

[2025] 8 S.C.R. 2389 : 2025 INSC 1054

In Re: Zudpi Jungle Lands

(I.A. No. 191387 of 2025

In

I.A. No. 12465 of 2019

In

Writ Petition (C) No. 202 of 1995)

In Re: T.N. Godavarman Thirumulpad

v.

Union of India & Ors.

25 August 2025

[B.R. Gavai, CJI and Augustine George Masih, J.]

Issue for Consideration

Issue arose with regards to application filed by State of Maharashtra seeking modifications in the directions issued by this Court in the judgment and order dated 22nd May 2025 as regards Zudpi Jungle Lands.

Headnotes[†]

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – s.3(2) – Directions by the Supreme Court in the judgment and order dated 22nd May 2025 as regards Zudpi Jungle Lands – Modifications sought by State of Maharashtra:

Held: With respect to the direction in para 138(vii) of the judgment and order dated 22nd May 2025, all such fragmented land parcels shall be declared as protected forest – If the State desires to use the said land for any of the purposes mentioned u/s.3(2), the same can be done only after following the procedure prescribed therein and subject to fulfillment of the conditions specified therein – As regards the prayer clause (i)(b), a perusal of the main judgment would reveal that one of the main reasons why there was inclination to grant a one-time exemption was that over the years and on account of apathy of revenue officials, the necessary revenue entries could not be made – For a long period of time, the land under consideration has been used for the purpose of agriculture, kuccha houses, pakka houses, slums, Govt. employees colonies, Govt. or Z.P. Schools, private schools and other public

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utilities – Central Empowered Committee in its report itself had recommended the protection of such structures to the extent of 10,365.049 hectares – Thus, the said prayer is allowed, and a necessary paragraph is added in the Judgment and order dated 22nd May 2025. [Paras 5-9]

List of Acts

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

List of Keywords

Modifications; Fragmented land parcels; Central Empowered Committee.

Case Arising From

ORIGINAL JURISDICTION: Under Article 32 of The Constitution of India

I.A. No. 191387 of 2025

In

I.A. No. 12465 of 2019

In

W.P.(C) No. 202 of 1995

Appearances for Parties

Harish N. Salve, A.D.N. Rao, Ms. Aparajita Singh, K. Parameshwar, Sr. Advs./A.Cs., Siddhartha Chowdhury, A.C., M.V. Mukunda, Ms. Kanti, Shreenivas Patil, Veda Singh, Prasad.

Advs. for the Petitioner:

Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Shrirang B. Varma, Bharat Bagla, Sourav Singh, Aditya Krishna, Adarsh Dubey, Ms. Chitransha Singh Sikarwar, Vijay S. Khamkar, Nishant R. Katneshwarkar.

Advs. for the Respondents:

Mrs. Aishwarya Bhati, K. M. Nataraj, A.S.Gs., Ms. Madhavi Diwan, Ms. Ruchi Kohli, Sr.Advs., Ms. Srishti Agnihotri, Ms. Aishani Narain, Atharva Kotwal, D.P. Singh, Ms. Tara Elizabeth Kurian, Ms. Anchal Kanthed, Gurmeet Singh Makker, Ms. Suhasini Sen,

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Raghav Sharma, Gaurang Bhushan, Baij Nath Patel, Harish Pandey, Ms. Indira Bhakar, Anuj Srinivas Udupa, Krishna Kant Dubey, Piyush Beriwal, Neeraj Kumar Sharma, Ms. Mrinal Elker Mazumdar, Shashwat Parihar, Mukesh K Verma, Vinayak Sharma, Shreekant Neelappa Terdal, Ms. Suhashini Sen, Shyam Gopal, Raghav Sharma, Raman Yadav, Dr. N. Visakamurthy.

Judgment / Order of the Supreme Court**Order**

1. The State of Maharashtra has filed the present application with the following prayers:-

“(i) It is most respectfully prayed that the judgment and final order dated 22.05.2025 may kindly be modified as follows:-

(a) That the Direction in para 138(vii) may kindly be modified to the extent that ‘Fragmented Land Parcels’ instead of being declared as protected forest each having an area of less than 3 hectares and not adjoining any forest area may be used for the purposes referred to in Section 3(2) in Forests Rights Act, 2006 or other public uses required by the concerned village, Goathan etc.

(b) That the Direction in para 138(x) may be modified to the extent that the encroachments which are in use for the purposes of agriculture, kuccha houses, pakka houses, slums, govt. employee colonies, govt. or Z.P. Schools, private schools to the extent of 10365.049 hectares may kindly be saved in the manner provided under para 138(ii) of the present judgment.

(ii) Pass such other order/orders as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

2. Insofar as prayer clause (i)(a) is concerned, we are not inclined to entertain the same. However, it is clear from sub-section (2) of Section 3 of The Scheduled Tribes and Other Traditional Forest

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Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as 'the said Act') that the provisions therein begin with a *non obstante* clause.

3. If the State desires to use any of the fragmented land parcels, which we have directed to be declared as protected forest, the State can always take recourse to the provisions of sub-Section (2) of Section 3 of the said Act.
4. We are therefore not inclined to accept the prayer clause (i) (a) and reject the same.
5. Accordingly, with respect to the direction in para 138(vii) of the judgment and order dated 22nd May 2025 is concerned, we direct that all such fragmented land parcels shall be declared as protected forest. We, however, clarify that if the State desires to use the said land for any of the purposes mentioned under sub-Section (2) of Section 3 of the said Act, the same can be done only after following the procedure prescribed therein and subject to fulfillment of the conditions specified therein.
6. Insofar as prayer clause (i)(b) is concerned, a perusal of the judgment and order dated 22nd May 2025 would reveal that one of the main reasons why we were inclined to grant a one time exemption was that over the years and on account of apathy of revenue officials, the necessary revenue entries could not be made. For a long period of time, the land under consideration has been used for the purpose of agriculture, kuccha houses, pakka houses, slums, Govt. employees colonies, Govt. or Z.P. Schools, private schools and other public utilities.
7. The Central Empowered Committee (CEC) in its report itself had recommended the protection of such structures to the extent of 10,365.049 hectares.
8. In that view of the matter, we are inclined to allow prayer clause (i)(b).
9. Accordingly, we direct that after clause (x) in paragraph 138 of the Judgment and order dated 22nd May 2025 passed in I.A. No.12465/2019 etc. in W.P.(C) No.202/1995 the following paragraph is treated to to be added as paragraph (x-a).

“(x-a) We, however, clarify that the directions made in paragraph (x) would not be applicable to the encroachments

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made prior to 12th December 1996 for the purposes of agriculture, kuccha houses, pakka houses, slums, govt. employees colonies, govt. or Z.P. Schools, private schools and other public utilities to the extent of 10365.049 hectares, as has been observed in the report of the CEC. Insofar as any encroachment which has been made after 12th December 1996, if the State Government desires to regularize the same, the same shall be done only in accordance with the provisions of clauses (ii) to (vi) of paragraph 138 of this judgment.”

10. The application is, accordingly, disposed of.

Result of the case: Application disposed of.

[†]Headnotes prepared by: Nidhi Jain