

BLOGS

Case Brief: In Re T.N. Godavarman Thirumulpad v. Union of India

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Can the word "forest" mean something different depending on who owns the land beneath the trees? The Supreme Court said no, and that single answer launched what is now the longest running environmental litigation in Indian legal history.

This case brief on **T.N. Godavarman Thirumulpad v Union of India** covers the foundational 1996 ruling that started it all, along with the landmark directions that followed, in the standard format used in law prep courses.

Citation and Bench

Case Name: T.N. Godavarman Thirumulpad v Union of India and Others

Citation: (1997) 2 SCC 267 (foundational order); Writ Petition (Civil) No. 202 of 1995

Court: Supreme Court of India

Foundational Order Dated: December 12, 1996

Bench (1996 order): Justice J.S. Verma and Justice B.N. Kirpal

Nature of Proceeding: Continuing mandamus under Article 32

Statute Involved: [Section 2](#) of the [Forest \(Conservation\) Act, 1980](#)

Facts

T.N. Godavarman Thirumulpad, an environmentalist popularly known as the "Green Man," filed a writ petition in 1995 seeking to protect the Nilgiris forest in Tamil Nadu from illegal deforestation carried out by timber operators and encroachers.

His specific grievance was that these operations violated Section 2 of the Forest (Conservation) Act, 1980, which requires prior approval of the Central Government before any forest land is used

for non-forest purposes. As the case proceeded, the Supreme Court recognised that the problem was not confined to Tamil Nadu but reflected a nationwide crisis of forest depletion, encroachment, and unauthorised diversion of forest land.

Rather than limiting itself to the facts of one region, the Court converted the matter into a **continuing mandamus**, meaning an ongoing writ that remains open before the Court indefinitely, to supervise forest governance across the entire country.

Procedural History

Since its filing in 1995, this single writ petition has generated hundreds of orders and interim directions over nearly three decades, dealing with matters ranging from mining in forest areas and compensatory afforestation to encroachment removal and the creation of new monitoring bodies. For this reason, the case is often described not as a single judgment but as an ongoing judicial exercise in forest governance.

The foundational order dated December 12, 1996 remains the starting point for the entire body of jurisprudence that followed, and every subsequent order traces its authority back to the directions issued on that date.

Issues

1. **Whether the word "forest" under Section 2 of the Forest (Conservation) Act, 1980 should be confined to its technical or notified legal classification, or understood more broadly.**
2. **Whether the Forest (Conservation) Act applies to forest land regardless of who owns it, including private and revenue land.**
3. **Whether the Supreme Court could use its writ jurisdiction to continuously monitor and direct forest governance across the entire country, rather than deciding a single, concluded dispute.**

Arguments of the Petitioner

The petitioner argued that restricting the meaning of "forest" to only those areas formally notified or classified as forest under state records would leave vast stretches of genuinely forested land

completely outside the protective reach of the Forest (Conservation) Act. He contended that this narrow approach allowed large scale deforestation to continue unchecked, since landowners and authorities could simply avoid formal forest classification to escape the Act's requirements.

Arguments of the Respondents

Various state governments and private landholders argued that the Forest (Conservation) Act should apply strictly according to existing legal and revenue classifications of land, and that extending its reach to unclassified or privately held land would create uncertainty and interfere with legitimate land use and development activities.

Holding

The Supreme Court, in its order dated December 12, 1996, laid down the foundational principles that continue to govern Indian forest law today.

- 1. "Forest" must be understood according to its dictionary meaning.** The Court held that the term "forest" under Section 2 of the Forest (Conservation) Act must be given its dictionary meaning, rather than being restricted to land formally notified or classified as forest. The term "forest land" was held to include any area recorded as forest in government records, irrespective of ownership, as well as any area meeting the ordinary, common sense understanding of what constitutes a forest.
- 2. The Act applies to all forests regardless of ownership or classification.** The Court held that the Forest (Conservation) Act, 1980 applies to all forests, whether they are privately owned, government owned, or recorded under any particular classification, closing the loophole that had allowed large tracts of genuinely forested land to escape regulation.
- 3. Prior Central Government approval became mandatory for all non-forest use.** Once an area qualifies as "forest" under this broader understanding, Section 2 bars any state government or other authority from permitting its use for non-forest purposes, or from de-reserving it, without the prior approval of the Central Government.
- 4. Immediate interim directions were issued nationwide.** The Court directed that all ongoing non-forest activity in any forest area, without specific Central Government approval, must cease forthwith. It also directed every state to constitute Expert Committees to identify forest areas,

including areas that qualified as forest under the dictionary meaning but were not yet formally notified as such.

5. The matter was kept pending as a continuing mandamus. Rather than disposing of the petition, the Court kept it alive for ongoing monitoring, allowing it to issue further directions as new forest governance issues arose across the country over subsequent decades.

Ratio Decidendi

The protective scope of forest conservation legislation cannot be allowed to depend on technical or administrative classification alone, since doing so would permit large scale circumvention of the very protection the law intends to provide. A forest must be identified and protected based on its actual ecological character, understood in its ordinary dictionary sense, regardless of the land's ownership or official revenue classification.

Where environmental degradation reflects a systemic, nationwide failure of regulatory enforcement rather than an isolated local dispute, the Supreme Court may convert a specific writ petition into a continuing mandamus, retaining jurisdiction indefinitely to issue ongoing directions as the situation develops.

Illustration

Suppose a large tract of land is covered with dense natural tree growth and functions ecologically exactly like a forest, but it has never been formally notified as "forest" in any government record, perhaps because it is privately owned agricultural land that was never cultivated. Before this judgment, the landowner could potentially argue that the Forest Conservation Act simply does not apply, since the land carries no official forest classification.

Following the Godavarman ruling, this argument fails. Since the land meets the dictionary meaning of "forest," it falls within Section 2 of the Act, and any non-forest use of that land still requires prior Central Government approval, regardless of its private ownership or the absence of formal notification.

Recent Developments: The Continuing Mandamus in 2025 and 2026

Decades after the foundational order, the Godavarman proceedings remain remarkably active. In a significant 2025 order reported as 2025 INSC 701, the Supreme Court directed every state and union territory to transfer all forest recorded land still held by Revenue Departments to Forest Departments within one year, reaffirming that Section 2 of the Act bars de-reservation or non-forest use of such land without prior Central approval.

In a November 2025 order concerning the Aravalli Hill Ranges spanning Delhi, Haryana, Gujarat, and Rajasthan, the Court directed that all mining in forest areas within these ranges be suspended, permitting resumption only after proper environmental mapping and impact studies, along with the Court's own permission. Further orders in early 2026 continued to address specific compliance issues, including unauthorised tree felling and encroachment, demonstrating that this writ petition remains an active, evolving instrument of forest governance even thirty years after it was filed.

Why This Case Matters

T.N. Godavarman Thirumulpad v Union of India fundamentally reshaped Indian environmental jurisprudence by asserting that judicial oversight of a systemic ecological crisis need not end with a single judgment. Its expansive definition of "forest" remains the single most cited principle in Indian forest law, cited and applied in virtually every subsequent case involving forest land diversion.

The case is also significant as perhaps the clearest example of a continuing mandamus in Indian constitutional law, showing how courts can retain long term supervisory jurisdiction over a problem too vast and evolving to resolve through a single, final order.

Conclusion

T.N. Godavarman Thirumulpad v Union of India stands as one of the most consequential environmental rulings in Indian legal history, not for a single holding but for the enduring judicial architecture it created. By giving "forest" its broadest possible meaning and keeping the case alive as a continuing mandamus, the Supreme Court ensured that forest protection in India would remain under active judicial supervision for generations, a legacy that continues to produce fresh directions even thirty years after the petition was first filed.