

ITEM NO.17 Court No.1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

("ONLY"[1] INTERLOCUTORY APPLICATION NO. 166382/2019[APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 28 OF 2019 - REPORT OF CEC IN APPLN. NO. 1438 FILED BEFORE IT BY INDIAN INSTITUTE OF MASS COMMUNICATION] IN RE : INDIAN INSTITUTE OF MASS COMMUNICATION (IIMC) AND [2] INTERLOCUTORY APPLICATION NO. 3840 (Disposed of) [APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES] WITH INTERLOCUTORY APPLICATION NOS. 191338/2019 AND 191341/2019 [APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF H.P.] AND INTERLOCUTORY APPLICATION NO. 55071, 87648, 121109 AND 130847/2020 [APPLICATION FOR DIRECTIONS ON BEHALF OF H.P.] AND INTERLOCUTORY APPLICATION NOS. 33443, 33445/2020, 71789 AND 111184/2020 [APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T. AND DIRECTIONS ON BEHALF OF HIMACHAL PRADESH POWER TRANSMISSION CORPORATION LTD. (HPPTCL)] AND INTERLOCUTORY APPLICATION NOS. 124637 AND 129471 OF 2020 [APPLICATION FOR DIRECTIONS AND PERMISSION TO FILE APPLICATION FOR DIRECTIONS ON BEHALF OF SATLUJ JAL VIDYUT NIGAM LTD. (SJVN)] AND INTERLOCUTORY APPLICATION NOS. 28705/2020 AND 28706/2020 [APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF M/S. PARAS STONE CRUSHER, APPLICANT] IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESH AND [3] INTERLOCUTORY APPLICATION NO. 44942/2019 [APPLICATION FOR DIRECTIONS] IN RE : STATE OF KARNATAKA IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 13.01.2021 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, ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. G.S. MAKKER FOR S.NO. [1] MR. UDITA SINGH FOR S.NO. [2] MR. VINOD SHARMA [STATE OF HIMACHAL PRADESH], MR. AJIT PUDUSSERY, MR. NIKUNJ DAYAL FOR S.NO. [3] MR. V. N. RAGHUPATHY)

Date : 13-01-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Counsel for the parties**By Courts Motion****Mr. Harish N. Salve, Sr. Adv. [A.C.]****Mr. A.D.N. Rao, Adv. [A.C.]****Mr. Siddhartha Chowdhury, Adv. [A.C.]****Ms. Aparajita Singh, Sr. Adv. [A.C.]****Mr. Balbir Singh, ASG****Ms. Archana Pathak Dave, Adv.****Mr. D. L. Chidanand, Adv.****Ms. Suhasini Sen, Adv.****Mr. S. S. Rebello, Adv.****Mr. Shyam Gopal, Adv.****Mr. G. S. Makker, AOR****Mr. Nikunj Dayal, AOR****Mr. S. Wasim A. Qadri, Sr Adv.****Mr. Tamim Qadri, Adv.****Mr. Saeed Qadri, Adv.****Ms. Udit Singh, AOR****Mr. Ajit Pudussery, AOR****Mr. Tushar Mehta, Ld. SG****Mr. Ashok Sharma, AG, HP****Mr. Vikas Mahajan, AAG****Mr. Vinod Sharma, AOR****Mr. Anil Kumar, Adv.****Mr. Tushar Mehta, Ld. SG****Mr. Prabhuling K.Navadgi, AG, Karnataka****Mr. V.N. Raghupathy, Adv.****M/S. Lawyer S Knit & Co, AOR****Mr. Chanchal Kumar Ganguli, AOR****M/S. Plr Chambers And Co., AOR****Mr. Syed Mehdi Imam, AOR****Mr. T. Harish Kumar, AOR****M/S. Mitter & Mitter Co., AOR****Mrs. Anil Katiyar, AOR****Mr. Raj Kishor Choudhary, AOR****Mr. Shuvodeep Roy, AOR****Shri. Gaichangpou Gangmei, AOR****Mr. Alok Shukla, AOR****Mr. Punit Dutt Tyagi, AOR****Mr. Irshad Ahmad, AOR**

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 Mr. P. K. Manohar, AOR
 Mr. Nishanth Patil, AOR
 Mr. James P. Thomas, AOR
 Mr. Kumar Mihir, AOR

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

INTERLOCUTORY APPLICATION NO. 166382/2019 [APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 28 OF 2019 - REPORT OF CEC IN APPLN. NO. 1438 FILED BEFORE IT BY INDIAN INSTITUTE OF MASS COMMUNICATION] IN RE : INDIAN INSTITUTE OF MASS COMMUNICATION (IIMC) IN WRIT PETITION (CIVIL) NO. 202/1995.

