

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 36311 of 2010

Petitioner :- Madhu Mangal Shukla

Respondent :- Union Of India Through Secy. Min. Of Environment And Others

Counsel for Petitioner :- Amit Verma,A. Chaturvedi,Alok Krishan Tripathi

Counsel for Respondent :- C.S.C.,Arvind Kumar Goswami,Asgi 2010/1261,Vashishtha Tiwari

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

This Writ (Public Interest Litigation) has been filed with a prayer to stop the respondents from cutting the trees alongside the road under the garb of development and to preserve the Kumbha Mela Area for performing rituals and to declare the twin cities Mathura and Vrindavan as National Pilgrim Centre in the interest of the public at large and to maintain the beauty of Mathura and Vrindawan City situate alongside river Yamuna.

In the writ petition it has been alleged that the twin towns of Mathura and Vrindavan are closely associated with the religious sentiments of the people world over. Mathura is believed to be the birth place of Lord Krishna and Vrindavan is the actual place of Ras-Lila of Lord Krishna. Vrindavan, as the name suggests, was a forest where Lord Krishna used to perform Ras-Lila. With the passage of time the forest has turned into a concrete jungle. No steps are being taken by the respondents to preserve the environment of Vrindavan to make it conducive for healthy living. The State Government itself under its 'Vrindavan Samagrah Vikas Yojna' started to cut down trees for broadening the city road without taking steps to plant fresh trees. It is also asserted that a specific procedure has been provided under the Forest Conservation Rules for cutting trees in the forest and urban areas but none of the norms are being followed and hence the indulgence of the Court is the need of the hour.

This Court while entertaining the Writ (PIL) vide order dated 25.06.2010 required the respondents to file counter affidavit enclosing the documents referable to Sections 2 & 3 of the Forest

Conservation Act, 1980 and specifically state as to whether the proposal for road widening required the environmental clearance from the Environmental Impact Assessment Committee before cutting the trees standing on the land proposed to be utilized for road widening. Under the said order the respondents were restrained to cut the trees without leave of the Court.

A counter affidavit on behalf of the Respondent No.1, Union of India, has been filed sworn by the Deputy Conservator of Forest (Central), Ministry of Environment and Forest, Aligarh, Lucknow, wherein in Para 7 it has been stated that the concerned widening of road relates with an area declared as protected forests and not reserve forests, the ownership lies not with the Forest Department. However, approval has been granted in accordance with the provisions of Forest Conservation Rules, 2003 in terms of the approved Guideline No. 2.5 with a provision of planting twice the number of trees against removal of each.

A supplementary counter affidavit has been filed on behalf of the Respondent Nos. 2 to 6, which states that in the year 2010-11, the plantation of 2000 trees at Vrindavan Chhathikara Road and plantation of 4950 trees at Mathura Vrindavan Road was undertaken and the Public Works Department provided non-forest land in Village Sherpur Khadar, Tehsil Mahawan Pargana Baldev, District Mathura, over which plantation of trees have also been undertaken.

Another supplementary affidavit dated 23.08.2017 has been filed stating that 369 trees over Mathura Vrindavan Road and 287 trees over Vrindavan Chhathikara Rod, totalling 656 trees were felled against which 2000 trees of different species at Vrindavan Chhathikara Road were planted, out of which 883 were found alive. Likewise, plantation of 4950 trees of different species was undertaken over the Mathura Vrindavan Road out of which 2118 trees were found alive. A fresh proposal for replacing the trees not alive was sent on 04.08.2017. Subsequently, reports reveal that taking into consideration both roads, a total of 2106 trees were found standing as against 656 trees felled.

In the opinion of the Court, the action of the respondents in proceeding to plant sufficient number of trees in place of those felled is in consonance with the norms set by the Guidelines No. 2.5, framed under the Forest Conservation Rules, 2003, which has the approval of the Apex Court. One cannot deny the fact that with passage of time, increase in population, large scale urbanization has forced the State Authorities/Local Bodies/Development

Authorities to undertake broadening of roads etc. and provide better civic amenities. However, at the same time such Bodies have to be conscious that for carrying out such development activities, the felling of trees be at the minimum and efforts should be made to plant sufficient number of trees to replace the one felled to maintain the delicate ecological balance. The Respondent Authorities have planted sufficient number of trees against those felled and have also undertaken plantation drives over the land provided by the Public Works Department. In the opinion of the Court the present Writ (PIL) has served its purpose and no further adjudication is required.

Accordingly, the Writ (PIL) is consigned to records.

Order Date :- 8.11.2023

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(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)