

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 96 OF 2014
IN
PUBLIC INTEREST LITIGATION NO. 41 OF 2006

Nashik Municipal Corporation. ... Applicant.

In the matter between

Nagrik Kruti Samiti. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

V.A. Gangal with Anup Deshmukh for the applicants.

S.M. Gorwadkar, amicus curiae.

Tejesh Dande with Bharat Gadhavi i/b M/s.Tejesh Dande &
Associates for respondent No.1.

A.B.Vagyani, Govt.Pleader with Mrs.M.P. Thakur AGP for the State.

Mrs.S.V. Bharucha and Mr.N.D.Sharma for Respondent No.3.

Nishat Atre i/b. M.V.Kini & Co. for respondent No.6.

Ashok Tukaram Gade for Applicant in CAI No.1/2015

CORAM : NARESH H. PATIL AND
V.L. ACHLIYA, JJ.

RESERVED ON : 27th April 2015.

PRONOUNCED ON : 8th May 2015.

ORDER :

By this application, the applicant- Nashik Municipal Corporation has approached this Court for permission to cut/fell 2,400 trees for the purpose of construction, strengthening and widening of road in view of mega event of Sinhastha Kumbhamela to be held in Nashik during the period July to September 2015. In nut shell, it is the say of the applicant that during Sinhastha Kumbhamela lakhs of devotees are likely to visit the city of Nashik to take holy dip in selected stretches of river Godavari. The relief claimed in the application reads as under:

“(a) this Hon'ble Court be pleased to permit the Applicants to fell 2400 trees for the work of construction strengthening and road widening of more than 91 Km of roads and for Sadhugram and WTP area for the mega event of Simhastha Kumbhamela of 2015-16 as per the chart given at exhibit B, before plantation of the trees as per the Maharashtra (Urban Areas) Preservation of Trees Act, 1975 and the order of this Hon'ble Court dated 02.05.2014.”

2. The occasion for praying for this relief arose as the Tree Authority contemplated by the Maharashtra (Urban Areas) Protection & Preservation Of Trees Act, 1975 (for short “the said Act of 1975”) has not been properly constituted by the Nashik Municipal Corporation. It is, therefore, necessary to make a reference to the interim order dated 2nd

May 2014 passed by this Court. The said order records that the Tree Authority has not been constituted in terms of the directions issued by this Court by its Judgment and Order dated 20th September 2013 in Public Interest Litigation No.93 of 2009 (*Deepak Balkrishna Vahikar and Another v. The State of Maharashtra and Others*). This order also takes a note of the fact that there are only six members of the Tree Authority constituted under the said Act of 1975. In view of the aforesaid decision in the Public Interest Litigation No.93 of 2009, the Tree Authority cannot function only with six members. Therefore, a direction was issued by this Court that till the compliance is made by the Nashik Municipal Corporation of the directions contained in order dated 20th September 2013 in PIL No.93 of 2009, the Tree Authority shall not grant any permission for felling/pulling down the trees without permission from this Court. In case of extreme urgency only the Tree Authority was permitted to allow felling or pulling down the trees. Even after detailed order was passed on 2nd May 2014, the Nashik Municipal Corporation has not made compliance of those directions. In the judgment and order dated 20th September 2013 in PIL No.93 of 2009, the Court has expressed that object of the Tree Authority is not for destruction of trees but for the preservation of the trees and the enhancement of the fast depleting green cover in the urban areas of the State.

3. The case set out by the Nashik Municipal Corporation in the present Civil Application is that the mega event of Sinhastha Kumbhmela is to take place in August 2015 for which the Nashik Municipal Corporation has to undertake the work of construction, strengthening and

widening of the roads having length of about 91 km. It is contended that for the said work, felling of 2400 trees is necessary. In Paragraph 13 of the Civil Application, the Municipal Corporation has set out the trees planted in the year 2013. In the application, assurance has been given that the Corporation will plant the trees in the proportion of 1:3 as compensatory measure. Since the Municipal Corporation of Nashik has not properly constituted Tree Authority, in view of the order operating against the Corporation, this Court is required to consider the prayer made in this Application.

