

ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 1009
 ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಪ್ರತಾಪ್ ಸಿಂಹ ನಾಯಕ್. ಕೆ
 (ವಿಧಾನ ಸಭೆಯಿಂದ ಚುನಾಯಿತರಾದವರು)
 ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 17-03-2025
 ಉತ್ತರಿಸುವ ಸಚಿವರು : ಮಾನ್ಯ ಅರಣ್ಯ ಜೀವಿಶಾಸ್ತ್ರ ಮತ್ತು ಪರಿಸರ ಸಚಿವರು.

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	<p>ರಾಜ್ಯದಲ್ಲಿ ಅರ್ಹ ಅರಣ್ಯ ಒತ್ತುವರಿದಾರರ ಪ್ರಕರಣಗಳನ್ನು ಪರಿಹರಿಸುವ ಸಲುವಾಗಿ ಅರಣ್ಯ ಇಲಾಖೆ ಮತ್ತು ಕಂದಾಯ ಇಲಾಖೆಗಳೊಂದಿಗೆ ಜಂಟಿ ಮರು ಸರ್ವೆ ಮಾಡಿ, ಅರ್ಹ ಅರಣ್ಯ ಒತ್ತುವರಿದಾರರಿಗೆ ನ್ಯಾಯ ದೊರಕಿಸಿಕೊಡಲು ಸರ್ಕಾರ ಏನು ಕ್ರಮ ಕೈಗೊಂಡಿದೆ;</p>	<p>ದಿನಾಂಕ: 27.04.1978ರ ಪೂರ್ವದಲ್ಲಿ ಆಗಿರುವ ಅರಣ್ಯ ಒತ್ತುವರಿ ಪ್ರಕರಣಗಳ ಕುರಿತು ರಾಜ್ಯ ಸರ್ಕಾರದ ಪತ್ರ ಸಂ: FEE 5 FGL 90/1 ದಿನಾಂಕ: 16-07-1995ರಂದು ಒಟ್ಟು 17,007.23 ಹೆ. ಪ್ರದೇಶವನ್ನು ಸಕ್ರಮಗೊಳಿಸುವ ಕುರಿತು ಕೇಂದ್ರ ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.</p> <p>ಅದರಂತೆ, ಸದರಿ ಪ್ರಸ್ತಾವನೆ ಕುರಿತು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಪರಿಸರ ಮತ್ತು ಅರಣ್ಯ ಸಚಿವಾಲಯ, ನವದೆಹಲಿ ರವರ ಪತ್ರ ಸಂ:8-50/95-FC, ದಿನಾಂಕ: 15.05.1996ರಲ್ಲಿ 19,348 ಒತ್ತುವರಿ ಪ್ರಕರಣಗಳಲ್ಲಿ 14,848.83ಹೆ. ಅರಣ್ಯ ಭೂಮಿಯನ್ನು ಅರಣ್ಯ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1980ರ ಕಲಂ-2ರನ್ವಯ ಸಕ್ರಮಗೊಳಿಸಲು ಕೆಲವು ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.(ಅನುಬಂಧ-1)</p>
ಆ)	<p>ಭೂ ಮಂಜೂರಾತಿ ಕಾಯ್ದೆ ಮತ್ತು ನಿಯಮಗಳು ಹಾಗೂ ಇತರೆ ಕಾನೂನಾತ್ಮಕ ನಿಯಮಗಳಡಿಯಲ್ಲಿ ಈ ಹಿಂದೆ ಮಂಜೂರಾದ ಎಲ್ಲಾ ಅರಣ್ಯ ಭೂಮಿಯನ್ನು "Denotification" ಮಾಡದೇ ಇರುವುದರಿಂದ ಇಂದಿಗೂ ಇಂತಹ ಮಂಜೂರಾತಿಗಳು ಕರ್ನಾಟಕ ಅರಣ್ಯ ಇಲಾಖೆಯ ದಾಖಲೆಗಳಲ್ಲಿ "ಅರಣ್ಯ" ಎಂಬುದಾಗಿ ಮುಂದುವರೆಸಿಕೊಂಡು ಬದಲಾಗುತ್ತಿರುವುದರಿಂದ, ಭೂ ಮಂಜೂರಾತಿದಾರರು ಸಮಸ್ಯೆಗೆ ಒಳಗಾಗಿದ್ದು, ಅದನ್ನು ಪರಿಹರಿಸಲು ಸರ್ಕಾರದ ಇದುವರೆಗೆ ಏನು ಕ್ರಮ ಕೈಗೊಂಡಿದೆ;</p>	<p>ಮುಂದುವರೆದು, ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅನುಮೋದನೆ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಎಫ್‌ಇಇ 5 ಎಫ್‌ಜಿಎಲ್ 90, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05.05.1997 ರನ್ವಯ (ಅನುಬಂಧ2) ಅರಣ್ಯ ಒತ್ತುವರಿ ಪ್ರಕರಣಗಳಿಗೆ ಕೆಲವು ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಿ ಸಕ್ರಮಗೊಳಿಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಈ ಷರತ್ತುಗಳನ್ವಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಅರ್ಹ ಅರಣ್ಯ ಒತ್ತುವರಿದಾರರು ಹಾಗೂ ಒತ್ತುವರಿದಾರರಿಗೆ ಅನ್ವಯಿಸುವ ವಿಸ್ತೀರ್ಣವನ್ನು ಗುರುತಿಸಬೇಕಾಗಿತ್ತು. ಆದರೆ ಗುರುತಿಸುವಿಕೆಯ ಕಾರ್ಯವು ಸಂಪೂರ್ಣಗೊಂಡಿರುವುದಿಲ್ಲ.</p>
ಇ)	<p>ಸದರಿ ಭೂ ಮಂಜೂರಾತಿ ಪ್ರಕರಣಗಳಲ್ಲಿ ಸರ್ಕಾರದ ನಿಲುವೇನು; ಹಾಗೂ ಕೈಗೊಂಡಿರುವ ಪರಿಹಾರದ ಕ್ರಮಗಳೇನು?</p>	<p>ಕೇಂದ್ರ ಸರ್ಕಾರದ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿದ ಷರತ್ತುಗಳಲ್ಲಿ, ಪ್ರಮುಖವಾದ ಷರತ್ತಾದ, ಅರ್ಹ ಅರಣ್ಯ ಒತ್ತುವರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಕ್ರಮಗೊಳಿಸುವ ಅರಣ್ಯ ಪ್ರದೇಶಗಳ ಪರ್ಯಾಯವಾಗಿ ಸಮನಾಂತರ ಪರಿಹಾರಾತ್ಮಕ ನೆಡುತೋಪುಗಳಾಗಿ ಅರಣ್ಯೇತ್ತರ ಪ್ರದೇಶಗಳನ್ನು ಗುರುತಿಸಿ, ಕರ್ನಾಟಕ ಅರಣ್ಯ ಕಾಯ್ದೆ-1963ರಡಿ ಮೀಸಲು/ರಕ್ಷಿತ ಅರಣ್ಯ ಎಂದು ಅಧಿಸೂಚಿಸುವುದು ಅಗತ್ಯವಿರುತ್ತದೆ. ಇದರೊಂದಿಗೆ, ಪರಿಹಾರಾತ್ಮಕ ನೆಡುತೋಪು ಪ್ರದೇಶಗಳಲ್ಲಿ ನೆಡುತೋಪುಗಳನ್ನು ಬೆಳೆಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ.</p>

