

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 98 OF 2023

Rohit Manohar Joshi & Ors. } Versus Tree Authority, Thane } Municipal Corporation & Ors. }	Petitioners Respondents
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Ms. Neeta Kadam for the petitioners.

Mr. N. R. Bubna for Thane Municipal Corporation.

Ms. Madhavi Tavanandi with Ms. Kejali Mastakar for respondent no. 6 (MCGM).

Mr. P. P. Kakade, Government Pleader with Mr. B. V. Samant, AGP for State.

Mr. Dnyandev Munde, Deputy Superintendent of Garden, MCGM, present.

**CORAM: DEVENDRA KUMAR UPADHYAYA CJ.
& ARIF S. DOCTOR, J.**

DATE: 8th AUGUST 2023

P.C.:

1. Vide our order dated 12th July 2023, we had required Thane Municipal Corporation as also Municipal Corporation of Greater Mumbai (for short "the Municipal Corporations") to file affidavits after collating the information from the Ward Officers in respect of measures taken for de-concretization of the spaces around the trees.

2. Learned counsel representing the Municipal Corporations have submitted that the necessary information has been collected and the necessary affidavits shall be filed within 2 (two) weeks.

3. The affidavits to be filed by the Municipal Corporations shall contain all the measures which may have been taken by now and also the proposed measures for de-concretizing spaces around the trees. We also direct that the affidavits shall be filed by none other than the Municipal Commissioner of the respective Municipal Corporations himself. The affidavits shall also contain the measures and steps taken by these Municipal Corporations for de-concretization of tree stumps to create aeration at private institutions, co-operative housing societies and other like places, including the public places as well.

4. For protection and preservation of trees, the State legislature has enacted the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (for short, "the Act of 1975"), which, *inter alia*, enumerates constitution of Tree Authority in all the urban local bodies/authorities and also lists duties of Tree Authorities in section 7 of the Act of 1975. The Municipal Commissioners, while filing affidavits under this order, shall indicate as to in what manner the provisions of the Act of 1975 are being administered in these two Municipal Corporations. The affidavits should also contain statement of each Municipal Corporation as to in what manner the duties of Tree Authorities, as enumerated in section 7, specially section 7(a), (b) and (h) are being adhered to.

5. Stand over to 29th August 2023.

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2023.08.10
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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)