



1

CONT.P.(MD)NO.621 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.621 of 2022 IN
W.P(MD)No.11658 of 2021

A. Desika Sankar

... Petitioner / Petitioner

Vs.

1. Mr. Bhupender Yadav,
The Chairman,
Standing Committee of National Board of Wild Life,
Indira Paryavarn Bhavan,
Jarbagh Road,
New Delhi-3. ... Respondent No.1 / Contemnor
2. The District Forest Officer /
The Wildlife Warden,
Kanyakumari District,
Kanyakumari.
3. The Chief Wildlife Warden,
Panagal Maligai,
1, Jeenis Road, Saidapet,
Chennai – 15.
4. The Secretary to Government,
Department of Forest,
Government of Tamil Nadu,
Chennai.
(R-2 to R-4 are suo motu impleaded
vide order dated 11.07.2022) ... Respondents 2 to 4



WEB COPY

Prayer: Contempt petition filed under Section 11 of the Contempt of Court Act 1971, to punish him for the disobedience of the order of the Court in W.P.(MD) No.9171 of 2019 dated 16.04.2019.

For Petitioner : Mr.T. Lajapathi Roy

For Respondent : Shri.R.Sankaranarayanan,
Additional Solicitor General of India,
assisted by,
Mrs.L.Victoria Gowri,
Assistant Solicitor General of India.

* * *

ORDER

The petitioner herein filed W.P.(MD)No.9171 of 2019. The said writ petition was disposed of in the following terms:-

“ 4.I find the said request to be reasonable.

The learned Senior Counsel also drew my attention to the common order dated 24.04.2017 made in W.P. (MD)Nos.7374 and 7375 of 2017 in which the following order was passed:



WEB COPY



“10.Since the petitioner has already applied for clearance certificate on 29.08.2016 to the first respondent which is pending with him and in view of the fact the petitioner has already produced all the other necessary certificates as required under the Act, the first respondent is directed to dispose of the applications of the petitioners dated 28.08.2016 within a period of four weeks from the date of receipt of a copy of this order and the second respondent shall not take any coercive action against the petitioners.

5. I am of the view that similar order can be passed in the present case also. Therefore, the first respondent is directed to dispose of the applications filed by the petitioners seeking clearance. The first respondent shall pass orders on the online applications made by the petitioners on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that



this Court has not pronounced anything on the merits

WEB COPY of the matter. ”

2. Contending that this direction has not been complied with, the present contempt petition came to be filed.

3. The petitioner's counsel was permitted to serve papers on the learned Assistant Solicitor General so that the instructions can be furnished to the Court. Today, Shri.R.Sankaranarayanan, learned Additional Solicitor General, assisted by Mrs.L.Victoria Gowri, learned Assistant Solicitor General appeared and submitted that the stages of granting wildlife clearance to project proposals are as follows:-

S. No.	Office / Stage	Process
1.	User Agency	The proposal is submitted by the user agency on PARIVESH portal to the concerned DFO /Wild Life Warden



WEB COPY



2.	DFO/Wild Warden	Life	The DFO scrutinizes the proposal and sends an acceptance letter to the user agency if all relevant documents are uploaded properly by the user agency. If any document is missing or any other information is needed, the DFO may ask the user agency by raising EDS (Essential Details Sought) to upload the required information on PARIVESH. After getting the desired information, the DFO uploads his / her recommendation and Site Inspection Reports on the online portal and forwards to the Chief Wild Life Warden.
3.	Chief Wild Warden	Life	The Chief Wild Life Warden, after scrutiny, gives his / her recommendation and Site Inspection Report and forwards the proposal to the State Government.
4.	Consultation with State Board for Wildlife and recommendation of State Government		The State Government forwards the proposal to the Ministry of Environment, Forest and climate Change with the recommendations of the State Government and the State Board for Wild Life for consideration of the Standing Committee of the National Board for Wilk Life.



5.	Ministry of Environment, Forest and Climate Change	The Ministry scrutinizes the proposal received from the States and places it before the standing Committee of National Board of Wild Life for its consideration.
6.	Consultation with Standing Committee of National Board for Wildlife	The proposal is discussed in the meeting of the Standing Committee of the National Board for Wild Life. Recommendations of the Standing Committee of the National Board for Wild Life are communicated to the States.

4. He pointed out that the petitioner had sent his application to the user agency maintained by the portal. The system generated automated response. It can be seen that the application given by the petitioner is still pending only with the District Forest Officer / Wildlife Warden, Kanyakumari.

5. The learned Additional Solicitor General would state that the standing committee of National Board of Wildlife would scrutinise the proposal only at the final stage and not before that. Since the proposal has not yet reached the standing committee, the question of complying with the Court's direction does not arise at all.



WEB COPY

6. I am more than satisfied with the submission made by the learned Additional Solicitor General. This contempt petition is closed. However, in the interest of justice the impleaded respondents are directed to process the petitioner's application as expeditiously as possible.

11.07.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



WEB COPY



8

CONT.P.(MD)NO.621 OF 2022

G.R.SWAMINATHAN,J.

PMU

To:

1. The Chairman,
Standing Committee of National Board of Wild Life,
Indira Paryavarn Bhavan, Jarbagh Road,
New Delhi-3.
2. The District Forest Officer /
The Wildlife Warden, Kanyakumari District,
Kanyakumari.
3. The Chief Wildlife Warden,
Panagal Maligai, 1, Jeenis Road, Saidapet,
Chennai – 15.
4. The Secretary to Government,
Department of Forest, Government of Tamil Nadu,
Chennai.

CONT.P.(MD)No.621of 2022 IN
WP(MD)No.9171of 2019

11.07.2022