

Supreme Court of India

Dr. Kota Shivram Karanth And Ors. vs State Of Karnataka And Ors. on 26 March, 1992

Equivalent citations: JT 1992 (3) SC 167, 1993 Supp (3) SCC 357

Author: . T Thommen

Bench: . D Thommen, S Agrawal

ORDER Dr. T.K. Thommen, J.

1. This is a public interest litigation. The main complaint of the petitioners is that an area of 30,000 hectares of reserve/minor forest and C & D class lands had been handed over to a Joint Sector Undertaking called the Karnataka Pulp Wood Limited for the purpose of developing the area as a plantation for producing raw material for the paper industry. The petitioners complain that the conversion of the land for the said purpose would upset the ecological balance of the area and affect the livelihood of persons who depend upon the produce of the forests. One of the other complaints is against the formation of a Joint Sector Company to take over the said land.

2. The State has now produced before us an affidavit together with a Government Order dated 24th October, 1991 stating that a decision has been finally taken by the State Government to wind up the aforesaid Karnataka Pulp Wood Ltd. It is further stated in paragraphs 6 and 7 of the affidavit as follows:

6. It is further respectfully submitted that the produce realised from the planted area that, would be taken over by the Karnataka Forest Development Corporation Limited would be sold by public auction as per the present policy of the Government. So, the produce will go to the public and will not go for any monopoly supply thereby, it will be available to the public.

7. It is respectfully submitted that out of the total extent of 30,000 hectares sanctioned by the Government as well as the Financing Agency, which was under implementation by the Karnataka Pulp Wood Limited, only 8,524 hectares have been planted. No further area shown to the Karnataka Pulpwood Limited will be planted by the Karnataka Forest Development Corporation Limited. It is further submitted that the Karnataka Pulpwood Limited is being taken over by the Karnataka Forest Development Corporation Limited, on "as is where is basis".

3. The averments in the affidavit and the Government Order show that the Company is being wound up and 8,524 hectares of land handed over to the Company will be taken over by the Karnataka Forest Development Corporation Limited which is a full State Government owned Corporation and the produce from the said area of 8,524 hectares would be available to the public. The rest of the area under the Sanction Order will be dealt with according to the Forest Conservation Act, 1980 and other relevant laws. In this respect, paragraph 4 of the affidavit is relevant. It reads:

It is further respectfully submitted that regarding forests lands the village community have been given certain rights and privileges to graze their cattle and to collect dry firewood. The Government of India in its letter No. 6-21/89.p dated 1.6.1990 has infact advocated the utilisation of the degraded forests for the protection and development of such forests by the surrounding village community so as to benefit the village community. The Government of Karnataka is taking a

decision shortly on the advise of the Government of India in this direction as the same is under examination by the State Government.

4. Counsel for the State Government Mr. Bhat submits that the Govt. Order and the averments contained in the affidavit produced before us today ought to give sufficient assurance to the petitioners that their demands have been met by the State. Counsel submits that if the petitioners have any other complaint in regard to their individual rights, it will be open to them to agitate such questions before the appropriate authorities under the relevant statute.

5. The affidavit and the Government Order produced before us shall form part of the record. In the light of what is stated in the affidavit and the Order of the Government, the writ petition has become infructuous. It is however open to the petitioners to agitate individual complaints, if any, before the appropriate statutory authorities. The petition is accordingly disposed of.

6. In the light of this judgment, the contempt petitions are dismissed and all other interlocutory petitions are disposed of.