

Supreme Court of India

T.N. Godavarman Thirumulpad vs Union Of India (Uoi) And Ors. on 29 January, 1998

Equivalent citations: AIR 1998 SC 2553

Bench: A Anand, B Kirpal, V Khare

ORDER

1. Shri B.L. Das, Mining Officer, to whom notice was issued to show cause why proceeding to punish him for contempt of Court, on 13th January, 1998, be not initiated is present in Court alongwith his Counsel Mr. Raju Ramachandran, senior Advocate. Reply has not been filed till date. Mr. Raju Ramachandran submits that there has been some confusion in the matter of filing the reply because of the date given by the Registry of this Court in the formal notice issued to Shri B.L Das. Though we are of the opinion that since Shri BL Das was present in Court when notice was given in him and, therefore, there was no scope for any confusion, but in the interest of Justice, we accede to the request of Mr. Raju Ramachandran and grant one week further time to Shri Das to file his reply.

2. We request Mr. H. N. Salve, learned senior advocate assisted by Mr. U. U. Lalit to assist the Court in the contempt proceedings against Shri Das. The contempt proceedings shall be listed separately with a separate number from the Registry.

3. List the contempt case after three weeks.

4. An affidavit has been filed by Mr. I. P. Singh, Law Officer, Forest Department, Government of J. & K. The same is taken on record.

5. After hearing learned counsel for the parties, it appears appropriate to us to stay the operation of the orders dated 10-8-1997 issued by the Government of J & K, Forest Department and the order dated 27-12-1997, issued by the Chief Conservator of Forests, Jammu. We further direct that there shall be no felling of the Khair trees nor any of the khair trees, if already felled, shall be removed from the forests. Notice shall issue to the Contractor - Shri Vijay Singh, S/o Shri Rasal Singh and M/s. B. K. Karha (P) Ltd. to show cause why the orders/agreements for extraction of khair trees issued in their favour be not cancelled.

6. We are not satisfied with the affidavit filed by Shri I. P. Singh, Mr. Mathur, learned counsel appearing for the State of J & K, submits that he may be granted some time to file a better affidavit. We grant his prayer and give him two weeks time to do the needful. Mr. Mathur shall also cause an affidavit of some competent official from the Forest Department of the Govt. of J & K to be filed disclosing whether any other agreements have been entered into with any other contractors for felling or removal of khair trees as also if any other orders have been issued in favour of any of the other parties relating to the felling and removal of khair trees. The particular's of all such cases shall be disclosed in the affidavit The needful shall be done in three weeks.

7. List the I. A. after four weeks.