



International Environmental
Law Research Centre

**SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS**

I.A. NO.10 IN I.A.NO.4 IN Writ Petition(Civil) No.328/2002

NARMADA BACHAO ANDOLAN
(Petitioner(s))

VERSUS

UNION OF INDIA AND ORS.
(Respondent)

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W.P(C)No. 328 OF 2002
ITEM No.301

Court No. 6

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
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NARMADA BACHAO ANDOLAN
(s)

Petitioner

VERSUS

UNION OF INDIA AND ORS.
(s)

Respondent

(for directions and office report)

WITH

I.A.NO.11 IN I.A.NO.7 IN W.P.(C) 328/2002
(for directions)

Date : 16/04/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)

for the Applicants in IA 10 Mr.Sanjay Parikh,Adv.,
Ms.Anitha Shenoy,Adv.,
Mr.A.N Singh,Adv.,
Mr.Bishwajyoti Pathak,Adv.

For the Applicants in
IA 11

Mr.S. Muralidhar,Adv.

For Respondent (s)

for Union of India & Narmada Cont.Authority Mr.Kirit N. Rawal, SG
Mr.Mukul Rohtagi, ASG
Mr.Syed Naqis,Adv.,
Mr.P.Parmeswara,Adv.,
Mr.S.N. Terdol,Adv.

For State of M.P. Mr.C.S. Vaidyanathan,ASG
Mr.Satish K.Agnihotri,Adv.,
Mr.Rohit K Singh,Adv.,
Mr.Pradeep Tiwari,Adv.

For State of Maharashtra: Dr.R.B. Masodkar,Adv.,
Mr.S.S. Shinde,Adv.,
Mr.Naresh Kumar,Adv.

Mr.Ashok H. Desai, sr.Adv.,
Mr.Kamal Trivedi, AAG
Ms.Hemantika Wahi, Adv.

Mr.Aruneshwar Gupta, AAG
Mr.Jog Singh, Adv.,
Mr.Amarjit Singh Bedi, Adv.

Ms.Sandhya Goswami, Adv.

Mr.Prashant Bhushan, Adv.
Mr.Narinder Verma, Adv.,
Mr.Vishal Gupta, Adv.,
Mr.Rohit Singh, Adv.

UPON hearing counsel the Court made the following

I.A.Nos.10 & 11. The prayer in these applications is to direct the respondents not to proceed with further construction of Narmada Dam by raising its height to 110 meters till all affected people are rehabilitated. The main grievance of the applicants is the subject-matter of two I.As. (I.A.Nos.4 & 7).

Having heard learned counsel for the parties at considerable length, we are of the view that for the present, no case has been made out to stop the ongoing construction raising the height of the dam. At the same time, it is necessary to note that the matter relating to rehabilitation of oustees is required to be examined by all concerned and implemented in terms of the award made by the Narmada Water Disputes Tribunal, orders and directions issued by this Court from time to time, the orders and directions of Narmada Control Authority and that of Grievance Redressal Authorities of the state concerned. Further, it has been brought to our notice by the learned counsel appearing for the applicants that the land in village Matanya, Tehsil Mahaeshwar and some of the other villages being proper cultivable land can be obtained/acquired by the State Governments and given to the oustees as a rehabilitation measure. The applicants may give concrete suggestions in this respect to the respondent-State of Madhya Pradesh. On receipt of such suggestions, the matter shall be expeditiously examined by the State Government. In case, the applicants/oustees are still not satisfied with the decision of the State Government, it would be open to them to approach the Grievance Redressal Authority. The said Authority shall also examine the grievance of the oustees as expeditiously as possible as the matter pertaining to rehabilitation of the oustees cannot be taken up or treated lightly. It may also be noticed that a positive approach has been adopted by the oustees that what they are concerned with is the proper rehabilitation and not the stoppage of the construction of the dam and they have approached this Court seeking stay of construction as they were not satisfied about the proper offer having been made to all affected parties for their rehabilitation and other related aspects of rehabilitation.

For the present having noticed aforesaid issues, we express no opinion. We however direct that these two applications along with I.A. Nos. 4 & 7 shall be listed for hearing in the 3rd week of July 2004. Mr.Muralidhar, learned counsel appearing for the applicants in IAs 7 & 11 shall file a brief synopsis on the reopening of the Court after vacation.

The matter is adjourned in the above terms.

(Vijay Kumar Sharma)
AR cum PS to Hon.Judge

(V.P. Tyagi)
Court Master

