mr. Siddhant Yadav, Adv.

Mr. Chirag M. Shroff, AOR

Ms. Ruchira Goel, AOR

Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.  
Mr. Aditya Krishna, Adv.  
Ms. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.  
Ms. Yamini Singh, Adv.

Mr. Mayank Aggarwal, AOR  
Mr. Sanjeev Kumar, AOR

Mr. Rajeev Kumar Dubey, Adv.  
Mr. Ashiwan Mishra, Adv.  
Mr. Kamendra Mishra, AOR

Mr. Somesh Chandra Jha, AOR

Mr. Siddhartha Jha, AOR  
Mr. Puneet Bholā, Adv.  
Mr. Harpreet Singh, Adv.  
Mr. Mool Chnd Parewa, Adv.

M/S. V. Maheshwari & Co., AOR  
Mr. Rajeev Singh, AOR

Ms. Parul Shukla, AOR  
Ms. Shubhangi Pandey, Adv.  
Mr. Saday Mondol, Adv.

Ms. Pooja Dhar, AOR

Mr. P. C Sen, Sr. Adv.  
Mr. Shivanshu Singh, Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.

Mr. Bharat Sood, Adv.  
Mr. Paul P. Abraham, Adv.  
Ms. Miranda Solaman, Adv.  
Ms. Rukmani Bobde, Adv.  
Ms. Nivedita Sudheer, Adv.

Mr. Sunny Choudhary, AOR  
Mr. Ajay Sharma, Adv.

Mr. Vinod Sharma, AOR  
Ms. Surbhi Mehta, AOR  
Mr. Rajiv Kumar Choudhry , AOR  
Mr. Anurag Tandon, AOR

Mr. K. M. Nataraj, A.S.G.  
Mr. Mrinal Elkar Mazumdar, Adv.  
Mr. Mukesh Kumar Verma, Adv.  
Mr. Neeraj Kumar Sharma, Adv.  
Ms. Indira Bhakar, Adv.  
Mr. Harish Pandey, Adv.  
Mr. Shashwat Parihar, Adv.  
Mr. Vinayak Sharma, Adv.  
Mr. Anuj Srinivas Udupa, Adv.  
Mr. Piyush Beriwal, Adv.  
Mr. Shreekant Neelappa Terdal, AOR

Dr. Monika Gusain, AOR  
Mr. P. K. Manohar, AOR  
Mr. S. Gowthaman, AOR  
Mr. A. Karthik, AOR  
Mr. Siddharth Sharma, AOR

Mr. Mohit D. Ram, AOR

Ms. Abhimanyu Tewari, AOR  
Ms. Eliza Bar, Adv.

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

I.A. No. 98622 OF 2024 (CEC REPORT NO. 4 OF 2024)

1. This court, in the present proceedings, has been monitoring the issue with regard to grant of permission to allot plots in the larger public interest in the area which is not yet notified as a protected area in the Delhi Ridge.
2. The Bench presided over by one of us (B.R.Gavai, J.) had

passed an order on 08<sup>th</sup> February, 2023 directing the Delhi Development Authority (DDA) not to allot the plots in the areas that were not yet been notified as protected areas. It appears that in violation of the orders passed by this Court, the DDA had allotted the land for expansion of the road and also permitted felling of the trees on the said land. Finding that the action was contemptuous in nature, we passed the following order on 24.04.2024:

“1. *Prima facie*, we find that the action of the Delhi Development Authority in felling the trees and constructing the road is in contempt of the orders passed by this Court dated 8<sup>th</sup> February, 2023 in W.P.(C) No. 202 of 1995 and so also the order dated 4<sup>th</sup> March, 2024 in W.P.(C) No. 4677 of 1985.

2. Issue notice to the Vice-Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi-110002 returnable on 08<sup>th</sup> May, 2024, calling upon to show cause as to why an action 16 for committing the contempt of the orders passed by this Court dated 8th February, 2023 in W.P.(C) No. 202 of 1995 and 4th March, 2024 in W.P.(C) No. 4677 of 1985 not be taken against him.

3. The Registrar (Judl.) shall ensure that the notice be served upon the Vice Chairman, Delhi Development Authority.”

3. It appears that in the parallel proceedings in W.P.(C) No. 4677 of 1985, the DDA had moved an application before the Bench presided over by Hon'ble Mr. Justice Abhay S. Oka for seeking permission to fell the trees on the said land. The application filed by the DDA was rejected on 04<sup>th</sup> March, 2024.

4. The Bench presided over by Hon'ble Mr. Justice Abhay S. Oka also initiated contempt proceedings vide order dated 09<sup>th</sup> May, 2024.



5. As such, a situation has arisen wherein for the same cause of action, two contempt proceedings are pending. One on the basis of the notice issued, on 24<sup>th</sup> April, 2024 by the Bench presided over by one of us (B.R. Gavai, J.), and the other on the basis of the order dated 09<sup>th</sup> May, 2024, which was passed by the Bench presided over by Hon'ble Mr. Justice Abhay S. Oka.

6. Mr. K. Parameshwar, learned Amicus Curiae, informs us that the contempt proceedings initiated by the Bench presided over by Hon'ble Mr. Justice Abhay S. Oka have substantially traveled and various orders have been passed by the said Bench.

7. We are of the considered view that the continuation of two contempt proceedings for the same cause of action would not be in consonance with the judicial propriety and interest of justice. We, therefore, direct that the contempt proceedings initiated by the Bench presided over by one of us (B.R.Gavai, J.), vide order dated 24<sup>th</sup> April, 2024, are kept in abeyance.

8. Mr. Vikas Singh, learned senior counsel appearing for the DDA, on instructions, states that the Central Armed Police Forces Institute of Medical Sciences (for short 'CAPFIMC") has been established on a piece of land which was allotted as per the order(s) passed by this Court. The CAPFIMC has been established to provide medical facilities to the employees of paramilitary forces at par with the facilities provided to the Armed Forces. He submits that an amount of Rs.2200 crores has

already been spent on the said project. It is further submitted that the area also has various residential colonies for the employes of CBI, paramilitary forces, and the SAARC University which have been again established on the land after the permission was granted by this Court/CEC. He submits that on account of non-availability of 24 meter road, there is almost a bottleneck for the entire area. He further submits that there is also a proposal to establish medical college at CAPFIMC. However, on account of non-availability of the road, the CAPFIMC cannot be made functional. He, therefore, requested this Bench to permit an access to the CAPFIMC in the larger public interest.

9. We find that various proceedings pertaining to Delhi Ridge area are pending before two Benches of this Court.

10. We are of the considered view that, in order to avoid the possibility of conflicting order(s) being passed by two different Benches, it will be appropriate that all the matters pertaining to the Delhi Ridge Area are heard by one Bench.

11. The Registrar(Judl.) is, therefore, directed to place the matter before Hon'ble the Chief Justice of India seeking appropriate order.

IA No. 191635 of 2022

1. Vide order dated 08<sup>th</sup> February, 2023, the Ministry of Environment, Forest and Climate Change (MoEF&CC) was directed

to appoint a Committee to identify the areas outside the Delhi Ridge having similar morphological features to that of the notified ridge area. The Committee was appointed and has made substantial progress, as has been noted by this Court in orders dated 15.03.2023 and 12.07.2023.

2. In the order dated 24<sup>th</sup> July, 2024 passed by the Court, we have recorded the minutes of the meeting which was held on 28<sup>th</sup> November, 2023.

3. In pursuance of the said order, Ms. Aishwarya Bhati, learned Additional Solicitor General has informed us that the Department of Forest and Wildlife, GNCTD, vide order dated 24<sup>th</sup> July, 2024 has informed that they do not have technical expertise and as such assistance of Water and Power Consultancy Services (WAPCOS) and National Afforestation and Economic Development Board (NAEB) is required.

4. Learned Additional Solicitor General, further states that the Survey of India, New Delhi as well as Geological Survey of India were also approached to understand the technical requirements of exercise of LiDAR mounted drone survey and finalize the tender specifications. Learned Additional Solicitor General further submits that the GNCTD has also informed that various sensitive installations/establishments are located in the national capital region and, therefore, various permissions would be required before employing the

services for the survey. The learned Additional Solicitor General, therefore, submits that the time is also sought on the ground that on account of monsoon season, there will be difficulty in carrying out the drone survey.

