



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2023

PRESENT

THE HON'BLE MR. PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 8067 OF 2020 (GM-RES-PIL)

C/W

WRIT PETITION NO. 8181 OF 2020 (GM-RES-PIL)

&

WRIT PETITION NO. 12132 OF 2020 (GM-RES-PIL)

IN W.P.NO. 8067 OF 2020

BETWEEN:

1. PROJECT VRUKSHA FOUNDATION
THROUGH ITS PRESIDENT

...PETITIONER

(BY SRI NIKHIL KURGOD, ADVOCATE)

AND:

1. STATE BOARD FOR WILDLIFE (SBWL)
THROUGH THE MEMBER SECRETARY
ARANYA BHAVAN, 2ND FLOOR
18TH CROSS, MALLESWARAM
BENGALURU - 560 003





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2. STATE OF KARNATAKA
THROUGH THE ADDITIONAL
CHIEF SECRETARY (FEE)
FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT
KARNATAKA GOVERNMENT SECRETARIAT
ROOM NO.447, 4TH FLOOR, GATE NO.2
M.S.BUILDING, BANGALORE - 560 001

3. NATIONAL TIGER CONSERVANCY AUTHORITY
THROUGH THE MEMBER SECRETARY
NTCA HQ (NEW DELHI)
B-1 WING, 7TH FLOOR
PT. DEENDAYAL ANTYODAYA BHAWAN
CGO COMPLEX
NEW DELHI - 110 003

4. STANDING COMMITTEE OF THE
NATIONAL BOARD FOR WILDLIFE
THROUGH THE MEMBER SECRETARY
6TH FLOOR, VAYU WING
INDIRA PARYAVARAN BHAWAN
JOR BAGH ROAD, ALIGANJ
NEW DELHI - 110 003

5. MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE (MOEF & CC)
REGIONAL OFFICE (SOUTHERN ZONE)
SANTHOSAPURAM, 1ST BLOCK
KORAMANGALA, KENDRIYA SADAN
KORAMANGALA
BANGALORE - 560 034

6. SOUTH WESTERN RAILWAYS
THROUGH ITS GENERAL MANAGER
RAIL SOUDHA, GADAG ROAD
HUBLI-580 020, KARNATAKA



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7. GEORGE SALVADOR FERNANDEZ

8. VENKATRAMAN BOMMAYYA NAYAK

9. RAJEEV GAONKAR

**(R-6 TO R-9 ARE IMPEADED
V/O DATED 20.09.2021)**

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 & 2;
SRI SHIVAKUMAR S, CGC FOR R-3 TO 6;
SRI R G KOLLE, ADVOCATE FOR R-7 TO 9)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS AND THE DECISION OF THE 14TH MEETING HELD ON 20 MARCH, 2020 OF THE KARNATAKA STATE BOARD FOR



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WILDLIFE WHERE THE CHAIRMAN OF THE KARNATAKA-SBWL
RECOMMENDED WILDLIFE CLEARANCE TO HARP IGNORING THE
MAJORITY OPINION OF THE BOARD MEMBERS AND ETC.

IN W.P.NO. 8181 OF 2020

BETWEEN:

1. GIRIDHAR KULKARNI

...PETITIONER

(BY SMT. ANU CHENGAPPA P, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY
ROOM NO.320, 3RD FLOOR
VIDHANA SOUDHA
BANGALORE-560001
2. ADDITIONAL CHIEF SECRETARY
FORESTS, ENVIRONMENT AND
ECOLOGY DEPARTMENT
GOVERNMENT OF KARNATAKA
KARNATAKA GOVERNMENT SECRETARIAT
ROOM NO.447, 4TH FLOOR, GATE NO.2



M S BUILDING
BENGALURU-560001

3. THE PRINCIPAL CHIEF CONSERVATOR
OF FORESTS (HEAD OF FOREST FORCE)
KARNATAKA FOREST DEPARTMENT
ARANYA BHAVAN, 18TH CROSS
MALLESHWARAM
BENGALURU-560003
4. PRINCIPAL CHIEF CONSERVATOR
OF FORESTS (WILDLIFE) AND
CHIEF WILDLIFE WARDEN
KARNATAKA FOREST DEPARTMENT
2ND FLOOR, ARANYA BHAVAN
18TH CROSS
MALLESHWARAM
BENGALURU-560003
5. STATE BOARD OF WILDLIFE, KARNATAKA
2ND FLOOR, ARANYA BHAVAN
18TH CROSS, MALLESHWARAM
BENGALURU-560003
REPRESENTED BY ITS
MEMBER SECRETARY
6. MINISTRY OF RAILWAYS
REPRESENTED BY
DEPUTY CHIEF ENGINEER
CONSTRUCTION-1
SOUTH WESTERN RAILWAY
CLUB ROAD, KESHWAPUR
HUBBALLI-580023
7. MINISTRY OF ENVIRONMENT AND
FORESTS AND CLIMATE CHANGE
INDIRA PARYAVARAN BHAVAN
JOR BAGH ROAD



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NEW DELHI-110003
REPRESENTED BY ITS SECRETARY

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-1 TO 5;
SRI SHIVAKUMAR S, CGC FOR R-6 & 7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS
OF THE MEETING OF RESPONDENT NO.5 HELD ON 20.03.2020
PRODUCED AS ANNEXURE-A AND ETC.