4. By order dated 22nd September 2014 passed by this Court, following directions were given to the municipal Corporation and the Chief Conservator of Forests, Nashik:

“4. We direct the Nashik Municipal Corporation to submit a comprehensive proposal to the Chief Conservator of Forests, Nashik regarding felling of 2400 trees. All particulars of the trees which are sought to be removed shall be placed before the Chief Conservator of Forests, Nashik. All particulars of 5000 trees which have been allegedly planted in anticipation of the permission being granted shall be also provided to the Chief Conservator of Forests, Nashik. The details of the work of roads proposed to be carried out by the Nashik Municipal Corporation shall be also supplied to the Chief Conservator of Forests, Nashik.

5. The Chief Conservator of Forests, Nashik shall examine whether it is necessary to fell 2400 trees for carrying out the work as proposed by the Nashik Municipal Corporation.

6. If the Chief Conservator of Forests, Nashik is satisfied that 2400 trees or lesser number of trees are required to be felled, he will ascertain whether the trees planted by the Nashik Municipal Corporation are in terms of the decisions of this Court as well as in terms of the provisions of the Maharashtra (Urban Area) Protection and Preservation of Trees Act, 1975. He shall ascertain the number of additional trees, if any, which are required to be planted by the Nashik Municipal Corporation in terms of the law. He shall also state the measures which are required to be taken for maintaining the newly planted trees. The Chief Conservator of Forests, Nashik shall take appropriate decision which shall be filed on record before this Court along with an affidavit on or before 3rd November 2014.

7. We direct the Nashik Municipal Corporation to publish an advertisement in the prominent newspapers having circulation in the City of Nashik informing the members of the public regarding the proposal to remove 2400 trees. The advertisement shall be published within a period of one week from today. Those who want to raise objections to the proposal to remove 2400 trees will be entitled to take inspection of the records of the Nashik Municipal Corporation for ascertaining the location of the 2400 trees. The members of the public shall be entitled to raise objections in writing to the Chief Conservator of Forests, Nashik on or before 13th October 2014. The Chief Conservator of Forests, Nashik shall take into consideration the said objections while taking appropriate decision.”

5. Pursuant to the order dated 22nd September 2014 passed in the matter, one Shri Umesh Waware, Assistant Conservator of Forests filed affidavit dated 3rd November 2014. After perusing the contents of the

said affidavit, the Division Bench of this Court noted that the Chief Conservator of Forests constituted a committee headed by the Deputy Conservator of Forests (West), Nashik to carry out the exercise to be made by the Chief Conservator of Forests by order dated 22nd September 2014, which was contrary to the order passed. The Chief Conservator of Forests delegated the job to Deputy Conservator of Forest without seeking permission from this Court. Since the Court was not satisfied with the report submitted, after considering the suggestions made by Shri S.M.Gorwardkar, Amicus Curiae appointed in the matter and the issues involved in the matter, it was decided to constitute a committee headed by the Chief Conservator of Forests and assisted by two experts. On consideration of profiles of Dr.Digambar Mokat attached to the Department of Botany, University of Pune and Dr.Sandeep Jadhav, who was also associated with the Department of Botany of said University and experts in the field, they were appointed as experts to assist the Chief Conservator of Forests. On 25th November 2014, the Division Bench of this Court issued various directions, which read as under:

“8. We, therefore, appoint a Committee of the Chief Conservator of Forests, Nashik, Dr. Sandeep Jadhav and Dr. Digambar N. Mokat to carry out exercise which was required to be carried out by the Chief Conservator of Forests under the order dated 22nd September 2014. The members of the Committee shall to visit all the spots where the Nashik Municipal Corporation proposes to do the work of strengthening and widening the roads. The Committee will have to examine the plan of Nashik Municipal Corporation for the said work and ascertain whether for the implementation of the said work, felling of so many trees (2400) is really necessary. If by making

minor modifications without affecting the scheme undertaken by the Applicant Nashik Municipal Corporation, substantial number of trees can be saved, the experts will endeavour to make their suggestions in this behalf. Thus, the Committee of Experts will have to go into the issue of necessity of felling so many trees. If the Committee of Experts comes to a conclusion that some of the trees cannot be saved by any method including its re-plantation, they will also make their suggestions in that behalf. The Committee of Experts will have to come out with a scheme of the compensatory plantation which can be adopted by the Nashik Municipal Corporation.

