

Kalpankikha & Ors.
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Union Territory of A & N

W.P. No. 76 of 1999

23-0-99

Mr. C. Gonçalves
 Mr. D.R. Pankh

.... For the petitioner.
 For Union Territory of A & N
 Islands.

The petitioners have sought to rely upon an order passed by the Supreme Court in a Writ Petition (Civil) No. 202 of 1995 (T.N. Godavarma Thiruvalluvar Vs. Union of India by way of an interim direction on 12th December, 1996 directing, inter alia, that (a) all on going activities within any forest in any State through out the Country should cease forthwith unless and until the prior approval of the Central Government was obtained and (b) that the felling of trees in all forests should be again suspended excepted in accordance with a Working Plan of the State Government as approved by the Central Government.

According to the petitioner, despite above directions, the respondents had resorted to large scale de-forestation without any of the safeguards provided for by the Supreme Court.

The respondent Corporation as well as the administration authorities have disputed this fact. They have also submitted that the entire issue regarding de-forestation in all the States of the Country including A & N Islands was pending before the Supreme Court. It is further stated that the administration of these Islands was participating in the proceedings and had filed their affidavits before the Supreme Court. It is stated by the respondent Corporation that the operation of the order dated 12th December, 1996 had been subsequently modified by the Supreme Court on 15th January, 1999.

In our view that since the matter is pending decision before the Supreme Court it will not be proper to pass any interim order on this appeal on the petitioner's application. If the respondents have violated the order of the Supreme Court, it is for the petitioners to draw the matter to the attention of the Supreme Court.