ಸಂಖ್ಯೆ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
		<p>ಇದಲ್ಲದೇ, ಈ ಮೇಲೆ ನಮೂದಿಸಿರುವ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಆದೇಶದಲ್ಲಿ ಕೆಲವೊಂದು ಷರತ್ತುಗಳನ್ನು ಕ್ಷೇತ್ರಮಟ್ಟದಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಕಷ್ಟಸಾಧ್ಯವಾಗಿರುತ್ತದೆ. ಉದಾಹರಣೆಗೆ,</p> <p>“Regularisation of encroachments will not be done in favour of encroachers in the midst of Forest area, steep slopes or in the wildlife sanctuaries, national parks etc., Such encroachers are to be relocated on the fringe of the forest for which excess area available with eligible encroachers may be utilised”</p> <p>ಮುಂದುವರೆದು, ಅರಣ್ಯ ಒತ್ತುವರಿ ಪ್ರದೇಶಗಳನ್ನು ಸಕ್ರಮಗೊಳಿಸಲು ಕರ್ನಾಟಕ ಅರಣ್ಯ ಕಾಯ್ದೆ-1963ರ ಕಲಂ-28ರಲ್ಲಿ ಡಿ-ನೋಟಿಫೈ / ಡಿ-ರಿಸರ್ವ್ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಈ ಮಧ್ಯೆ, ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ: 13.11.2000ರಲ್ಲಿ, IA No. 2 in WP No. 337/1995 and again re iterated by the Supreme Court on 09.02.2004 in IA No. 16 that “Pending further orders, no de-reservation of Forest/ Sanctuaries/ National Parks shall be effected” ಎಂದು ಆದೇಶಿಸಿರುತ್ತದೆ. (ಅನುಬಂಧ-3)</p> <p>ಕೇಂದ್ರ ಸರ್ಕಾರ ಹಾಗೂ ರಾಜ್ಯ ಸರ್ಕಾರವು ವಿಧಿಸಿರುವ ಷರತ್ತುಗಳನ್ವಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಗುರುತಿಸಿರುವ ಪ್ರಕರಣಗಳ ಸಮಗ್ರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಮಧ್ಯಂತರ ಅರ್ಜಿ (I.A) ಮುಖಾಂತರ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿ, ಸಂಬಂಧಿಸಿದ ಅರಣ್ಯ ಪ್ರದೇಶವನ್ನು ಡಿ-ರಿಸರ್ವ್/ಡಿ-ನೋಟಿಫೈ ಮಾಡಲು ಪರಿಶೀಲಿಸಲಾಗುತ್ತಿದೆ.</p>

ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 40 ಎಫ್‌ಜಿಎಲ್ 2025



(ಈಶ್ವರ ಬಿ. ವಿಂಡೆ)

ಅರಣ್ಯ, ಜೀವಶಾಸ್ತ್ರ ಮತ್ತು ಪರಿಸರ ಸಚಿವರು

No. G-50/95-FC, dated 15-5-96,
Government of India,
Ministry of Environment & Forests,
CGO Complex, Lodhi Road,
Paiyaveren Eshwar, New Delhi-110003.

To

The Secretary (Forests),
Government of Karnataka,
BANGALORE.

Subj:- Diversion of 17,007.23 ha. of forest land for
regularisation of encroachments taken place
over forest land prior to 27-4-1978 in Karnataka.

Sir,

I am directed to refer to your letter No. FEE.5.FGL.90X1,
dated 16-7-1995 on the above mentioned subject seeking prior
approval of the Central Government in accordance with Section 2
of the Forest (Conservation) Act, 1980 and to say that the proposal
has been examined by the Advisory Committee constituted by
the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the
State Government and on the basis of the recommendation of the
above mentioned Advisory Committee, the Central Government
hereby conveys its approval under Section 2 of the Forest
(Conservation) Act, 1980 for diversion of 14,848.83 ha. of
forest land for regularisation of encroachments taken place
over forest land prior to 27-4-1978 in respect of 19,348 cases
in Karnataka subject to the following conditions:

(i) Regularisation of encroachments will not be done
in favour of encroachers, in the midst of forest area,
steep slopes or in the wildlife sanctuaries, national parks,
etc.,. Such encroachers are to be re-located on the fringe
of the forest for which excess area available with eligible
encroachers may be utilised.

(ii) Regularisation of encroachments in favour of an
encroacher will not be done in excess of permissible limit of
3 acres fixed by the State Government or in excess of actual
forest area under encroachment, whichever is less.

(iii) Area demarcated on the ground in respect of
individual encroachments will be strictly adhered to by the
State Government.

(iv) Steps shall be taken by the State Government to
evict all unauthorised encroachments taken place over forest
land after 27th April 1978.

(v) As agreed to by the State Government, the surplus
areas will be taken back from the encroachers and will be
demarcated and afforested with suitable species under various
schemes undertaken by the Department as a time bound programme
over a period of 5 years. Further, forest areas which will be
vacated by evicting unauthorised encroachers

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(vi) Compensatory afforestation shall be carried out over equivalent non-forest land at the project cost within a period of 3 years. Non-forest areas identified for compensatory afforestation will be transferred and mutated in favour of the State Forest Department and notified as protected/reserve forests. The entire funds for compensatory afforestation will be provided by 1997-98 by the State Government, as per the commitment made in the letter No.FEE.5/GFL.90(1) dated 21-3-96 of Principal Secretary (Forests), Karnataka.

(vii) The State Govt. will take steps to demarcate the forest area being permitted for regularisation in the present case.

(viii) The State Govt. will submit district-wise monthly reports regarding forest areas surveyed, demarcated and regularised for encroachments and the extent of compensatory afforestation raised to the Regional Chief Conservator of Forests, Bangalore.

(ix) The individual encroachers would not be entitled for selling of the land, however, the title can be transferred after the death to legal inheritor.

Yours faithfully,

Sd/-
(R.K. CHAUDHRY)
Asst. Inspector General of Forests.

Copy to: All Heads of the Department.

// COPY //

No. A5.GFL.CR.24/79-80.

Office of the
Principal Chief Conservator of Forests
Bangalore-3, Dated: 23/5/1996.

Copy to all the Deputy Conservators of Forests (Territorial) and Wildlife, Working Plan for information and needful action.

Copy to the Conservators of Forests (Territorial) and Wildlife for information and needful action.

Copy with compliments to the Addl. Principal Chief Conservator of Forests, Wildlife, Bangalore for information.

Copy with compliments to the Chief Conservators of Forests, Western Ghats/Working Plan/Development/Social Forestry/Administration, Bangalore for information.

M.S.
19/5/96
19/5/96

PRINCIPAL CHIEF CONSERVATOR OF FORESTS
19/5/96

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Regularisation of encroachment of Forest Lands that have taken place prior to 27.4.78 and diversion of 14,848.83 hectare of Forest land.

587
12.6.97

Read
1. O.M. ANFP 5 PGL 90 (Volume-2), dated: 10.10.1991.
2. Govt. letter No. PEE 5 PGL 50, dated 15.7.1995 addressed to Government of India.
3. Letter No. 8450/95-PC dated 15.5.1996 of the Government of India.

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2/6/97

Government by its order dated 10.10.1991 read at (1) above

directed that encroachments of forest lands that occurred prior to 27.4.1978 be regularised, subject to the approval of the Government of India under the Forest (Conservation) Act, 1980 and subject to other conditions prescribed by the said Government order.

(8)

(10)

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12/6/97

2. Subsequently the matter was reviewed and by Government letter dated: 15.7.1995 read at (2) above, the Government of India was moved to agree for regularisation of 17,007.23 ha. of forest land encroached upon prior to 27.4.1978, involving 21,569 cases by way of diversion of the said lands for non forest purposes, under section 2 of the Forest (Conservation) Act, 1980.

3. The Government of India got the locations inspected by the Chief Conservator of Forest (Central), along with the local Forest officers. By its letter, dated 15.5.1996 read at (3) above, Government of India has conveyed its approval under Sec. 2 of the Forest (Conservation) Act, 1980 for diversion of 14,848.83 ha. forest land for regularisation of encroachments that took place over the forest land prior to 27.04.1978, involving 19,343 cases, subject to certain conditions.

4. Since the locations have been jointly inspected and surveyed by the officers of both the Government of India and the State Government, Government consider it not necessary to further examine individual cases, through any official machinery or through any committee.

GOVERNMENT ORDER NO. PEE 5 PGL 50, BANGALORE, DATED: 05805-1997

1. After detailed examination of all aspects of the matter, Government are pleased to order regularisation of encroachments

of forest land made by 19,348 persons prior to 27.4.1978 in 14,848.83 hectares of forest land, the diversion of which for forest purpose has been approved by the Central Government under Section 2 of the Forest (Conservation) Act, 1980, subject to the following conditions:

a) Encroachments of forest land made prior to 27.4.1978 by the following categories of persons shall only be regularised:-

- i) persons belonging to SC/ST
- ii) landless marginal agricultural labourers; and
- iii) insufficient holders of land;

provided the person belonging to any of the aforesaid three categories resided for more than 10 years as on 27.4.1978, in the same village, adjacent to which the forest land encroached upon by him lies; provided further in case of dispute as to whether a person had been resident of a village for more than 10 years as on 27.4.1978 or not, the Deputy Commissioner of the District shall cause an enquiry to be made and send recommendations to Government in Revenue Department for consideration.

Note:- 1. For the purpose of this Government order, an "Insufficient Holder", shall be a person with a domicile qualification of 10 years as prescribed by the first proviso to para 1(a) above, and also does not hold or own any agricultural land anywhere in Karnataka or who holds or owns agricultural land anywhere in Karnataka, the extent of which is less than 3 acres (1.2 hectares) including the forest land encroached upon by him, which is sought to be regularised under the provisions of this Government Order."

2. For the purposes of this Government Order, "Landless Marginal Agricultural Labourer" is a person who or his spouse or minor children (including unmarried minor daughters) do not hold or own any agricultural land anywhere in Karnataka and whose family income does not exceed Rs. 8,000/- per annum".

b) The extent of encroached forest land to be regularised in favour of an individual shall not exceed 3 acres (1.2 hectares).

Including the lands held/owned by him any where in Karnataka even though such land/s lie outside the forest area; or the actual extent of forest area encroached upon by him, whichever is less. He shall be evicted from any balance extent of encroached forest land under section 64-A of the Karnataka Forest Act, 1963;

c) Encroachments of forest land made by any person holding/owning more than 3 acres (1.2 hec) of land anywhere in Karnataka, including outside the forest area, shall not be regularised. Such encroachers shall be immediately evicted under Section 64-A of the Karnataka Forest Act, 1963;

d) Encroached lands sold or leased or otherwise transferred to any person by the person who originally encroached upon the forest land prior to 27.4.1978, shall not be regularised, in favour of any of the parties;

e) Encroachments in the midst of forest area, steep slopes, or in the Wild Life Sanctuaries/National Parks shall not be regularised in favour of the encroachers. Such encroachers may be relocated on the fringe of the forest, in the excess encroached forest land to be resumed from the encroachers under the provisions of para 1(b) and (c) above;

f) Area demarcated on the ground in-respect of individual encroachments shall be strictly adhered to;

g) Trenches shall be dug in between the rest of the forest area and the encroached land regularised in-favour of the encroacher, with the physical labour of the encroacher; and if he refuses to do so, the same shall be got done at the cost of the Forest Dept. and half of the cost shall be re-covered from the said encroacher;

h) In consideration of regularisation of encroachment as aforesaid, the encroacher shall pay to the Government in Revenue Department 50 times the Land Revenue fixed in respect of similar nature of agricultural land, in the nearest village adjacent to the forest land to be regularised. For this purpose Land Revenue prevailing during 1996-97 shall be taken into consideration.

- 1) The person in whose favour encroached lands are regularised shall not be entitled to sell the land during his life time. However, his title to the regularised encroached forest land, shall pass on to his lawful successors, after his death;
- 2) The Deputy Commissioners of Districts are authorised to issue land regularisation certificates (patta) to the eligible encroachers, keeping in view the joint inspection survey report of the Chief Conservator of Forest (Central) made along with the local Forest Officers of the State.
- 3) Concerned Officers of the Forest Department shall take immediate action to evict the persons who have unauthorisedly encroached upon the forest land on or after 27.4.1978, in accordance with the provisions of Section 64-A of the Karnataka Forest Act, 1963.
- 4) With a view to prevent further encroachments, every Range Forest Officer vacating his office by transfer or otherwise, shall, while handing over charge to his successor in office, certify that there has been no encroachment of forest lands in his jurisdiction, during his tenure and submit a certificate to that effect to all his official superiors upto and inclusive of the Principal Chief Conservator of Forest. He shall also submit a report to the aforesaid Officers, at the time of his handing over charge of his office, regarding the details of the encroachments that exist as on the date of his vacating office, which shall inter alia contain the name of the encroacher, extent of forest land encroached upon with date of encroachment, description and location of land encroached upon, legal litigations pending or decided in the matter etc., that occurred within his jurisdiction. He shall make over a copy of each of the aforesaid two documents to his successor in office, under due acknowledgement.
- 5) Surplus areas resumed from the encroachers as per para 1(b) and (c) above, shall be demarcated by the forest department and afforested with suitable species under the various schemes undertaken by the Forest Department.

-: 5 :-

within a time frame of five years. Similarly forest areas from which unauthorised encroachers will be evicted, shall also be afforested by the State Government within a time frame of five years.

