

THE RECOMMENDATIONS  
OF  
THE CENTRAL EMPOWERED COMMITTEE  
IN  
I.A. No. 2079-2080 OF 2007  
IN

Writ Petition (Civil) No. 202 of 1995  
(Under Article 32 of the Constitution of India)

In the matter of:

T. N. Godavarman Thirumalpad .....Petitioner

Versus

Union of India and Ors

And in the matter of:

Nagrik Chetna Manch  
Non-Government Organisation

Respondents

Applicant

Date of hearing : 16.1.2008, 13.6.2008,  
21.7.2008, 4.8.2008 and  
20.8.2008

Date of meetings : 12.5.2008 and 26.6.2008

Coram : 1. Sh. P. V. Jayakrishnan Chairman  
2. Sh. P.R. Mohanty Member  
3. Sh. S.K. Patnaik Member



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*[Signature]*  
Mrs. V. P. HAKAY  
NOTARY, GOVT. OF INDIA

- |                        |           |
|------------------------|-----------|
| 4. Sh. M.K. Muthoo     | Member    |
| 5. Sh. Mahendra Vyas   | Member    |
| 6. Sh. M. K. Jiwrajka  | Member    |
|                        | Secretary |
| 7. Sh. Sanjeev Chadha, | Dy.Secy.  |

Special Invitee : Sh. Jony Joseph  
Chief Secretary, Maharashtra  
Sh. J.N.Saxena, former PCCF,  
Maharashtra

Amicus Curiae : Sh. A.D.N. Rao, Advocate  
Sh. Siddhartha Chowdhary,  
Advocate

For the MoEF : Dr. Anmol Kumar, DIGF  
Dr. Bipin Behari, DIGF  
Sh. B.K. Singh, AIGF  
Ms. Ruchika Samantaray, L.A.

For the State Govt.  
Maharashtra : Sh. Ravindra K. Adsure, Adv.  
Sh. Sanjay Kharde, Adv.  
Sh. Neela Satyanarayana, Addl.  
Chief Secretary  
Sh. J.P. Dange, Addl. Chief  
Secretary  
Sh. Rajendra Mangcaikar, Joint  
Secretary  
Sh. Jawala Prasad, PCCF,  
Maharashtra  
Sh. Nitin Kareer, Divisional  
Commissioner, Pune  
Sh. Apurva Chandra, Resident  
Commissioner  
Sh. P.K. Deshmukh,  
Commissioner Agriculture  
Sh. R.K. Surve, Dy. Secy.  
Sh. S. Asthana, CCF(T)  
Sh. Ashok Kumar Khadse, CF  
Sh. A.K.N. Khadse, CF, Pune  
Sh. R.K. Sure  
Sh. S.G. Gedam

For the Applicant : Sh. Manish Pitale, Adv.  
Sh. Sanjay Menha, Adv.  
Maj. Gen. S.C.N. Jatar



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For the respondent : Sh. Dhruv Mehta, Adv.  
Sh. Ranjan Mukherjee, Adv.  
Sh. R.D. Soni, Adv.  
Sh. Girish S. Godbole, Adv.  
Sh. Arvind Seolekar  
Sh. Prabhat Deshmukh

I.A. Nos. 2079-2080 have been filed by the Nagrik Chetna Manch against the alleged allotment of Reserve Forest in District Pune, Maharashtra to private persons and its use for the construction of multistoried buildings in violation of the provisions of the Forest (Conservation) Act, 1980 and the orders of the Hon'ble Supreme Court. In these IA's the following prayers have been made:

- a) *permit the applicant to file this application for directions;*
- b) *permit the applicant to be impleaded as a party respondent in Writ Petition No. 202/1995;*
- c) *restrain respondent No. 3 from carrying out any construction and other activity on the land notified as reserved forest in survey No. 21 (Old Survey No. 20-A) in Taluka Haveli District Pune, Maharashtra;*
- d) *declare the action of respondent State of allotting aforesaid land to private individuals (Chavan*



who granted the permission for the sale of the land in favour of private person for the construction of buildings, Mr. Ashok Khadse, the then Deputy Conservator of Forests, Pune who has issued "No Objection Certificate" not only in this case but in many other cases facilitating illegal use of the forest land for private gains and Mr. Aniruddha P. Deshpande, Developer, who entered into various Development Agreements for purchase and use of the Reserve Forest for construction of buildings are prosecuted.

- iv) Mr. Khadse who is presently under suspension should not be reinstated without obtaining permission of this Hon'ble Court;
- v) the Chairman, Central Empowered Committee may be authorized to constitute a multi disciplinary "Special Investigation Team" to examine the details of all the Reserve Forest under the administrative control of the Revenue Department in Pune and which have been allotted / allowed to be used in the past without obtaining approval under the FC Act. All such allotment/uses should be treated as null and void and the Government of Maharashtra should be directed to cancel all such order.



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*Prakash*

functionaries / officers who are found to be responsible for allotment/use of the forest land in all such cases, should be prosecuted for criminal breach of trust; and

- vi) the Chief Secretary, Government of Maharashtra should be directed to ensure immediate compliance of this Hon'ble Court's order dated 22.9.2006 in IA No. 1483 regarding transfer of forest land in charge of the Revenue Department to the Forest Department. Till the entire exercise is completed, he should be directed to file fortnightly Action Taken Report before the Hon'ble Court as well as the CEC.

3. It is also recommended that this Hon'ble Court may please consider initiating contempt proceedings against the person(s) and officials for the deliberate violation of the orders of this Hon'ble Court particularly the order dated 12.12.1996 in the Forest matter.

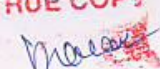
This Hon'ble Court may please consider this Interim Report and may please pass appropriate orders in the matter.

  
(M.K. Jiwrajka)  
Member Secretary

17.11.2008



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Mrs. V. P. HAKAY  
GOVT OF INDIA