9. Before taking any decision, the Committee constituted by this Court will have to give an opportunity of being heard to the objectors who have already submitted their objections. The Committee will assign specific dates and time for hearing of the objections. The objections will be heard expeditiously. The Nashik Municipal Corporation shall publish an advance public notice in the newspapers having circulation in the City of Nashik informing the objectors of the dates and time fixed for hearing of objections. If the objectors have provided their Email addresses, the date and time fixed shall be communicated to the objectors by the Emails.

10. While considering the objections, the Committee shall also consider whether the existing trees can be conveniently replanted at some other places.

11. The members of the Committee will have to keep in mind that this exercise will have to be done by them as the statutory Tree Authority cannot function. As we have stated earlier, the Tree Authority is an Authority for preservation of Trees and enhancement of fast depleting green cover. In the context of this principle, the members of the Committee will examine the objections

submitted by the members of the public which are already on record.”

6. The Court appointed committee (hereinafter referred to as the “Expert Committee”) submitted a detailed report (dated 25th January 2015) with its recommendations. The Expert Committee recommended felling of 1,145 trees out of 2,609 trees recorded under the proposed developmental work for Kumbhamela. The Committee further recommended that for the length of 81.4 km. of proposed widening of roads minimum 16,288 trees should be maintained by new plantation of half grown trees (height of sapling not less than 3 meters) as per section 7(h) of Schedule 1 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975. The Expert Committee further recommended that as a compensatory plantation against felling of 1,145 trees, in the ratio of 1:3, plantation of 3,435 new half grown trees of indigenous species be made as per the management plan in nearby open spaces adjacent to proposed developmental sites. The Committee also recommended that 640 trees be replanted/transplanted. The report of the committee was objected by the petitioner with contention that important aspects such as significance, importance and contribution of the existing trees to the environment has not been taken into consideration in the report submitted by the Committee. So also the report is silent about the impact analysis of cutting of trees. The objectors have further pointed out that the list of trees to fell includes old Ficus trees having girth upto to 5.20 meters. Learned counsel for the petitioner submitted that Road No.1 and Road No.21, where the proposed development to be carried out have very less or zero traffic and urged to consider the exclusion of these

two road from the development activities as according to him, same would help in saving 491 trees. He has also suggested to obtain opinion of Regional Transport Officer so as to make certain zones as “No Traffic Zone” or “One Way Zone” on the existing roads.

7. During the course of hearing, on 10th February 2015, after considering the submissions advanced by learned counsel for rival parties and the suggestions made by the Amicus Curiae, this Court felt that the report of the Expert Committee requires further in-depth consideration and the objections raised by learned counsel for the petitioner also need to be considered by the Expert Committee and passed further order in the matter. The Division Bench allowed the petitioner to file objections to report within a period of two weeks from the date of order and Chief Conservator of Forests was asked to consider the same and submit further report in the matter.

8. After considering the objections raised by the petitioner and obtaining the views of the officers of the Regional Transport Authority, the Chief Conservator of Forests has filed another report dated 25th March 2015. As per said report submitted by the Chief Conservator of Forests for the purpose of proposed development, it is necessary to cut/fell 1,145 trees out of 2,609 trees. He has further recommended transplantation of 643 trees out of said 2,609 trees. The detail analysis of girth class of trees; total number of trees; trees to be removed; and the trees can be transplanted is as under:

Sr. No.	Girth Class in cms.	Total No. of trees	Recommended for removal	Recommended for transplant.
1	0 to 30 saplings size	310	27	214
2	31 to 120 growing trees	1411	570	338
3	121 to 180 matured trees	381	234	44
4	Above 180 over matured trees	507	314	44
	Total	2609	1145	640

9. According to Chief Conservator of Forests, out of 2,609 trees, 34 trees are dried. Out 77 species 27 species are exotic and 50 species are indigenous. Out of 1,145 trees, 633 trees are of exotic species and 512 trees of indigenous species which fall within the category of trees to be cut/felled. On due consideration of the objections raised by the petitioner and discussion with the officers of the transport, traffic and police departments, the Chief Conservator of Forests has suggested that Road No.1 i.e. Sainath Road Junction to Kalanagar Junction to Pathardi Village may be deleted from the proposed work of road widening. The recommendations made by the Chief Conservator of Forests in his report dated 25th March 2015 are as under:

Recommendations :

1. Environmental impact assessment, Tree Census and Tree Audit must be carried out by Nashik Municipal Corporation as early as possible.
2. As per the report of the Regional Transport Officer

and Traffic Inspector, Nashik, road number 1 i.e. Sainath road Junction to Kalanagar Junction to Pathardi village can be deleted from the road widening work as at present there is less traffic.

3. Considering all the aspects of Ecology, Bio-diversity and Environment in general, necessity of road widening in the interest of public, development of city, it may be concluded that if at all road widening is necessary and there is no alternative of one-way, widening of roads except road number 1 cannot be avoided.

This will save 57 trees and 15 trees of removal and transplantation respectively on road number 1 which were earlier recommended for removal and transplantation.

4. Keeping in mind all the above facts there is no other alternative but to recommend the removal of 1088 trees and 625 trees for transplantation.

5. As mentioned in the report of the committee in chapter 5 page number 129 to 154 the Recommendations and Management Plan should be implemented strictly.

10. We have heard the learned counsel appearing for the applicant- Corporation and the petitioner as well as the learned Amicus Curiae and learned Government Pleader. We have also perused the detailed report dated 27th January 2015 submitted by the Expert Committee together with detailed plans along with enclosures and report dated 25th March 2015 submitted by the Chief Conservator of Forests after considering the objections raised by the petitioner. Perusal of the report dated 27th January 2015 reveals that the Expert Committee has carried out detailed exercise before submitting report. The Committee has visited each of the sites and considered each of the trees which comes in the way

of development activities proposed to be undertaken by the municipal Corporation. The report reveals members of the committee personally visited, inspected and got measured each of the trees required to be cut falling on 28 roads to be widen/strengthened and constructed. Based upon inspection of each of the trees, the Expert Committee has submitted its detailed report. Since the Committee was headed by a high ranking officer i.e. Chief Conservator of Forests and assisted by two experts in the field, there is no reason for this Court to ignore the recommendations made by the Expert Committee or to make further enquiry in the matter. In order to ascertain as to whether cutting of trees can be further minimized, we directed the Municipal Commissioner to apply his mind as the Chairman of the Tree committee and submit his report. Pursuant to the directions of this Court, the Municipal Commissioner has submitted his report in the form of affidavit, which, in fact, supports the conclusions and recommendations made by the Expert committee in its report.

11. The learned Amicus Curiae has fairly stated that while dealing with such aspects the Court is required to adopt a pragmatic approach and strike proper balance so as to minimize the damage to the environment and equally ensure that no development work be hampered. The learned counsel for the petitioner has contended that this is not the first time Sinhastha Kumbhamela being held in the city of Nashik. In past also so many times Kumbhamela was held and large number of devotees visited Nashik during Kumbhamela. At that time no such exercise of such magnitude to fell hundreds of trees was undertaken by the municipal Corporation. It is submitted that there is no nexus between the trees to

be cut as proposed by the Corporation and the arrangement to be made for the Sinhastha Kumbhamela. Learned counsel for the petitioner submitted that the arrangement of Sadhus and Sanyasis who are likely to visit large in number during the Kumbhamela is always made at the outskirts of city. As already notified by the Police Commissioner, the private vehicles will not be allowed to enter in the city. They will have to travel by the public transport vehicles to be arranged by the District Administration to enter in the city and holy places they are likely to visit. It is, therefore, contended that under the guise of Sinhastha Kumbhamela the Corporation is attempting to cut the trees. The proposed development activities have no concern with the Kumbhamela. Learned counsel has submitted that there is no impact assessment report obtained from the environment authority as to make the assessment of damage which likely to cause to the environment due to felling of such large number of trees. Learned counsel has further submitted that though it is the contention of the Corporation that there are more than 20 lakh trees exist within the city of Nashik and cutting of trees as proposed is negligible in proportion of trees exist in the city of Nashik, but till date no audit of the trees carried out in the scientific manner by the Municipal Corporation. The entire exercise on the part of the Corporation is arbitrary and would result into causing severe damage to the environment. As against this, the learned counsel for the Corporation has submitted that the report of the Expert Committee itself justifies cutting of trees for the development work to be undertaken by the municipal Corporation. It is submitted that as per the audit of trees made in the year 2007, more than 20 lakh trees were found in the city of Nashik.

