

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition-PIL No. 31-2020 (O&M)

Date of Decision: 06.12.2023

Charanjit Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA, JUDGE

Present : Mr. Yashjot Singh Dhaliwal, Advocate, for the petitioner.
Mr. Abheypal Singh, Deputy Advocate General, Punjab.
Mr. Vaibhav Sharma, Advocate, for respondent No.2.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)**CM-89-CWPIL-2023**

Replication to written statement on behalf of respondent No.2 is taken on record.

Application is, accordingly, allowed.

CWP-PIL-31-2020

The petitioner has approached this Court for issuance of direction to the respondents to stop illegal cutting of trees on the part of a Green Belt situated in Industrial Area, Phase-7, Mohali.

2. The main grievance of the petitioner is that in the aforesaid green belt, six industrial plots have been carved out and the same have been allotted for setting up industrial unit. The petitioner has placed on record photographs (Annexure P-2) to show that in the already existing green belt, there were trees and the same have now been cut down opposite Industrial Plots No. C-85 to C-88. It is submitted by learned counsel for the petitioner that these trees have been cut down by the respondents in violation of the

judgment rendered by the Supreme Court in *Lal Bahadur vs. State of Uttar Pradesh and others 2018(15) SCC 407*.

3. A perusal of the this judgment shows that the Supreme Court was considering the case under the U.P. Urban Planning and Development Act, 1973 and with respect to change in Master Plan and conversion of green belt for residential purpose and it was held that the green belt could not be converted into residential area.

4. On notice of this petition, reply dated 23.01.2023 has been filed by respondent No.2 - Punjab Small Industrial and Export Corporation. It is stated in paragraph-5 of the reply that the layout out plan (Annexure P-1) has been revised in April- 2019 and copy of the layout plan for Industrial Focal Point, Phase-VIII, Mohali is Annexure R-2/1. As per this plan, the shifting of the green belt area is already reflected. It is submitted by learned counsel for respondent No.2 that after cutting 172 trees, 350 trees have already been planted in the shifted and adjoining areas and much larger green belt has come out in 4500 sq. yards and the new green space is only at a distance is 1.09 k.m. from the erstwhile green space. It is stated that layout plans have been worked out as per the decision taken in the 17th meeting of the Board of Directors of the Punjab State Small Industries Corporation Ltd. held on 24.11.1973 (Annexure R-2/2).

5. An additional affidavit has also been filed by respondent No.2 on 21.03.2023 and in para-10 thereof it has been stated that green open space was taken up as 3000 sq. yards and the area where the green belt has now been shifted is 4500 sq. yards. In paragraph-14 of the additional affidavit, it has been stated that 350 trees of different categories and species i.e. Jamun,

Neem, Arjan, Bahera, Mango, Amaltas, Ficusvenjavin, Silver oaks, Chakrassia etc have been planted.

6. The petitioner has filed replication to the reply and in the replication he has placed on record photograph Annexure P-3 which shows that major part of this land is a path way. However, on a specific query put by this Court, learned counsel for the petitioner has not been able to state whether these 350 trees are planted in this area or not . However, keeping in view that the shifting was done prior to the filing of the writ petition as per the layout plan Annexure R2/1 in the year 2019, the trees have now been planted and therefore, no further directions are required to be issued to the respondents at this stage. The petition is accordingly disposed of. However, it is observed that since the petitioner is having his own industrial unit in that area, the petitioner will maintain the aforesaid trees.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

06.12.2023

ravinder

Whether speaking reasoned	√Yes/No
Whether reportable	Yes/No√