

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO. 154/ 2018

(Vidarbha Mazdoor Sangh vs. The State of Maharashtra and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. A.R. Ingole, Advocate for petitioner /s
Mr. Anand Fulzele, Addl.GP for respondent no.1
Mr. A.M.Ghare, Adv. For respondent nos.2 and 3

CORAM : **R.K. DESHPANDE &
VINAY JOSHI, JJ.**

DATED : **3rd July, 2019**

The illegal cutting off trees in the Thermal Power
Station area at Khaparkheda, is the allegation in this petition.

2. Our attention is invited to the application dated 19.2.2018 by the Chief Engineer, Maharashtra State Power Generation Company Limited at Khaparkheda to the Range Forest Officer for grant of permission to cut the trees and a copy of the permission granted on 23.4.2018 is also placed on record.

3. The Collector, Nagpur District, has filed an affidavit stating in paragraph no.4 as under :-

“4. The factual aspects as found is that,
the Chief Engineer-Respondent no.2 had actually,
by communication dated 19.2.208 addressed to

Range Forest Officer of Khapa, sought permission to trim the trees in the residential colony of MAHAGENCO, as the trees therein have overgrown due to which inconvenience is caused, as such trees were touching the buildings and windows of such building and those branches are causing inconvenience on the road in the colony. Copy of said communication dated 19.02.2018 of Respondent no.2 to Range Forest Officer, Khapa is annexed herewith as Annexure R1-1. It is also found that the Range Assistant of Forest Range of Khapa and Officer of the respondent no.2 had visited the spot, conducted spot enquiry on 10.04.2018 and prepared a Report/Panchnama of the enquiry; copy whereof is annexed herewith as Annexure R1-2. Moreover, it was also found that the Range Forest Officer, by communication dated 23.04.2018 has given permission to trim the trees in the said residential colony of MAHAGENCO thereby the branches of trees in the said colony be trimmed without cutting the old trees from their base. Copy of said permission dated 23.04.2018 of the Range Forest Officer is annexed herewith as Annexure R1-3. The respondent no.2 has done the same alone. There is nothing amiss or wrong which was found in the said colony as regards the trees therein or the act/actions of the respondent no.2 in that behalf.

The document at Annexure 2 (page19 of

the petition) refers to the Forest area and not of area under MAHAGENCO i.e its staff Residential colony.

Therefore, the instant Public Interest Litigation may kindly be dismissed with exemplary cost as unnecessarily time of this Hon'ble Court,so also the officers and machinery involved in verifying the facts were put to unnecessary use which could have been put to better and other important or urgent work.”

4. In view of this, we do not find that there was any illegality in cutting the trees. PIL is dismissed.

5. The petitioner has deposited an amount of Rs. 2 lakhs in this Court. After deducting an amount of Rs. 25,000/- (rupees twenty five thousand) to be appropriated to the High Court Legal Services Sub-Committee, Nagpur, the balance be returned to the petitioner.

JUDGE

JUDGE

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