

ITEM NO.2

COURT NO.4

SECTION PIL-W

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

INTERLOCUTORY APPLICATION NO. 113993/2017 in  
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)

(Report of Central Empowered Committee in Application No. 1411 of 2017 filed before it by the National Highways Authority of India)

In Re : National Highways Authority of India

Date : 06-03-2018 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv.(A.C.)(NP)

Ms. Aparajita Singh, Adv. (A.C.)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Sudipto Sircar, Adv.

Ms. Tulika chikker, AOR

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)

For Respondent(s)  
UOI

Mr. A.N.S. Nadkarni, ASG

Mr. S. W.A. Quadri, Adv.

Mr. Ravindra Bana, Adv.

Ms. Gargi Khanna, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. D.L. Chidanand, Adv.

Mr. Arun Kumar Yadav, Adv.

Mr. Amrish Kumar Sharma, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Ritesh Kumar, Adv.

Mr. M.K. Maroria, AOR

Mr. Haris Beeran, AOR

**Applicant** Mr. P.S. Narasimha, ASG  
Mr. Mukesh Kumar, Adv.  
for M/s M.V. Kini and Associates

**Tamil Nadu** Mrs. Sujatha Bagadhi, Adv.  
Mr. M. Yogesh Kanna, AOR

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

We have seen the report of the Central Empowered Committee (CEC) dated 27<sup>th</sup> October, 2017.

The CEC has given three recommendations which are as follows:

- "i) for diversion and use of forest land approval of the competent authority shall be obtained under the Forest (Conservation) Act, 1980 and the conditions on which such approval is granted shall be fully complied with including payment of Net Present Value (NPV) and compensatory afforestation which will be undertaken in the area identified for this purpose;
- ii) the felling, conversion and disposal of the 110 Red Sanders plantation trees will be undertaken by the Tamil Nadu Forest Department after following the rules and guidelines issued in this regard from time to time by the Government of Tamil Nadu; and
- iii) Additional PCCF, Regional Office of MOEF&CC at Chennai in coordination with the Forest Department of State of Tamil Nadu will monitor the implementation of the compensatory planting of trees."

Learned Additional Solicitor General states, on instructions from Mr. T. Parvateesam, DGM (Tech) & Project Director, National Highways Authority of India, that the report is acceptable and that Recommendation No.1 will be implemented.

In view of the statement made by learned Additional Solicitor General, diversion of use of forest land may be permitted subject to permission granted by the authorities under the Forest (Conservation) Act, 1980, fulfillment of the conditions laid therein as well as the payment of Net Present Value and compensatory afforestation in the area identified for this purpose.

As regards Recommendation Nos.2 and 3, learned Additional Solicitor General appearing on behalf of the Union of India and learned counsel appearing on behalf of the State of Tamil Nadu seeks some time to take instructions.

List the application on 9<sup>th</sup> April, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER