

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 20 OF 2024

Smt. Homai Firdous	}	
Khergamvala & Ors.	}	Petitioners
versus		
State of Maharashtra & Ors.	}	Respondents

Kshitija G. Sarangi for the petitioners.

Mr. P. P. Kakade, Government Pleader with
Mr. O. A. Chandurkar, Additional Government
Pleader and Ms. G. R. Raghuwanshi, AGP for
respondents 1 to 5 (State).

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 27th FEBRUARY 2024

P.C.:

- 1.** Heard Ms. Sarangi, learned counsel for the petitioners and Mr. Kakade, learned Government Pleader representing the State.
- 2.** The primary grievance raised in this PIL petition is in respect of cutting of certain number of trees in an area, which, according to the Petitioners, is a reserved forest. In paragraph D(1)(e) of the writ petition, it has been stated by the petitioners that after approaching various authorities with the complaint relating to the alleged illegal felling of trees, petitioner no. 7 approached the National Green Tribunal, Western Zone at Pune (hereafter referred to as "the NGT, Pune") and filed a complaint against the alleged illegal activity of cutting trees, whereupon, the NGT, Pune, looking at the seriousness of the on-line

complaint, registered the same under the Environment (Protection) Act, 1986. However, it has further been stated that since the petitioners preferred to put this matter before this Court as a PIL petition, hence, the on-line complaint was withdrawn.

3. Section 14 of the National Green Tribunal Act, 2010 provides for jurisdiction and powers of the Tribunal, according to which, the Tribunal shall have the jurisdiction over all civil cases where question relating to environment is involved and such question arises out of implementation of various enactments enlisted in Schedule I.

4. Having regard to the averments made in the PIL petition and also taking into consideration that the complaint was made by petitioner no. 7 before the NGT, Pune and it was taken serious note of as well, we permit the petitioners to approach the NGT, Pune for redressal of their grievances by filing an appropriate petition in terms of the provisions of the National Green Tribunal Act, 2010 and the National Green Tribunal (Practices and Procedure) Rules, 2011. The petitioners are also permitted to make an appropriate application seeking interim injunction/relief as well, along with the petition and in case any such petition and miscellaneous application seeking interim injunction/relief is moved by the petitioners before the NGT, Pune, the same shall be considered and decided strictly in accordance with law, with expedition.

5. The PIL petition is disposed of in the aforesaid terms.

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)