Learned counsel has further submitted that after year 2007 large number of new trees have been planted by the municipal Corporation. It is, therefore, submitted that cutting of such small number of trees will not cause any damage to environment, that too of irreversible in nature. The learned counsel further submitted that lakhs of devotees going to visit the city during Sinhastha Kumbhamela. The Government has appointed High Level Committee to oversee the arrangement. The Hon'ble Chief Minister of the State is heading the Committee and all the top ranking officials of the State and officers of the city concerned with the administration are the members of the committee. The Government has sanctioned huge funds for making arrangement. For want of permission from the Court to cut trees, the work of development of roads is stuck up. The funds of crores of rupees sanctioned for the said purpose may likely to be lapsed.

12. The felling of trees in urban areas is regulated by the provisions of the Maharashtra (Urban Areas) Preservation of Trees Act, 1975. The provision of the said Act provides for constitution of Tree Authority, duties of the Tree Authority, restrictions on felling of trees, procedure for permission to cut trees, powers of the officers to direct planting of such number of trees as a compensatory measure for the trees which required to be felled down and other related provisions. Under the provisions of the said Act, the authority is vested with the powers to consider the application for permission to fell trees on such terms and conditions as the authority may impose for granting permission. Thus, felling of trees for the purpose of carrying out development is well recognized under the law. Such request made in the application for

permission to cut trees, in fact, was to be considered by the Tree Authority. However, in view of the fact that the Tree Authority being not properly constituted, this Court has passed order prohibiting the Tree Authority from granting any permission to cut/fell trees within its limits. In view of the prohibitory order operating against the Tree Authority, the applicant-Corporation has approached this Court for grant of permission. The municipal Corporation can seek permission to cut/fell trees for its development activities.

13. We have thoroughly considered the submissions advanced in the light of the report of the Expert Committee. We are of the view that the report of the Expert Committee needs to be accepted with certain directions and conditions to be imposed on the Municipal Corporation.

14. While dealing with such matters involving issues relating to environment, the courts of law are expected to strike proper balance between development and protection of environment. The proper balance could be strike by ensuring that the development work is not stopped but at the same time the damage to environment due to such development will be minimum. Keeping in mind this objective that there would be minimum damage to the environment on account of proposed development activities of the Corporation, this Court has appointed Expert Committee headed by Chief Conservator of Forests who is primarily concerned with the prevention of trees and wild life. The said committee was assisted by two experts in the filed. The Expert Committee has inspected each of the trees which required to be cut or pulled down for

the purpose of road widening. The report submitted by the Expert Committee itself speaks in volume about the extensive exercise carried out by the Committee. The Committee has made all endeavour to reduce the number of trees to be cut for the purpose of carrying out said development activities. The Committee has brought down the number of trees to be cut from 2,609 to 1,145. They also suggested for re-plantation of about 640 trees by the side of the roads after they are uprooted. We are, therefore, inclined to accept the recommendations made by the Expert Committee.

15. We are not inclined to accept the contention raised by learned counsel for the petitioner that cutting/felling of trees is not required for overall development of city of Nashik. What is required for the development of the city can be best assessed by the persons involved in the administration. We cannot decide, whether development of such roads is required or not for the development of the city. In our view, looking to the number of trees required to be cut/pulled down being negligible in comparison to the number of trees existing in the city of Nashik, there would be no serious impact or damage to the environment by the proposed development.

16. So far as objections raised by the petitioner are concerned, the same have been duly considered by the Chief Conservator of Forests in his report dated 25th March 2015. We have perused the comments of Chief Conservator of Forests in respect of each of the objections. After considering the objections, the Chief Conservator of Forest has found that

cutting of trees for the proposed development would not result in any serious damage to the environment. We have no reason to disagree with the views expressed by the Chief Conservator of Forests in respect of objections raised by the petitioner.

17. The applicant- Corporation has approached with a request to allow 2,400 trees to be cut for the purpose of widening/strengthening and construction of roads. The Expert Committee has assessed felling of 2,609 trees for the said development work. However, the Committee has brought down the number of trees to be cut from 2,609 to 1,145 and also suggested for transplantation/re-plantation of 640 trees to be removed adjacent to same road. The Chief Conservator of Forests after considering the objections raised by the petitioner and having discussion with the officers of the traffic and transport departments has recommended to drop Road No.1 from the development activities so as to save 129 trees. That has further brought down cutting of trees by 129. We have also considered the contention of learned counsel for the applicant that there are 295 trees on Road No.21 which are to be cut. We are of the view that to further minimize the damage to the environment by reducing the number of trees to be cut the municipal Corporation should not be permitted to undertake the work of widening/strengthening of Road No.21. No much hindrance will be caused to the traffic if the development work of Road No.21 is kept aside for the time being till some alternatives are found to save 295 trees on said road. We are also of the view that trees from the species "Ficus" such as Vad, Nandruk and Peepal are the indigenous trees which takes very long time to grow so also they

