

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2334 OF 2000
WITH
NOTICE OF MOTION NO.395 OF 2000**

The National Society of the Friends of the Trees
and another ..Petitioners
Versus
State of Maharashtra and others ..Respondents

Mr. M. V. Jayakar, Advocate for the Petitioners.
Mr. Kedar Dighe, AGP for Respondent Nos.1 & 8 – State.
Mr. Rajesh Patil a/w Ms. K. H. Mastakar, Advocate for Respondent
Nos.2 to 5 – MCGM.
Mr. V. Y. Sanglikar, Advocate for Respondent No.6.
Mr. K. G. Munshi I/by A. R. Vaidya & Co., Advocate for Respondent
No.7.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 19th AUGUST, 2019

P.C.

1] Though the proposal is to fell only two trees, learned counsel for the MCGM states that MCGM has no objection if the question of determining whether trees have to be felled be decided as per the provisions of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, by requiring the Tree Authority to take the necessary decision which would be following the procedure as

laid down by the Division Bench in it's judgment dated 19th July 2019 in *PIL(L) No.60 of 2019 Zoru Darayus Bhathena Vs. Tree Authority, Mumbai.* The grievance in the Public Interest Litigation is to decision taken to fell two trees stated to be over 100 years on Cadel Road.

2] In view of the stand taken by the MCGM, we dispose of the Petition directing that the proposal to fell the two trees on Cadel Road would be processed as if the decision had to be taken by the Tree Authority and for which the procedure required to be followed in afore-noted decision would be strictly followed.

3] Needless to state if the Petitioners have a grievance against the decision taken by the Tree Authority, they would be entitled to challenge the same.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE