



2025 INSC 1054

REPORTABLE

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

IN RE: ZUDPI JUNGLE LANDS

I.A. NO.191387/2025

IN

I.A. NO.12465/2019

IN

W.P.(C) NO.202 OF 1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

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 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 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.

.....CJI
(B.R. GAVAI)

.....J
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
AUGUST 25, 2025