have long span of life. Cutting of such trees cannot be compensated by planting trees in the ratio of 1:3 as generally adopted in respect of other trees. Such trees need to be saved to minimize the damage to the environment and ecology. We are, therefore, of the view that no permission be given to the Corporation to cut such trees. Instead of cutting such trees, the Corporation can protect such trees by adopting alternative measures such as change of alignment of road, construction of small circle/islands around such trees or, if necessary, to reduce the width of the road at particular point where such trees exist. By making such exercise the number of trees to be cut/felled down would reduce to around 700 trees and number of trees to be replanted would be around 600 trees. In our view, cutting of about 700 trees for the overall development of city of Nashik would not cause any serious damage to the environment. As a compensatory measure, the Corporation has agreed to plant trees in ratio of 1:3 as against the trees to be cut/felled down. Therefore, grant of permission to the Corporation on certain conditions would not cause any serious damage to the environment. We, therefore, pass the following order:

ORDER

1. The Municipal Corporation of Nashik is permitted to cut/fell the trees as recommended by the Committee other than the trees which exist on Road Nos.1 and 21 strictly in accordance with law and to the extent recommended by the Expert Committee on following terms and conditions:

- a) None of the trees which exist on Road No.1 i.e. Sainath Road Junction to Kalanagar Junction to Pathardi Village shall be cut/felled/removed for development of roads;
- b) None of the trees which exist on Road No.21 i.e. Pathardi Phata to Pathardi Village to Vadner Gate shall be cut/felled/removed for development/widening of road;
- c) The Corporation, in the process of road widening/strengthening or any other development activities, shall not cut/remove any tree of the species of Ficus (i.e. Vad, Nandruk and Peepal) on any of the roads to be constructed/widen/developed;
- d) Before cutting any tree, the Corporation shall first undertake the work of transplantation/ replanting of trees as recommended by the Expert Committee, under the control and supervision of the Chief Conservator of Forests, Nashik as well as any other agency to be suggested by the Chief Conservator of Forests;
- e) Before cutting any tree, the Corporation shall carry out the exercise of plantation of new trees of indigenous species as recommended by the Expert Committee in its report;
- f) Before cutting any tree, the Corporation shall enter into long-term contract of maintenance of the trees to be replanted as well as the trees which are to be planted as a compensatory measure for a period which is to be

prescribed by the Chief Conservator of Forests, which shall not be less than 5 years;

g) The Corporation shall not cut any tree unless the Corporation initiates process of auditing of trees within the municipal area of the Corporation in a scientific manner and in accordance with law;

h) While cutting the trees, the Corporation shall ensure that damage to the environment is minimized by reducing the number of trees to be cut. The trees falling in the mid of road or in the footpath shall not be cut in the process of felling of trees for widening/strengthening of existing roads. Similarly, if big trees exist on the road to be widened, endeavour shall be made to protect those trees by reducing the width of the road at a particular place where such big trees exist or by creating small islands, circles etc. around the trees to preserve those trees. The Corporation shall also make endeavour not to cut/remove/shift the trees wherever it is possible to make small changes in the alignment of the road or reduction of width of road or cutting of tree can be avoided by forming small circle around the tree or any other exercise which will help to preserve the trees without much inconvenience to traffic. In this behalf, opinion of the Expert Committee be given due weightage.

i) The Corporation shall not cut/remove any tree falling within 5 ft. inside from both the edges of road as

well as the trees which are located on the mid of the road which can act as divider and will not cause much inconvenience to the traffic on the road;

j) After carrying out the work of transplantation of trees; replanting of trees by the side of the roads as per the report of the Expert Committee; the Corporation may undertake the work of cutting of trees on the roads other than Road Nos.1 and 21.

2. With the aforesaid observations and directions, Civil Application No.96/2014 is marked as disposed of.

(VL. ACHLIYA, J.)

(NARESH H. PATIL, J.)