

Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND NATARAJ RANGASWAMY	WP 8067/2020	18/06/2020	<p>Heard the learned counsel appearing for the petitioner.</p> <p>2. This petition concerns diversion of 595.64 hectares of forest land in Karwar, Yellapura and Dharwad division for the construction of a new Broad Guage Railway line between Hubballi and Ankola. Our attention is invited to the proceedings of the 13th meeting of the State Board for Wild Life (for short 'the State Board') constituted under Section 6 of the Wild Life (Protection) Act, 1972 (for short 'the said Act'). The said meeting was presided over by the Hon`ble Chief Minister in his capacity as the Chairman of the State Board in accordance with clause (a) of sub-section (1) of Section 6 of the said Act. The proposal for the diversion was placed before the State Board. After deliberations, it was unanimously resolved to reject the proposal. The minutes of the meeting specifically record that the Hon`ble Chief Minister who was the Chairman of the State Board agreed for rejection of the proposal.</p> <p>3. Within 11 days of the said decision, 14th meeting of the State Board for Wild Life was convened. There were six special invitees in the meeting including the Hon`ble Minister of Large and Medium Scale Industries (excluding Sugar) and Minister of Public Enterprise Department, the Government of Karnataka and the Hon`ble Minister of Labour and Minister of Sugar, the Government of Karnataka. Even the Chief Secretary of the State was a special invitee. The minutes of the meeting show that the Hon`ble Minister of Large and Medium Scale Industries was allowed to address the meeting. Even the Chief Secretary was permitted to address the meeting who proposed that the proposal should be recommended and submitted to the National Board. Thereafter, a decision was taken to recommend the same proposal which was earlier rejected, to the National Board for Wild life.</p>

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			<p>4. Thus, it appears to us that within a span of 11 days, the earlier unanimous decision taken by the State Board was completely changed. The Hon`ble Minister for Large and Medium Scale Industries was allowed to address the meeting though he is not a member of the State Board. This decision making process undertaken by the State Board in the meeting dated 20th March 2020 calls for a closer scrutiny especially when an unanimous decision taken 11 days back was changed in presence of two Hon`ble Ministers who were not even members of the State Board. Prima facie, a serious doubt is created in respect of the legality of the decision making process adopted by the State Board.</p> <p>5. Issue notice to the respondents returnable on 14th July 2020.</p> <p>6. The learned Additional Government Advocate takes notice for the second respondent.</p> <p>7. Apart from the notice through Court, the advocate for the petitioner shall serve a soft copy of the petition at the email addresses of the other respondents along with a soft copy of this order. On the basis of receipt of a copy of the petition and a copy of this order, the first and third to fifth respondents will be under an obligation to appear before the Court.</p> <p>8. The advocate for the petitioner shall provide one more copy of the petition soft or hard to the learned Additional Government Advocate.</p> <p>9. List the petition on 14th July 2020 in the morning</p>

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			<p data-bbox="715 197 842 230">session.</p> <p data-bbox="715 280 1469 443">10. By way of ad interim relief, we direct that no further steps shall be taken on the basis of the impugned decision taken on 20th March 2020 in the 14th meeting of the State Board for Wild Life.</p>

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