IN W.P.NO. 12132 OF 2020

BETWEEN:

1. MR. J MANJUNATH

2. MR. PANDURANGA HEGDE

...PETITIONERS

(BY SRI NANDAKUMAR C K, SENIOR ADVOCATE FOR
SRI RAGHURAM CADAMBI, ADVOCATE)



AND:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
INDIRA PARYAVARAN BHAVAN
NEW DELHI-110003

2. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT
FORESTS, ENVIRONMENT AND
ECOLOGY DEPARTMENT
MULTISTOREYED BUILDING
DR. AMBEDKAR VEEDHI
BANGALORE-560001

3. PRINCIPAL CHIEF CONSERVATOR OF
FORESTS AND HEAD OF THE FOREST FORCE
KARNATAKA FOREST DEPARTMENT
4TH FLOOR, ARANYA BHAVAN
MALLESWARAM, BANGALORE-560003

4. THE CHIEF WILDLIFE WARDEN-KARNATAKA
2ND FLOOR, ARANYA BHAVAN
MALLESHWARAM, BANGLAORE-560003

5. STATE BOARD FOR WILDLIFE
REPRESENTED BY THE
MEMBER SECRETARY
2ND FLOOR, ARANYA BHAVAN
MALLESHWARAM
BANGALORE-560003

6. NATIONAL TIGER
CONSERVATION AUTHORITY
REPRESENTED BY THE
MEMBER SECRETARY



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B-1 WING, 7TH FLOOR
PANDIT DEENDAYAL
ANTYODAYA BHAWAN
CGO COMPLEX
NEW DELHI-110003

7. STANDING COMMITTEE OF THE
NATIONAL BOARD FOR WILDLIFE
REPRESENTED BY THE
MEMBER SECRETARY
6TH FLOOR, VAYU WING
INDIRA PARYAVARAN BHAWAN
JOR BAGH ROAD, ALIGANJ
NEW DELHI-110003

8. MINISTRY OF RAILWAYS
REPRESENTED BY
DEPUTY CHIEF ENGINEER
CONSTRUCTION-1
SOUTH WESTERN RAILWAY
CLUB ROAD, KESHWAPUT
HUBBALLI-580023

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R-2 TO 5;
SRI SHIVAKUMAR S, CGC FOR R-1 & 6 TO 8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
MINUTES OF THE 14TH MEETING OF RESPONDENT NO.5 HELD ON
20.03.2020 (MINUTES OF THE MEETING PRODUCED AS
ANNEXURE-A) AND ETC.

THESE WRIT PETITIONS COMING ON FOR ORDERS
THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE**
MADE THE FOLLOWING:



ORDER

1. In all these writ petitions which are filed in the nature of public interest litigations, identical issue is involved and therefore, they are disposed of by a common order.

2. In these writ petitions, the petitioners have sought quashment of the proceedings and decision taken in the 14th meeting held on 20.03.2020 by the Karnataka State Board for Wildlife in respect of Hubli-Ankola Railway Line Project and a further direction to forward the unanimous decision taken in the 13th meeting held on 09.03.2020 by the Karnataka State Board for Wildlife to the National Board for Wildlife.

3. It is submitted by the petitioners that in the 13th meeting held on 09.03.2020, there was an unanimous decision taken by the members of the Karnataka State Board for Wildlife not to proceed with the proposal. However, in the immediate next 14th meeting held on 20.03.2020, though all the members reiterated their view expressed in the 13th meeting held on 09.03.2020, it was



dissented only by the Chairman of the Karnataka State Board for Wildlife.

4. It seems that post filing of the writ petitions, several rounds of discussions, meetings and suggestions took place. The National Board for Wildlife apprised the Railway Authorities about certain gaps and deficiencies who, in turn, stated that they will take appropriate steps for removal of those gaps and deficiencies and will submit a revised proposal of the said project. It may not be necessary for us to refer to all these details and in our opinion, by accepting the statements made in the affidavit dated 23.08.2023 by the Deputy Chief Engineer, Construction-I, South-Western Railway, Hubli, the controversy can be set at rest.

5. In the affidavit dated 23.08.2023, the following statements are made:

"3. I submit that, on the directions of this Hon'ble High Court, National Board for Wildlife (NBWL) constituted a Committee which has conducted a detailed field study and submitted its report to this Hon'ble Court. I further submit, officials from Ministry



of Railways also participated in the meetings conducted by the said Committee and presented the proposal on behalf of Railways with regard to Hubli-Ankola Railway line project.

4. I further submit that, the Committee constituted by the National Board for Wild Life had directed Railways to submit revised proposal of the Project, in accordance with the recommendations of the committee.

5. I further submit that, South Western Railways (SWR), Hubli, shall follow the directions issued by NBWL and shall prepare a mitigation plan for the Hubli-Ankola Railway Line project, in consultation with Wildlife Institute of India (WII), Dehradun and follow any other directives of NBWL and MOEF & CC, and shall commence the work only after getting all the clearances/approvals as required under law.

(emphasis supplied by us)



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6. Accordingly, by accepting the statements made in the affidavit dated 23.08.2023 as an undertaking to this Court, these writ petitions are disposed of.

7. In view of disposal of the writ petitions, the pending interlocutory applications do not survive for consideration and are accordingly disposed of.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

BKV
List No.: 1 SI No.: 38