

(2016) 03 SC CK 0003

In the Supreme Court Of India

Case No : Special Leave Petition (Civil) No.(S).21339 Of 2011 With W.P.(C) No. 387 Of 2012 W.P.(C) No. 438 Of 2012

Ajay Dubey

APPELLANT

Vs

National Tiger Conservation Auth.& Ors.

RESPONDENT

Date of Decision : 29-03-2016

Acts Referred:

Citation : (2016) 4 Scale 182

Hon'ble Judges : T.S. Thakur, CJI;R. Banumathi Uday;Umesh Lalit, JJ.

Bench : Full Bench

Advocate : Mr. Raj Panjwani Sr.Adv.(A.C.), S.P. Singh, Sr.Adv, Prerna Mehta, Subramonium Prasad, Dharendra Singh Parmar, Susheel Tomar, Anil Kumar Gupta-II, Advocates, for the Appellant; Dr. K.P. Kylasanath Pillai, Sr. Advocate, V.S. Lakshmi, A. Venayagam Balan, Advocates, (State of Madhya Pradesh) Mishra Saurabh, Ankit Kr. Lal, Advocates, (State of Uttar Pradesh) Sanjay Kr. Visen, M.R. Shamsad, Abhishek Chaudhary, Advocates, (St. of Arunachal Pradesh) Anil Shrivastav, Rituraj Biswas, Advocates, (State of Chhatisgarh) C.D. Singh, Sakshi Kakkar, Advocates, (State of Uttarakhand) Dinesh Kumar Garg, Advocate, (State of Bihar) Gopal Singh, Varsha Poddar, Advocates, (State of Tripura) Gopal Singh, Rituraj Biswas, Varsha Poddar, Advocates, (State of Rajasthan) Shiv Mangal Sharma, Vivek R. Mohanty, Milind Kumar, Advocates, (State of Odisha) Ashish Kumar Sinha, Shibashish Misra, Advocates, (State of Jharkhand) Tapesk Kumar Singh, Mohd. Waquas, Jayesh Gaurav, Advocates, (State of Assam) Riku Sarma, Navnit Kumar, Advocates for M/s Corporate Law Group, (State of Himachal Pradesh) Pragati Neekhara, Advocates, (State of Telangana) S. Udaya Kumar Sagar, Krishna Kumar Singh, Advocates, (State of Manipur) Sapam Biswajit Meitei, B. Khushbansi, Naresh Kumar Gaur, Vijayananda Sharma, Z.H. Isaac Haiding, Ashok Kumar Singh, Advocates, (State of Nagaland) Edward B. Enatoli Sema, Amit Kumar Singh, K.L. Michael, Advocates, (State of Karnataka) V.N. Raghupathy, Anil Kumar Gupta-II, Shiv Prakash Pandey, S.S. Ray, Manita Verma, Shreekanth N. Terdal, Advocates, B. Krishna Prasad, AOR, Sanjay Parikh, Aparna Bhatt, Ninni Susan Thomas, Anita Shenoy, T.L.V. Ramachari, K.V.L. Raghavn, Hitesh Kumar Sharma, P.V. Yogeswaran, Abhay Kumar, Vineet Kr. Singh, N. Shoba, Sri Ram J. T;halapathy, V. Adhimoolam, Shilp Vinod, Sanjay Upadhyay, Lalita Kaushik, Dr. M.P. Raju, P. George Giri, Ginesh P, M. Vishnu, B. Balaji, Muthuvel Palani, Advocates, Abhijat P. Medh, AOR, Arjun Garg, AOR, Bhargava V. Desai, AOR, Gautam Narayan, AOR, Khwairakpam Nobin Singh, AOR, Parmanand Gaur, AOR, P. George Giri, AOR, Ramesh Babu M. R, AOR, S. Chandra Shekhar,

AOR, Vikas Mehta, AOR, Vivek Singh, AOR, Anuradha Mutatkar, AOR, Aparna Bhat, AOR, Asha Gopalan Nair, AOR, C.K. Sucharita, AOR, Shilpa Singh, AOR. M/s Vidhi International, Dharitry Phookan, AOR. M/s. Karanjawala & Co, Namita Choudhary, Advocate, for the Respondent

Final Decision : Disposed Of

Judgement

SLP(C)no.21339 Of 2011:

1. This special leave petition is directed against an interim order dated 19th January, 2011 passed by the High Court of Madhya Pradesh at Jabalpur in Writ Petition NO.12351 of 2010 filed in public interest. The High Court has, upon a prima facie consideration of the matter, declined to issue any interim directions restraining tourism activities within the core and critical areas of tiger reserves in the State of Madhya Pradesh.

2. Several directions have been issued by this Court from time to time pursuant where to the National Tiger Conservation Authority has by a notification dated 15th October, 2012 notified comprehensive guidelines for tiger conservation and tourism. Part B of the said Guidelines titled "Guidelines for Tourism in and around Tiger Reserves" sets out the broad parameters within which such tourism activities have been permitted.

3. When the matter came up before this Court on 16th October, 2012, this Court noted the Guidelines, aforementioned, and while modifying interim order dated 24th July, 2012 directed that henceforth tourism activities will be strictly in accordance with the said Guidelines. This Court also directed the authorities concerned to ensure that the requirements in the aforesaid Guidelines are complied with before tourism activities are recommenced. It was clarified that the validity of Notification dated 15th October, 2012 had not been examined and that any party feeling aggrieved of the said notification would be free to challenge the same before an appropriate forum.

4. In the circumstances therefore and keeping in view the above subsequent developments, which sufficiently protect the core and critical areas of tiger reserves in terms of the Guidelines issued on the subject, we see no reason to keep these proceedings pending with us any further.

5. Learned counsel for the petitioner, however, submitted that although the impugned order was only an interim order, the High Court has disposed off the main writ petition on 7th November, 2012 on the ground that this Court was now seized of the matter. She submits that some progress has no doubt been made in the direction of protecting the tiger population in the country on account of the interim orders passed by this Court yet much more remains to be done for which purpose the writ petition could be restored before the High Court for being taken to its logical conclusion on its merit. We see no reason why the petitioner should

not have the liberty to approach the High Court for restoration of the writ petition especially when we have not examined any other aspect of the matter in the proceedings before us inasmuch as the challenge before us was only to the refusal of an interim order by the High Court.

6. In the circumstances, we dispose off the special leave petition with the observations that the petitioner shall be free to have Writ Petition No.12351 of 2010, filed by it, restored before the High Court for any further direction that he may seek. We make it clear that we have expressed no opinion on the merits of anyone of the contentions that may be open to the parties in the said writ petition including those relating to the validity of the Notification already issued for any matter relevant or incidental thereto.

7. This order shall also dispose off Writ Petitions (Civil) No.387 of 2012 and 438 of 2012 and all applications filed therein, reserving liberty for the parties in those cases to seek redress in appropriate proceedings, if so advised before the High Court. No costs.