6. The Principal Chief Conservator of Forests shall identify 15,000 hectares of C & D class lands from the Land Bank and move the Revenue Department for release of such identified lands for undertaking compensatory afforestation. The compensatory afforestation shall be taken up out of State Government funds, within a period of 10 years, beginning from 1997-98. The lands to be transferred by the Revenue Department from the Land Bank to the Forest Department shall be mutated in favour of the Forest Department in the land records and notified by the State Government as protected/reserved forest.
7. The Principal Chief Conservator of Forests shall send proposals to the State Government for de-notification of the forest areas that are going to be regularised in favour of the encroachers under this Government Order.
8. The Government in Revenue Department shall submit District-wise monthly reports regarding the forest areas surveyed, demarcated and regularised in favour of encroachers to the Regional Chief Conservator of Forests, Government of India situated at Bangalore, under copy to the Principal Secretary to Government, Forest, Ecology and Environment Department and the Principal Chief Conservator of Forests in Karnataka, Bangalore, on or before 10th of the succeeding month.
9. The Deputy Commissioners of Districts shall ensure that the encroacher fulfills all his liabilities to the State Government, as prescribed by this Government Order before issue of patta.
10. This order supersedes Government order bearing number AMF 5 90 (Volume-2) dated 10.10.91 read at (1) above.

-: 6 :-

11. This issues with the concurrence of Finance Department and Planning Departments vide their U.O. Note No. FD 924 Exp-2/96 dated 18.10.96 and PL 130 PHD 96, dated 13.12.1996.

By order and in the name of the
Governor of Karnataka,

B. U. Chengappa

(B.U. CHENGAPPA)
Secretary to Government-II,
Forest, Ecology and Environment
Department.

To:

The Compiler, Karnataka Gazette, with a request to publish the Government Order and to send 400 copies to the Government and also, to the Principal Chief Conservator of Forests and others.

Copy to:

1. The Accountant General, I and II, Karnataka, Bangalore.
2. The Secretary to Government of India, Ministry of Environment and Forests, O.G.O Complex, Lodhi Road, New Delhi.
3. The Chief Conservator of Forests (Central), Regional Office, Ministry of Environment and Forests, Bangalore.
4. All Principal Secretaries and Secretaries to Government.
5. All Divisional Commissioners.
6. All Deputy Commissioners.
7. The Principal Chief Conservator of Forests and Chief Conservator of Forests.
8. P.S. to Secretary to C.M. /P.S. to Forest Minister/P.S. to Revenue Minister,
9. P.S. to Chief Secretary/P.S. to Addl. Chief Secretary/P.S. to Development Commissioner, /, P.S. to Principal Secretary, Finance Department.
10. All the Conservator of Forests/Deputy Conservator of Forests through Principal Chief Conservator of Forests.
11. Deputy Secretary to Government, Cabinet Section, w.r. to Cabinet Note No. 145/97, dated 17.3.1997.
12. Weekly Gazette/Spare copies/Guard file.

W.P(C)No. 337 OF 1995
ITEM No.65

Court No. 6

SECTION PIL

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

I.A.Nos.13, 16, 19-21, 24, 26, 27, 28, 29, 33, 34-50, 51 & 52
in W.P.(Civil) No.337/1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

(For impleadment and exemption from filing O.T. and directions/
modification of order dated 13.1.2000 and office report and for recalling
the order dated 17.7.1998 and modification of order dated 22.8.1997
and directions and modification of Court's order dated 13.11.2000 and
impleadment/directions and exemption from filing O.T. and directions
and stay/status quo and exemption from filing O.T. on behalf of
M/s. Kailashanand Mission Trust and permission to file affidavit)

Date : 09/02/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)Mr. Raj Panjwani, Adv.
Mr. Vijay Panjwani, Adv.

For Petitioner in
IAs.46-47:Mr. A.K. Chitale, Sr. Adv.
Mr. Niraj Sharma, Adv.
Mr. Vikrant Singh, Adv.
Mr. Jai Mangalwadi, Adv.
Mr. Neeraj Srivastava, Adv.

in I.A.No.52:Ms. Anita Shenoy, Adv.
Mr. Hritwik Dutta, Adv.

For Applicant:Ms. Rachna Joshi Issar, Adv.

For Kailashchand
Mission Trust:Mr. G.L. Sanghi, Sr. Adv.
Mr. Ashwani Garg, Adv.

For Respondent (s)Mr. Raju Ramachandran, A.S.G.
U.O.I.:Mr. A.D.N. Rao, Adv.
Mr. P. Parmeswaran, Adv.

NCT of Delhi:Ms. Ranjana Narayan, Adv.
Mr. S.W.A. Qadri, Adv.
Mrs. Anil Katiyar, Adv.