5. We, therefore, grant six months' time to the High Powered Technical Committee to submit its report.

6. List this application after six months.

IA No. 117204 of 2024 (CEC Report No.5)

1. Vide order dated 09<sup>th</sup> May, 2024, this Court has noted that the report of the Central Empowered Committee depicts a very shocking state of affairs. Though notifications dated 24<sup>th</sup> May, 1994 and 19<sup>th</sup> March, 1996 had shown the total reserve forest area would be 7784 hectares, the final notification issued covers an area of 103.48 hectares only.

2. It was further noticed that 5 per cent area is under encroachment and the rate of diversion of ridge land for non-forestry purposes was also on the rise.

3. We, therefore, had directed the Union of India, GNCTD and DDA to submit their responses to the said report.

4. Ms. Aishwarya Bhati, learned Additional Solicitor General and Ms. Manika Tripathy, learned counsel seek four weeks' time to file responses.

5. List this application on 21.08.2024.

I. A. NOS. 1408, 1457, 1462 OF 2005, 1787 OF 2007, 1863-1864 OF 2007, 3453 OF 2012 WITH I. A. NO. 178808 OF 2023 AND I. A. NO. 192984 OF 2023, 212703/2023 WITH IA NOS. 10936 & 10949 OF 2024

1. Taking into consideration the conflicting stands taken in the different affidavits filed by the State of Kerala, this Court had passed an order on 15<sup>th</sup> April 2024 directing the State of Kerala to come with a specific stand so as to iron out the discrepancies in varying document(s)/affidavit(s) filed in collateral proceedings.

2. Shri P.V. Dinesh, learned senior counsel appearing for the State of Kerala submits that on account of elections and vast record, the State could not move in the matter and seeks four months' time to file its affidavit.

3. We are not inclined to grant such a long period. We find that two months period would be sufficient for collecting the data and taking a firm decision with regard to the exact area for the Cardamon Hill Reserve.

4. In the meantime, CEC is also conducting an enquiry in order to assist the Court. Vide communication dated 18<sup>th</sup> July 2024, the Secretary of CEC had requested the State of Kerala to give a true copy of the file No. REV-R2/36/2023-REV.

5. Two communications dated 22<sup>nd</sup> July, 2024, one by Dr. A. Kowsigan, IAS, Commissioner Land Revenue (representing Principal Secretary, Government of Kerala) and the other by Shri T.R. Jayapal, Additional Secretary, Government of Kerala

were addressed to the Member secretary, CEC communicating therein Government's inability to furnish a true copy of the aforesaid file as the said file is under consideration of the Government. The CEC, originally constituted under the order of this Court, has now received a statutory recognition vide notification dated 05<sup>th</sup> September, 2023. The said statutory status was also granted in pursuance to the directions issued by this Court. The CEC is, therefore, discharging its duties in order to assist the Court in hearing the matters assigned to the Bench hearing T.N. Godavarman Thirumulpad matter. Every authority is, therefore, bound to assist the CEC when the CEC conducts an enquiry. An attempt to withhold an important file, in our view, undermines the authority of this Court. It prevents the CEC in discharging its duties of assisting the Court.

6. We, therefore, issue notice to Dr. A. Kowsigan, IAS, Commissioner Land Revenue and Shri T.R. Jayapal, Additional Secretary, Government of Kerala and direct them to remain present in this Court on 21<sup>st</sup> August, 2024 and show cause as to why an action for committing contempt of the Court may not be initiated against them by this Court.

7. List on 21.08.2024.

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 AND I.A.NOS. 40599 AND 40624 OF 2023 AND I. A. NO. 220675 OF 2023

1. Vide order dated 10<sup>th</sup> January, 2024, we had clarified that the e-rickshaws could only be provided to the present cart pullers in order to compensate them on account of their loss of employment.

2. We had also directed that there should be restriction on the number of e-rickshaws vide order dated 15<sup>th</sup> April, 2024, we had restricted the number of e-rickshaws limited to 20. We have further clarified that the e-rickshaws should be permitted only if they are allotted to the earlier handcart pullers.

3. The State has filed an affidavit stating therein the rickshaws are allotted to the original licence handcart pullers.

4. However, the applicant(s), in the application filed by the Sthanik Ashwapal Sangathana and others, submits that e-rickshaws are not allotted to the original handcart pullers but to the hotel owners etc..

