

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). 1164/2023

ASHOK KUMAR SHARMA, INDIAN FOREST
SERVICE (RETD) & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(IA No. 240922/2023 - STAY APPLICATION)

Date : 30-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr Prashanto Chandra Sen, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Ms. Shibani Ghosh, Adv.
Mr. Saksham Garg, Adv.
Mr. Jyotirmoy Chatterjee, Adv.
Ms. Khyati Jain, Adv.
Ms. Akshata Chhabra, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Satyajit Sarna, Adv.
Mr. Prashant Padmanabbhan, Adv.
Ms. Rea Mehta, Adv.
Mr. Rahul Kukreja, Adv.
Mr. Vishal Sinha, Adv.

For Respondent(s) Mr. Balbir Singh, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Naman Tandon, Adv.
Dr. Misha Kumar, Adv.
Ms. Suhashini Sen, Adv.

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

I.A. NO.240922/23 IN W.P.(C) NO.1164/2023
& W.P.(C) NO.1336/2023 @ DIARY NO.46970/2023

1. W.P.(C) No. 1336/2023 @ Diary No.46970/2023 is taken on Board.
2. Issue notice in W.P.(C) No. 1336/2023 @ Diary No.46970/2023.

3. It is the contention of the learned senior counsel for the petitioners that the Forest (Conservation) Amendment Act, 2023 has an effect of diluting the definition of forest as defined by this Court in the judgment of this Court passed on 12.12.1996 in T.N. Godavarman v. Union of India in W.P. (C) No.202/1995.

4. It is submitted that as per T.N. Godavarman judgment (supra) the forest as understood in accordance with the dictionary sense are also included in the definition of forest.

5. It is further submitted that Section 1A is likely to restrict the definition of forest and exclude the aforesaid category of forest, as understood in accordance with the dictionary sense, from the ambit of the Forest Conservation Act.

6. Shri Balbir Singh, learned Additional Solicitor General of India, on instructions, makes a statement that there is no intention to dilute the scope of forest as defined in the judgment of this Court in T.N. Godavarman (supra). He submits that the exemptions which will be granted under sub-section (2) of Section 1A would be in accordance with the guidelines that the Central Government would be notifying in accordance with sub-section (3) thereof. He submits that the guidelines are being finalized and would be notified in a short period. However, in order to address the concern of the petitioners, he makes a statement that no perceptible actions will be taken by the Union of India until further orders in respect of the forest, as understood in accordance with the dictionary sense.

7. Four weeks' time is granted for filing reply.

8. Rejoinder affidavit, if any, be filed within two weeks thereafter.

9. List after six weeks.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)