

ITEM NO.1

COURT NO.12

SECTION IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).21339/2011

(From the judgement and order dated 19/01/2011 in WP No.12351/2010 of The
HIGH COURT OF M.P AT JABALPUR)

AJAY DUBEY

Petitioner(s)

VERSUS

NATIONAL TIGER CONSERVATION AUTH.& ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and directions
and exemption from filing O.T. and impleadment as party respondent and with
prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 24/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. Raj Panjwani, Sr. Adv. (A.C.)
Mr. Rahul Choudhary, Adv.
Mr. Ritwick Dutta, Adv.

Ms. Prerna Mehta, Adv.

For Respondent(s)

Mr. S.P. Singh, Sr. Adv.
Mr. D.S. Parmar, Adv.
Mr. Susheel Tomer, Adv.
Mr. Anil Kumar Gupta-II, Adv.

Mr. Sanjay Upadhyay, Adv.
Ms. Lalitha Kaushik, Adv.
Mr. Tushar Thareja, Adv.
Ms. Divya Sharma, Adv.

Mr. S. Wasim A. Qadri, Adv.
Mr. L.R. Singh, Adv.
Mr. Zaid Ali, Adv.

Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. Krishnamoorthy, Adv.

Mr. V.N. Raghupathy, Adv.
Mr. B.S. Prasad, Adv.

Mr. Shiv Prakash Pandey, Adv.

Mr. Rajeev K. Dubey, Adv.
Mr. Raghav Pandey, Adv.

Ms. Ruby Singh Ahuja, Adv.
Ms. Deepti Sarin, Adv.
Mrs. Manik Karanjawala, Adv.
Ms. Shruti Katakey, Adv.
M/s. Karanjawala & Co.

Mr. Rohit Sharma, Adv.
Mr. Abhijit P. Medh, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Anshuman Singh, Adv.
Mrs. Anuradha Mutatkar, Adv.

Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv.

Mr. Jasbir Singh Malik, Adv.
Mr. Milind Kumar, Adv.

Mr. Lakshmi Raman Singh, Adv.

Ms. Anita Shenoy, Adv.

Ms. C.K. Sucharita, Adv.

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

Vide order dated 3.4.2012 this Court had noticed that despite earlier directions some of the States had not issued notifications for core and buffer areas of Tiger Reserve in India in accordance with the provisions of the Wildlife (Protection) Act, 1972. These States include Jharkhand, Rajasthan, Andhra Pradesh, Arunachal Pradesh, Uttar Pradesh, Tamil Nadu, Bihar, Karnataka and Maharashtra. The above States were granted time to issue notification and file affidavits on record.

The affidavits were not filed by most of the States and again vide our order dated 10.7.2012 we had directed the States to file affidavits along with the respective notifications. It was further directed that all other served States are granted final opportunity to place their respective stand by way of affidavit on record within two weeks from that date. Despite the above orders, the States of Andhra Pradesh, Arunachal Pradesh, Tamil Nadu, Bihar, Maharashtra, Madhya Pradesh and Jharkhand have not filed affidavits. We see no reason as to why the order of this Court should not have been complied with without default.

Counsel appearing for the States of Jharkhand and Arunachal Pradesh state that they have the notifications and would be filing affidavits within a short time. While other States have

not even made an attempt to issue notifications in relation to all the areas in their States which are Tiger Reserved Areas. Subject to payment of Rs.10,000/- (Rupees Ten Thousand only), as cost, by each State, we grant final opportunity for issuing notification and placing the same on record with affidavits explaining the circumstances for delay. We make it clear that if now the affidavits are not filed, the Court would be compelled to take proceedings under the Contempt of Courts Act for non-compliance of the order of the Court as well as impose exemplary cost to the tune of Rs.50,000/- (Rupees Fifty Thousand only) payable by the Secretary of the concerned States.

Let affidavits along with notifications now be filed positively within three weeks from today. No further extension of time would be granted to any State.

The cost of Rs.10,000/- (Rupees Ten Thousand only) imposed on the defaulting States shall be deposited with the Supreme Court Legal Service Committee.

The National Tiger Conservation Authority of India had placed on record the guidelines on 9th July, 2012. The copies of the said guidelines are stated to have been furnished to all counsel. However, the counsel who have not received the said copy are at liberty to collect the same from the Registry of this Court or from the learned counsel appearing for the Union of India. The comments in relation to the guidelines, if any, should also be filed within three weeks from today. We would take up the matter in relation to finalization of the guidelines on the next date of hearing. Upon finalization the Government of India would be at liberty to issue appropriate notification, duly prescribing utilization and restrictions with regard to the core and buffer areas.

We make it clear that till the final directions issued by this Court with reference to the guidelines submitted by the National Tiger Conservation Authority of India, core zone or the core areas in the Tiger Reserved Areas will not be used for tourism.

The petition to come up for final arguments on 22.8.2012.

(NARENDRA PRASAD)

COURT MASTER | |(RENUKA SADANA)

COURT MASTER | |