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Cause List (../causelistSearch.php) Case Status

STATUS

PENDING

Case Number:	**WP 8745/2020 (KAHC010212032020)**	Classification:	**GM RES**	Date of Filing:	**09/07/2020 11:37:19**
Petitioner:	**D V GIRISH**	Pet. Advocate:	**CLIFTON D ROZARIO**		
Respondent:	**UNION OF INDIA**	Resp. Advocate:			
Filing No.:	**WP 9571/2020**	Judge:	**SATISH CHANDRA SHARMA AND SACHIN SHANKAR MAGADUM**		
Last Posted For:	**ORDERS**	Last Date of Action:	**26/08/2021**	Last Action Taken:	**ADJOURNED**
Next Hearing Date:	**10/11/2021**				

Daily Orders: WP 8745/2020

1	SATISH CHANDRA SHARMA AND SACHIN SHANKAR MAGADUM	26/08/2021

	On 28.07.2021, this Court has allowed the amendment application. Learned counsel for the petitioner has informed this Court that he has filed the amended copy also and has carried out the amendment. Learned counsel for respondent Nos.6 and 7 submits that he has not received copy of the amended writ petition. Let copy of the amended writ petition be served on all the parties. Six weeks' time is granted to file statement of objections in the light of the amended writ petition. List on 10.11.2021.

2	ABHAY SHREENIWAS OKA (CJ) AND N S SANJAY GOWDA	28/07/2021
	As far as I.A.No.1/2021 is concerned, the learned counsel appearing for the applicants states that an affidavit in terms of the order dated 10th June, 2021 is ready and the same will be filed during the course of the day. ORDER ON I.A.No.2/2021 On I.A.No.2/2021, we have heard learned counsel appearing for the parties. The prayer in I.A.No.2/2021 is for incorporating the additional ground Nos.37A to 37K. To avoid multiplicity of proceedings and without prejudice to the rights and contentions of the parties, application is allowed. Amended petition shall be filed within a period of two weeks from today. For physically carrying out the amendment, we grant time of eight weeks. It will always be open for the respondents to file statement of objections for dealing with the amended petition. List the petition on 26th August, 2021.	

3	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	28/06/2021
	It is pointed out that the counsel for the petitioners is unwell. She states that an application for amendment, being I.A. No.2 of 2021 has been filed. The third party applicant seeks time to comply with the order dated 10th June, 2021. We adjourn this petition till 28th July, 2021.	

4	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	10/06/2021

	The learned counsel appearing for the petitioners states that he will apply for amendment for the purposes of raising the contentions which are raised by way of a memo dated 7th June 2021. Accordingly, the memo stands disposed of. We have perused the affidavit filed by the applicant in I.A No.1 of 2021. The affidavit is not consistent with the directions issued in paragraph 4 of the order dated 11th January 2021. In the affidavit, the applicant has not stated what steps he proposes to take for protecting the environment and wildlife in the conservation reserve subject matter of this petition. As a Member of the Legislative Assembly from the concerned constituency, he was under an obligation to do so in view of fundamental duty under clause (g) of Article 51A of the Constitution of India. In the affidavit, the applicant has taken a strange stand that as a publicity was not given at local level for declaration of certain areas of Amruth Mahal Kaval as Blackbuck Wildlife Conservation Reserve, he was not aware about the same. We, therefore, direct the applicant to file an additional affidavit for making a compliance with the directions contained in paragraph 4 of the order dated 11th January 2021. In the additional affidavit, he shall also state whether his stand is that the declaration regarding Wildlife Conservation Reserve was not published in accordance with law. He must also disclose the date on which he became aware of the said declaration. In paragraph 8 onwards of the affidavit, he has justified the project subject matter of this petition. He has also sought a direction in the nature of writ of mandamus against the first to third respondents. Obviously, such a relief cannot be granted at the instance of a third party applicant. The supplementary affidavit shall be filed by the applicant within a period of two weeks from today. List the petition on 28th June 2021 when the application for amendment, if made by the petitioners, shall be considered. On that day, we will also consider the affidavit filed by the applicant.

5	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	02/06/2021
	The learned counsel appearing for the applicant in I.A.No.1/2021 seeks time of one week. List the petition on 10th June 2021.	

6	CHIEF JUSTICE AND JOHN MICHAEL CUNHA	06/04/2021
	List the petition on 2nd June 2021.	

7	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	16/03/2021
	A prayer is made on behalf of the petitioners for grant of time. List this petition on 6th April, 2021.	

8	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	23/02/2021
	We direct the Registry to place on record the documents produced by the counsel for the petitioners. We make it clear that the counsel for the petitioners will have to serve copies of the said documents to the counsel representing the other parties. List the petition on 16th March 2021.	

9	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	08/02/2021
	One of the contentions raised by the sixth and seventh respondents is that the lands which are the subject matter of this petition are covered by the findings recorded by the National Green Tribunal, Chennai, under Order dated 27th August 2014 in Application Nos.6/2013 and 12/2013 (SZ). Learned counsel appearing for the petitioners states that he will produce copies of the Application Nos.6/2013 and 12/2013 (SZ) before the next date. Petitioners to file copies of the said applications along with a memo. The Learned counsel appearing for the sixth and seventh respondents states that the statement recorded in Order dated 11th January 2021 is incorrect. The first paragraph of the said order records that an application has been filed under Section 2 of the Forest (Conservation) Act, 1980. However, he clarifies that it is not an application under Section 2, but it is an application for wild life clearance. Accordingly, the first paragraph of the order dated 11th January 2021 stands clarified. List the petition on 23rd February 2021.	

10	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	27/01/2021
	As a last chance, time to file an affidavit by the applicant in terms of the order dated 11th January 2021, is hereby extended till 4th February 2021. No further time shall be granted. A copy of an affidavit shall be served by the applicant to the Advocates for all the concerned parties. List the petition on 8th February 2021.	

11	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	11/01/2021

	In the light of the statements made in the statement of objections filed by the sixth and seventh respondents in paragraphs 6 and 24, a memo has been filed placing on record the application made under Section 2 of the Forest (Conservation) Act, 1980 (for short 'the said Act of 1980') for diversion of 21.45 Ha of Kaval land within Basur Amruth Mahal Kaval Block Buck Conservation Reserve for the construction of the canal. 2. There is already an assurance given by the sixth and seventh respondents as recorded in the order of this Court that they will not carry on any activities on the area of 21.45 Ha which is the subject matter of the said application. 3. The submission of the learned counsel appearing for the petitioners is that in view of the guidelines issued by the Sub-committee of National Board for Wild Life, in fact, the work should not have been proposed in the area forming a part of the said Conservation Reserve. 4. There is an application filed being I.A.No.1/2021 by a local Legislator seeking impleadment. We direct the applicant to file an affidavit on record taking a clear stand on the question whether work can be carried out on an area in respect of which, the application has been made by the sixth and seventh respondents for prior approval under Section 2 of the said Act of 1980. This stand has to be specifically taken on oath by the applicant. We also direct the applicant to substantiate the allegation made in paragraph 5 of the impleadment application that the writ petition is not in a larger public interest. We must note that the applications for clearance were made by the sixth and seventh respondents only after this petition was filed and entertained. The applicant must explain why he did not persuade the sixth and seventh respondents to apply for all the clearances. If the applicant was genuinely interested in ensuring that the project should be implemented, it was his duty to point out to the sixth and seventh respondents that they should abide by the law. The applicant will also state as to what steps he proposes to take for protecting the environment and wild life in the said Conservation Reserve which is the subject matter of this petition. The applicant to file an affidavit explaining the aforesaid facts within a period of two weeks from today. 5. We are putting the applicant to notice that if he is unable to satisfy the Court that public interest is not involved in this petition, he will have to be saddled with costs. 6. List the petition on 27th January 2021 for considering the affidavit which may be filed by the applicant. 7. We make it clear that notwithstanding the pendency of the petition, the application made by the sixth and seventh respondents shall be processed and decided by the concerned authorities.

12	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	26/11/2020

	The learned Additional Government Advocate says that statement of objections is ready and he will file it. The statement of objections if filed till 30th November 2020, we accept. We extend the time granted to file rejoinder till 21st December 2020. The learned counsel appearing for the sixth and seventh respondents states that the said respondents have applied for wildlife clearance. We permit the said respondents to place on record a copy of the application along with a memo. Let the petition be listed on 11th January 2021.

13	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	13/10/2020
	The learned Additional Government Advocate seeks time to file statement of objections. By way of a last chance, we extend the time till 10th November 2020. The rejoinder, if any, to be filed within two weeks thereafter. The learned Additional Government Advocate states that the clearances which are required for allotment/diversion of the land subject matter of this petition have not been granted. We make it clear that even during the pendency of the petition, if such clearances are granted, the action of allotment/diversion shall not be made by the respondents without seeking leave of the Court. Let the petition be listed on 26th November 2020 for Preliminary Hearing.	

14	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	21/09/2020
	Learned Additional Government Advocate states that the second and third respondents will file statement of objections within a period of ten days from today. It will be open for the petitioners to file rejoinder to the statements of objections filed by various respondents. Let the petition be listed on 13th October 2020.	

15	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	17/08/2020
	The learned counsel for the sixth and seventh respondents seeks time. Even the learned Additional Government Advocate for the second to fifth respondents seeks time to file a reply. The learned counsel appearing for the sixth and seventh respondents states that the said respondents are not likely to touch the Kaval lands, subject matter of this petition. In view of this statement, we grant time to the second to the fifth respondents as well as the sixth and seventh respondents to file the statement of objections. Time is granted till 17th September, 2020. Let this petition be listed on 21st September, 2020.	

16	ABHAY SHREENIWAS OKA (CJ) AND M.NAGAPRASANNA	22/07/2020
	Heard the learned counsel appearing for the petitioners. Issue notice to the respondents returnable on 17th August 2020. The learned AGA takes notice for the second to fifth respondents. The learned counsel appearing for the petitioners to serve notice to Sri M.N.Kumar, the learned Central Government Counsel appearing for the first respondent-Union of India and will also serve a soft copy of the petition to him. In addition to service through Court, the learned counsel appearing for the petitioners will serve a soft copy of the petition along with a soft copy of this order at the e-mail id of the sixth and seventh respondents. The sixth and seventh respondents shall cause appearance before this Court on the returnable date on the basis of the intimation served by e-mail.	