St. of Goa:Ms. A. Subhashini, Adv.

..2/-
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St. of A.P.:Mr. T.V. Ratnam, Adv.

St. of Uttaranchal:Ms. Rachana Srivastava, Adv.

for O.N.G.C.:Mr. K.R. Sasiprabhu, Adv. (NP)

St. of J & K:Mr. Anis Suhrawardy, Adv.

St.of Haryana:Mr. Praveen Kumar Rai, Adv.
Ms. Kavita Wadia, Adv.

St. of West Bengal:Ms. A. Subhashini, Adv.

St. of UP:Mr. Pramod Dayal, Adv.
Mr. Mukesh Verma, Adv.
Mr. Jatinder K. Bhatia, Adv.
Ms. Rashmi Singh, Adv.
Mr. Ashok K. Srivastava, Adv.

St. of Jharkhand:Mr. Anil Kumar Jha, Adv.
Ms. Alka Jha, Adv.

St.of Arunachal Pd:Mr. Anil Shrivastav, Adv.

Govt.of Pondicherry:Mr. V.G. Pragasan, Adv.

St. of Punjab:Mr. R.K. Rathore, Addl.Adv.Genl., Punjab
Mr. R.S. Suri, Adv.

St. of Meghalaya:Mr. Ranjan Mukherjee, Adv.

St. of Chhattisgarh:Mr. Prakash Srivastava, Adv.

St. of Assam:Mr. Sanjay C.V. Choudhury, Adv.
Ms. Asha G. Nair, Adv.
Mr. Niraj Kumar, Adv.
for M/s. Corporate Law Group, Adv.

St.of Nagaland:Mr. U. Hazarika, Adv.
Ms. Madhvi Sharma, Adv.
Ms. Sumita Hazarika, Adv.

St.of Gujarat &Ms. Hemantika Wahi, Adv.
Mizoram:Ms. Aruna Gupta, Adv.

St.of Sikkim:Mr. A.Maiarputham, Adv.
Mrs. Aruna Mathur, Adv.
for M/s. Arputham, Aruna & Co., Advs.

St.of M.P.:Mr. Anil K. Pandey, Adv.
Mr. S.K. Agnihotri, Adv.

St. of TamilNadu:Mr. Subramonium Prasad, Adv.
Mr. Abhay Kumar, Adv.
Mr. Senthil, Adv.
Mr. S.N. Jha, Adv.

St. of Haryana:Mr. Praveen Kumar Rai, Adv.
Ms. Kavita Wadia, Adv.

...3/-

-3-

For UTs:Mr. R.K. Rathore, Adv.
Mr. S.W.A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

St. of Tripura:Ms. Mona Lal, Adv.
Mr. Rajiv Mehta, Adv.

St. of Manipur:Mr. B.N. Niren, Adv.
Mr. M. Veerappa, Adv.

For Maharashtra:Mr. Mukesh K. Giri, Adv.

For Other parties:Mr. Aruneshwar Gupta, Adv.

Mr. Jana Kalyan Das, Adv.

Mr. G. Prakash, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Ashok Mathur, Adv.

Mr. B.B. Singh, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Rajeev Kumar Sharma, Adv.

Mr. J.S. Attri, Adv.

Ms. Sushma Suri, Adv.

Ms. Sandhya Goswami, Adv.

Mr. Ajit Pudussery, Adv.

Mr. Vishwajit Singh, Adv.

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

I.A.No.13:

Perused the affidavit of the Additional Principal Chief Conservator of Forests (Wild Life), Manipur, dated 6th February, 2004.

The application is adjourned for a period of six months.

I.A.No.16:

We see no ground to allow the application and delete the word "forests" from the order dated 13th November, 2000.

The application is accordingly dismissed.

..4/-

-4-

I.A.Nos.19-20, 27, 33, 35, 37:

Mr.A.D.N.Rao, learned counsel, prays for one week's further time to examine the report of the Standing Committee of the National Board and place the same on record.

I.A.Nos.24 & 26:

As prayed, the Central Empowered Committee is granted two weeks' further time to submit the report.

I.A.No.36:

In view of the letter circulated by learned counsel for the State of Goa, two weeks' time is granted.

I.A.Nos.43-45 (Concerning "Tat wale Baba"):

The State of Uttaranchal shall place on record the photographs in respect of the construction under consideration in these applications, within four weeks.

The applicant would be permitted to remove his belongings from the site.

The State of Uttaranchal is granted liberty to file further affidavits, if any, within two weeks.

I.A.Nos.46,47 & 51 (Concerning "Sureshwari Devi Temple"):

Rejoinder to the reply filed by the State of Uttaranchal be filed within two weeks.

All I.As. (except I.A.Nos.13 & 16):

List on a Friday, as last item, after four weeks.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master

I.A.No.2 in Writ Petition (Civil) No. 131/1998

U O 1 & ORS

(For directions) (with office report)

(with I.A.No.8-Appin. for recalling the order dt. 12.7.98)

with

QUA-MOTU CONT. PET. (CIVIL) 1326/1998 IN W.P.(C) NO. 131/1998

Date : 13/11/2000 This Petition is called on for hearing today

CORAM

HON'BLE MR. JUSTICE S.P. CHARUCHA
HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s)

Mr. Raj Panjwani, Adv.
Mr. Vijay Panjwani, Adv.
Mr. Iqbal Shamsi, Adv.

For Respondent (s)

Mr. P.P. Mallhotra, Adv.
Mr. Wasim Qadri, Ms. Smita Das, Adv.
Mr. Rada Krishna, Adv.
Mr. D.S. Mahra, Adv.

For Rajasthan:

Mr. A. Mishra, Ms. Anjali Doshi, Adv.
for Mr. Suchil Kumar Jain, Adv.

M/s I.H. Nanavati Associates, Adv.

Mr. K.R. Nagaraja, Adv.

For M.P.:

Mr. Saksh Kumar, Adv.
Mr. Satish K. Agnihotri, Adv.

Mr. Jnan Kalyan Das, Adv.

For Meghalaya:

Mr. Ranjan Mukherjee, Adv.

For Tripura:

Ms. Amita V. Duggal, Adv.
Mr. Rajiv Kulita, Adv.

- For Kerala: Mr. D. Prakash, Adv.
Mr. Deena Prakash, Mr. Jyothish A.P., Adv.
- For Arunachal Pradesh: Mr. Anil Shrivastav, Adv.
Mr. J.S. Alluri, Adv.
- For Punjab: Ms. Jayshree Anand, Addl. Adv. Genl.
Mr. Rajiv Datta, Adv.
Mr. G. Sivabalamurugan, Adv.
- For Tamil Nadu: Mrs. Aruna Nathur, Mr. A. Hariarputham &
Mr. Anurag D. Nathur, Adv.
for M/s Arputham, Aruna & Co., Adv.
- For Nagaland: Mr. Kailash Vasdev, Adv.
P/s: R. Rahim, Devdutt Kamat, Adv.
- For UP: Mr. Saurabh S. Shamshary, Adv.
Mr. B.B. Misra, Adv.
- For Gujarat & Mizoram: Ms. Hemantika Wahi, Adv.
- For Karnataka: Mr. Sanjay R. Hogde, Adv.
Mr. B.S. Manza, Adv.
Mr. Shakil Ahmad Syed, Adv.
Mr. S.P. Singh, Adv.
Mr. N. Yearappa, Adv.
- For Goa & W.B.: Ms. A. Subhashini, Adv.
- For Maharashtra: Mr. S.S. Shinde, Adv.
Mr. Shivaji N. Jadhav, Adv.
Mr. S.V. Deshpande, Adv.
Ms. Kamini Jaiswal, Adv.
- For Pondicherry: Mr. V.G. Pragasam, Adv.
Mr. Jagdev Singh Monnas, Adv.
- For State of A.P.: Mr. K. Amarendran, Sr. Adv.
Mr. G. Venkatesh, Adv.
Mr. Anil Kumar Tandale, Adv.
Mr. Vijay Handarte, Adv.
for M/s Jain Menserie & Co., Adv.
Mr. Ramesh K. Sharma, Adv.

FROM W N F HINDI

TO 0306/10200

-3-

UPON hearing counsel the Court made the following
ORDER

Four weeks for filing of affidavits by the States that have not already done so. List after five weeks. Pending further orders, no derecognition of forests/sanctuaries/national parks shall be affected.

N. Annapurna
(N. Annapurna)
Court Master

Shally Sengupta
(Shally Sengupta)
Court Master

13/11

(3/11/2000)