

(2011) 09 SC CK 0016

In the Supreme Court Of India

Case No : I.A. No"s. 2, 9, 11-13, 16-20, 23, 24, 28, 29, 33-34 of 2005 and 37 of 2001 in Writ Petition (C) No. 171 of 1996 and Compt. Petition (C) No"s. 290-292 of 1998, 302. I.A. No. 3109 (Arising out of Cont. Petition (C) No. 241 of 2011 in I.A. No. 1631 in W.P

Environment Awareness Forum

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 02-09-2011

Acts Referred:

Citation : (2011) 10 SCALE 643

Hon'ble Judges : K.S. Radhakrishnan, J;Chandramauli Kr. Prasad, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Item Nos. 301 & 316: IA Nos. 2, 9, 11-13, 16-20, 23, 24, 28, 29, 33-34, 37 of 2011 & CP(C) Nos. 290-292/1998 and IA Nos. 1117-1118:

1. It is unfortunate that despite number of opportunities, the State of Jammu and Kashmir has not responded to the various averments made in these I. As. As a last chance, three weeks' time is granted to the state of Jammu & Kashmir to file its response.

2. Post these IAs. and Contempt Petition after four weeks.

Item No. 302: IA No. 3109 arising out of C.P. (C) No. 241 of 2011 in IA No. 1631:

3. As prayed for, three weeks' time is granted to the State of Karnataka to file counter-affidavit.

4. Post this I.A. after three weeks.

5. Interim order dated 5.8.2011 passed by this Court to continue for one month.

Item No. 303: IA Nos. 3118-3120:

6. Central Empowered Committee is directed to file its report within four weeks.

7. Ministry of Environment and Forest is directed to produce the detailed report of the National Board for Wild Life including the dissenting views expressed by two of its members and the relevant files.

8. Issue notice to the State of Gujarat.

9. Ms. Jesal, advocate accepts notice on behalf of State of Gujarat.

10. Counter-affidavit, if any, be filed within two weeks.

11. Post these IAs after four weeks.

Item No. 304: W.P. (C) No. 514 of 2006:

12. Post this Writ Petition along with W.P. (C) No. 50 of 2008 for final hearing after two months.

Item No. 305: SLP (C) No. 3941 of 2010:

13. Post this SLP for final hearing after two weeks.

Item No. 306: SLP (C) No. 28519 of 2008:

14. At the request of Learned Counsel for the Petitioners, list this petition on 9.9.2011.

Item No. 307: LA. Nos. 1287, 1570-1571, 1624-1625, 1978, 2395, 2795-2796 in W.P(C) No. 202/1995 etc.

15. Mr. Mohan Jain, learned Additional Solicitor General appearing for Ministry of Environment and Forest submits that the affidavit will be filed within two days.

16. It is made clear that no further time shall be granted to the Ministry of Environment and Forest to file its affidavit. Copy of the affidavit be served on the counsel appearing for the opposite side.

17. Post these IAs on 9.9.2011.

Item No. 308: IA No. 972 in IA 757, 1042-1045, 2949 in 757 and IA No....in IA 757:

18. Mr. S.K. Jain, Learned Counsel appearing for the applicant - Jan Kalyan Samiti resumed his submissions at 12.50 p.m. and was on his legs when the Court rose for the day leaving the matter as part-heard.

19. List on 9.9.2011 as part-heard.

Item Nos. 309 and 310: IA No. 100 in WP (C) No. 337 of 1995 and IA Nos. 1791-1792 in W.P. (C) No. 202 of 1995:

20. Not taken up today.

Item No. 311: I.A. No. 2469 with I.A. Nos. 2782, 2939-2940, 2939-2940 and I.A. Nos. 3023-3024 in I.A. 2782 3030 and 3032

21. List this matter on 16.9.2011 along with the main matter.

22. In the meantime, parties may file their responses.

Item No. 312: I.A. Nos. 2202-2203, I.A. Nos. 2601 & 2915-2917 In I.A. Nos. 2202-2203, 2602, 2929-2931 with 1606, 2002-2004, 2011, 2062-2063 in 1220 in 548 in WP(C) No. 202/1995 etc.

23. Mr. Vivek Tankha, learned Additional Solicitor General appearing for the State of M.P. seeks time to put concrete proposal with regard to the suggestions made by Central Empowered Committee. He may file his proposal within four weeks.

24. Post these IAs. after four weeks.

Item No. 313: IA Nos. 2155-2156 & 2680 in IA No. 2156:

25. As prayed for, four weeks' time is granted to the State of Tamil Nadu to file counter-affidavit. It is made clear that no further time shall be granted to the State of Tamil Nadu to file its counter-affidavit.

26. Post these IAs after four weeks.

Item No. 314: IA Nos. 2242-2243:

27. I. As. are allowed in terms of the decision dated 8.6.2006 of the Standing Committee of National Board for Wildlife which is incorporated in the letter dated 6.7.2006 of Ministry of Environment and Forests. The applicant shall comply with the conditions imposed by the Standing Committee of National Board for Wild Life.

Item No. 315: IA No. 3117 in IA 1991:

28. As prayed for by Mr. N.K. Sharma, Learned Counsel appearing for the State of Himachal Pradesh, four weeks' time is granted to file counter-affidavit to the I.A. as well as to the report of the Central Empowered Committee.

29. It is made clear that no further time shall be granted to the State of Himachal Pradesh to file its counter-affidavit.

30. Post these I. As after four weeks.

Item No. 317: IA Nos. 1173 in IA Nos. 77-78/97, 83/97 and 1461:

31. This matter was called second time.

32. None is present on behalf of the applicants. Consequently, these I. As are dismissed for non-prosecution.

Item No. 318: IA No. 2066 @ C.P. (C) No. 133/2007:

33. At the request of Mr. S.K. Jain, Learned Counsel for the applicant, list this I.A. on 9.9.2011.

Item No. 319: IA Nos. 2848-2850 and 2950:

34. None appears on behalf of the applicants.

35. I.A. Nos. 2848-2850 and 2950 are dismissed for non-prosecution.

Item No. 320: IA Nos. 3121-3122:

36. Central Empowered Committee is directed to file its report within five weeks.

37. Post these I. As after five weeks.

Item No. 321: W.P. (C) No. 84 of 2004:

38. Ms. Lalitha Kaushik, Learned Counsel appearing for the Petitioners seeks permission of the Court to withdraw this Writ Petition. The Writ Petition is, accordingly, dismissed as withdrawn.

Item No. 322: SLP (C) No. 15402 of 2010:

39. Post this SLP for final disposal after two weeks.

Item No. 323: T.P. (C) No. 1159 of 2008:

40. Post these petition along with I.A. No. 1572 etc..

Item No. 324: SLP (C) No....CC 14463 of 2011:

41. Permission to file SLP is granted.

42. Issue notice.

43. Dasti, in addition, is also permitted.

44. State to file counter-affidavit within four weeks.

45. Meanwhile, there shall be stay of dispossession and demolition of the building of the Petitioner for a period of two months.

46. Tag with SLP (C).....CC No. 7816 of 2011.