1. The Applicant/Indian Institute of Mass Communication, New JNU Campus has filed an application seeking permission of this Court to construct a new building for the Academic Block, Hostel Block and Guest House on the total area of 12933 sq. meters out of total area extant of 16.2 acres since such construction requires removal

of 29 small trees.

2. The requirement of the applicant was examined by the Central Empowering Committee ("CEC" for short). A report bearing No.28 of 2019 is filed on examining the Application No.1438 filed by the Director General of the applicant institute. The CEC having adverted to the entire details has recommended that this Court may consider permitting the applicant to construct the Administrative, Hostel and Guest House Block subject to the applicant complying with the following conditions"

- i) IIMC shall deposit 5% of the sanctioned project cost with the Ridge Management Board Fund and which under the close supervision and direction of the Board should be used by the Forest Department, Delhi Government for conservation and protection of Delhi Ridge;
- ii) The proposed construction shall not in any manner disturb the storm water drain passing through the 16.2 acres of land in the possession of IIMC during the construction phase as well as the post-construction phase;
- iii) The proposed buildings should optimally utilize the roof top for harnessing solar energy;
- iv) The building plan shall make provision to ensure harvesting and utilisation of the rain water within the developed area;
- v) The minimum number of trees which are absolutely unavoidable, for the construction of the building, only will be felled;
- vi) The IIMC shall demarcate the 16.2 acres of land allotted to it by JNU and submit a map of the proposed construction area;
- vii) A minimum of 40% of the 16.2 acres of the morphological ridge area shall be maintained as green zone and the IIMC will undertake planting of native tree species replacing the subabul plants which were seen growing profusely in the open area during the site visit; and
- viii) The open area identified for providing parking slots shall be maintained as green area and accordingly the layout plans shall be modified.

3. We have heard the learned counsel for the parties and in the background of the report of the CEC, the affidavit filed by the applicant is also perused. Shri Susobhan Mondal, Assistant Registrar (Admn) of the applicant institute in his affidavit dated 08.01.2021 has stated that in lieu of the 29 tender trees to be cut, the applicant institute has planted 300 trees of different species and a list of the same has been enclosed. It is pointed out that the 29 trees which are cut belonged to shisham, kikar and papri species. The trees planted are of above species as also other species.

4. Considering that CEC has examined the requirement of the applicant and the grant of permission is recommended subject to the conditions noted above, we are of the opinion that the application be allowed in terms of the conditions stated by the CEC.

5. Accordingly IA.No.166382 of 2019 is allowed subject to the applicant complying with the conditions recommended by the CEC through its Report No.28 of 2019 dated 22.10.2019.

INTERLOCUTORY APPLICATION NO. 3840 (Disposed of) [APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES] WITH INTERLOCUTORY APPLICATION NOS. 191338/2019 AND 191341/2019 [APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF H.P.] AND INTERLOCUTORY APPLICATION NO. 55071, 87648, 121109 AND 130847/2020 [APPLICATION FOR DIRECTIONS ON BEHALF OF H.P.] AND INTERLOCUTORY APPLICATION NOS. 33443, 33445/2020, 71789 AND 111184/2020 [APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T. AND DIRECTIONS ON BEHALF OF HIMACHAL PRADESH POWER TRANSMISSION CORPORATION LTD. (HPPTCL)] AND INTERLOCUTORY APPLICATION NOS. 124637 AND 129471 OF 2020 [APPLICATION FOR DIRECTIONS AND PERMISSION TO FILE APPLICATION FOR DIRECTIONS ON BEHALF OF SATLUJ JAL VIDYUT NIGAM LTD. (SJVN)] AND INTERLOCUTORY APPLICATION NOS. 28705/2020 AND 28706/2020 [APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF M/S. PARAS

STONE CRUSHER, APPLICANT] IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESHAND, IN WRIT PETITION (CIVIL) NO. 202/1995.

Put up on 20.01.2021.

INTERLOCUTORY APPLICATION NO. 44942/2019 [APPLICATION FOR DIRECTIONS] IN RE : STATE OF KARNATAKAIN WRIT PETITION (CIVIL) NO.202/1995.

Mr. Tushar Mehta, learned Solicitor General appearing for the applicant(s) prays for withdrawal of this application with liberty to file an affidavit.

Prayer is allowed.

Accordingly, the instant interlocutory application is dismissed as withdrawn with the liberty aforesaid.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR