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Kalpavriksha & Ors. -vs- Union Territory of A& N Islands & Ors.

W.P. No. 76 of 1999

M 8 99 Mr C Consalves

For the petitioner

Mr D R Parekh

For Union Territory of A & N Islands

The petitioners have sought the rely upon an order passed by the Supreme Court in a Writ Petition (Civil) No 202 of 1995 (T N Godavarman Thirumulpadi 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 remain suspended excepted in accordance with a Working Plan of the State Government as approved by the Central Government

According to the petitioner, despite these express directions, the respondents had resorted to large scale deforestation 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 deforestation 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 A& N 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, 1998

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 aspect on the petitioner's application. If the respondents have violated the order of the Supreme Court, it is for the petitioner to draw the matter to the attention of the Supreme Court