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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.NO.11094 OF 2021
AND
W.M.P.NO.11742 OF 2021

A.Radhakrishnan

... Petitioner

.Vs.

1. The Chief Secretary to Government,
Secretariat, Chennai - 9.
2. The Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 9.
3. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
4. The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
5. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 4.

... Respondents

(R3 to R5 impleaded suo motu
vide order dated 30.04.2021
in W.P.No.11094 of 2021)

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to form a committee consisting of all the experts to preserve all the trees which are situated rural and urban area



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of all over the State and more particularly all the trees which are not within the jurisdiction of forests area by considering petitioner's representation dated 16.07.2020.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.R.Gokul Krishnan
For Ms.Shanmugavalli Sekar
Standing Counsel
For TNPCB

ORDER

(Order of the Court was made by T.RAJA, J.)

Seeking a direction to the respondents to form a Committee consisting of all the experts to preserve all the trees which are situated in rural and urban areas all over the State and more particularly all the trees which are not within the jurisdiction of forest area by considering the petitioner's representation dated 16.07.2020, the present writ petition has been filed.

2. On 05.07.2021, the earlier Division Bench has passed the following order:

By order dated 30.04.2021, this Court noticing that there is no enactment like The Delhi Preservation of Trees Act, 1994, which is in force in New Delhi, to protect the Trees, wanted to know as to when a similar Act in Tamil Nadu would be passed to protect the Trees. Further, this Court is of the opinion that the Government has to form a Committee for cutting and removing trees in public lands and in the public offices.

2. When the matter is called today, Mrs.R.Anitha, Learned State Government Counsel produced a copy of G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department dated 02.07.2021, by which a State Green Committee with 10 members has been formed. Similarly, at the District Level, District Green Committee has been constituted with 6 members.

3. Mr.Radhakrishnan, Party-in-person submits that two Experts from Civil Society Groups have been made as members of District Green Committee,



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whereas it is not found in the State Green Committee. Unless experts from Environment or Civil Society Groups are made as members, the purpose of formation of the Committee would not be completed. Experts opinion is necessary for any action to be taken in the Committee and therefore, inclusion of two Expert from Environment or Civil Society Groups in the State Green Committee is a must. In this regard, Mrs.R.Anitha, Learned State Government Counsel appearing for the Respondents have to obtain instructions as to when the Civil Society Groups or Environment Experts, who have got sufficient qualification, experience and knowledge in the field of Environment could be made as Members in the State Green Committee.

4. Mr.Radhakrishnan, Party-in-person points out that eight Secretaries viz.,

1.	Additional Chief Secretary/ Principal Secretary to Government, Environment, Climate Change & Forests Department	Chairperson
2.	Additional Chief Secretary/ Principal Secretary, Industries Department	Member
3.	Additional Chief Secretary/ Principal Secretary, Rural Development & Panchayat Raj Department	Member
4.	Additional Chief Secretary/ Principal Secretary, Municipal Administration and Water Supply Department	Member
5.	Additional Chief Secretary/ Principal Secretary, Revenue and Disaster Management Department	Member
6.	Additional Chief Secretary/ Principal Secretary, Tourism, Culture and Religious Endowments Department	Member
7.	Additional Chief Secretary/ Principal Secretary, Public Works Department	Member



8.	Additional Chief Secretary/ Principal Secretary, Highways and Minor Ports Department	Member
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Form part of the Committee and unless the Committee is headed by the Chief Secretary to Government, it is not possible to have a better co-ordination. Moreover, Agriculture Secretary, Home Secretary, Commissioner of Land Administration, Commissioner of Revenue Administration, Commissioner of Survey and Settlements, Engineer-in-Chief, Public Works Department have to be added as Members for better functioning of the Committee. In this regard also, Mrs. R.Anitha, Learned State Government Counsel seeks time to get instruction as to whether it is possible to get new G.O. or amended G.O.

Post the matter after two weeks.

3. Pursuant to the above order, the Government revised the State Green Committee by issuing G.O.Ms.No.66 Environment, Climate Change and Forests (FR.13) Department dated 07.04.2022. Now, the State Green Committee consists of various members including experts from Environment and Civil Society groups. The Government also directed the State Green Committee to hold regular meetings so that removal/cutting of trees by miscreants, situated in rural and urban areas can be protected. Therefore, nothing survives in this petition.

4. With the above observation, writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Chief Secretary to Government,
Secretariat, Chennai - 9.



2. The Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai - 9.

3. The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

4. The Secretary to Government,
Local Administration Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

5. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 4.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.28955

W.P.NO.11094 OF 2021

EV(CO)
PBS/13/05/2022