

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAO) NO. 638 OF 2023
IN
PUBLIC INTEREST LITIGATION NO. 15 OF 2021**

Swacch Association

Vs.

Ministry of Environment and Forest and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Parvez W. Mirza, Advocate for petitioner.
Shri N. S. Deshpande, Deputy Solicitor General of India for respondent no.1.
Shri Anand Parchure, Advocate for respondent no. 2.
Ms. N. P. Mehta, AGP for respondent nos. 4 and 5/State.
Shri S. S. Sanyal, Advocate for respondent no. 6.
Shri J. B. Kasat, Advocate for respondent nos. 7 and 8.

CORAM :- A. S. CHANDURKAR & M. W. CHANDWANI, JJ.

DATED :- 25.04.2023.

The present Civil Application has been filed in Public Interest Litigation (PIL) No. 15/2021 with a prayer that the respondent no. 3- Rail Land Development Authority be restrained from undertaking any activity of cutting/felling of trees at the Project area which admeasures 446 acres and especially area covered by Phase-I which admeasures 54 acres of land for the development of Inter Model Station at Ajni. The aforesaid project is now been renamed as Development of Ajni Railway Station First Phase. It has been pleaded that large scale felling of trees has been undertaken by respondent no. 3 without following the prescribed procedure and without obtaining prior permission either from the Nagpur Municipal Corporation, which is the authority to grant such permission if

the number of trees to be cut are below 200 or from the Maharashtra State Tree Authority, which is the authority to grant such permission if the number of trees to be cut exceed 200. It is pointed out that full-grown trees are being cut as a result of which there is great depletion of green cover. Reference is made to the various news reports in that regard as well as the complaint made to the Commissioner, Nagpur Municipal Corporation on 24.04.2023. Similarly, a report is also sought to be made to the Incharge, Police Station Immambada on 23.04.2023. It is thus prayed that respondent no. 3 be restrained from undertaking such cutting activities in absence of any valid permission/order.

2. The learned counsel for respondent no. 2 submits that the cause for prosecuting PIL No. 15/2021 now does not survive since the contract that was entered into with M/s. National Construction Company Limited for development and maintenance of the Inter Model Station has been terminated with effect from 01.06.2021.

3. The learned Assistant Government Pleader appearing for respondent nos. 4 and 5 as well as learned counsel for respondent nos. 7 and 8 submit that as on today they have no instructions that any permission has been granted to the respondent no. 3 for cutting/felling of trees at the project site.

4. We find that the grievance raised in the Civil Application deserves consideration in public interest and hence, at this stage without going into the question of the aspect as to whether the Public Interest Litigation should be disposed of, we

are inclined to consider the prayers made in the Civil Application.

5. Issue notice on the Civil Application, returnable on 03.05.2023.

6. Shri N. S. Deshpande, learned Deputy Solicitor General of India waives notice for respondent no. 1. Shri Anand Parchure, learned counsel waives notice for respondent no. 2. Ms. N. P. Mehta, learned Assistant Government Pleader waives notice for respondent nos. 4 and 5. Shri S. S. Sanyal, learned Advocate waives notice for respondent nos. 6 and Shri J.B. Kasat, learned Advocate waives notice for respondent nos. 7 and 8.

7. It is directed that till the returnable date, respondent no. 3 shall not cut/fell any tree at the project site referred to herein-above in absence of any permission to do so. The respondent no. 3 to be served by adopting all permissible modes.

8. Authenticated copy of this order be supplied to the parties.

(M. W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)