5. Ms. Nina Nariman, learned counsel appearing on behalf of the said applicant(s) said that the applicant No.4 (Ms. Maria Vaz) has filed her reply giving details as to whom the e-rickshaws are allotted. She further submits that in the affidavit filed by applicant (Ms. Asha Ashok Kadam), the



details have been given.

6. We find that in view of this disputed position, it will be appropriate that the learned Principal District Judge, Raigad, through a Judicial Officer conducts an enquiry into this disputed position and submit a report.

7. We request the learned Principal District Judge, Raigad to call this enquiry and submit a report within a period of four weeks from today.

8. Needless to state that in the enquiry, the officer deputed by the learned District Judge would give a hearing to the local administration as well as the representatives of Sthanik Ashwapal Sangathana and the representatives of the hand cart pullers.

9. The Collector, Raigad shall make necessary arrangements for conducting such an enquiry at Matheran.

10. Insofar as the report with regard to the proposal with regard to use of paver blocks, which the Government proposes to use in consultation with the IIT Mumbai is concerned, the same would be considered in the month of October, 2024, i.e. after monsoon.

11. We further direct the Monitoring Committee to file an affidavit with regard to the paver blocks as well as the streets/roads on which plying of e-rickshaws would be permitted.

12. List on 23.10.2024.

I.A. NOS. 36847 & 36852 OF 2024

1. Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the MoEF&CC seeks four weeks' time to file response.
2. Ms. Monika Gusain, learned counsel appearing for the State of Haryana also seeks time to file additional affidavit.
3. List these applications on 21.08.2024.
4. In the meanwhile, response/additional affidavit(s), if any, be filed.

I.A. NOS. 66542, 66546, 66548 OF 2024

1. Ms. Geeta Luthra, learned senior counsel appearing for the National Highways and Infrastructure Development Corporation Ltd. (NHIDCL) seeks eight weeks' time to file reply affidavit.
2. Mr. Bishwajit Deb, learned Advocate General appearing for the State of Mizoram submits that the effect of the judgment of the Single Judge of the High Court of Guwahati at Aizwal Bench dated 27<sup>th</sup> January, 2021 has very wide ramifications inasmuch as the preliminary notification under Section 15 of the Mizo Forest Act, 1955, which declares half a mile as reserved forest on either side of 16 rivers would be annulled.
3. The learned Advocate General join the applicant in

praying for stay of the effect of the judgment of the High Court dated 27<sup>th</sup> January, 2021.

4. Taking into consideration the wider ramifications that the said judgment will have on the ecology of the State of Mizoram, we stay the operation of the judgment and order dated 27<sup>th</sup> January, 2021.

5. List on 21.08.2024.

I.A. NOS. 99457 AND 99462 OF 2024 AND I.A. NO. 263809 /2023 WITH I.A. NOS. 263810, 263811 AND 263812/2023 AND I.A. NO. 92980/2024 AND I.A. NO. 141598/2024

1. Mr. K. Parameshwar, learned Amicus Curiae has pointed out the order passed by the Division Bench of the High Court dated 02<sup>nd</sup> March, 2020, vide which the MoEF&CC was directed to notify at least one kilometer area from the boundary of Sukhna Lake Wildlife Sanctuary as Eco-Sensitive Zone falling in the areas of States of Punjab and Haryana.

2. Though this order is not appealed against, Mr. Gurminder Singh, the learned Advocate General appearing for the State of Punjab, states that the State has filed a review seeking review of the said judgment and order. In any case, the learned Advocate General fairly states that the proposal wherein ESZ was restricted only to 100 meters would not be in tune with the environmental and ecological concerns, he submits that the matter is being actively reconsidered by the State Government for providing larger ESZ areas.

3. We do hope that the State Government would act with the right earnest in such a sensitive matter.

4. List on 18.09.2024.

IA Nos. 156703, 156707 and 156710 of 2024

1. Issue notice, returnable on 21.08.2024.

2. Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the State of Rajasthan accept and waive notice.

IA Nos. 108587, 108243 of 2024, SMW(C) No. 1/2023, IA Nos. 153500-02 of 2023 and IA No. 5891 of 2019

List on 07.08.2024.

Rest of the application/matters

List on 21.08.2024.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)