

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Writ Petition (PIL) No. 182 of 2020 (O&M)

Sudeep Mahajan
... Petitioner(s)

Versus

Administration of Union Territory of Chandigarh and Others
... Respondent(s)

AND

2. COCP No. 1687 of 2021 (O&M)

Sudeep Mahajan
... Petitioner(s)

Versus

Manoj Parida and Others
... Respondent(s)

DATE OF DECISION: 20.08.2024

**CORAM: Hon'ble Mr. Justice Sheel Nagu, Chief Justice.
Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Sudeep Mahajan, Advocate (Petitioner in person)
and Ms. Saachi Mahajan, Advocate.

Mr. Aman Bahri, Additional Standing Counsel and
Mr. Ankit Midha, Junior Standing Counsel for the
respondents.

Anil Kshetarpal, J.

1. Brief Facts of the Case

1.1 With the consent of the learned counsel representing the parties,

two petitions i.e. Civil Writ Petition-PIL No. 182 of 2020 and COCP No.
1687 of 2021 shall stand disposed of by common order.



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1.2 The petitioner has filed the present writ petition seeking issuance of a writ in the nature of mandamus directing the respondent-authorities to immediately stop unwarranted and indiscriminate felling of the trees standing inside the Government Model High School, Sector 36, Chandigarh, alleging that the fully grown green trees are being cut and removed, while simultaneously praying for issuance of direction to the respondents to plant in the same premises, thrice the number of trees already cut and removed.

1.3 Reply to the petition has been filed while justifying the action on the ground that these trees being dangerous to human life and property are sought to be cut. These are also overgrown old trees. The compensatory trees are also being planted. The permission to cut 101 green eucalyptus trees was sought, however, the Advisor to the Administrator to Union Territory, Chandigarh, has granted permission to cut 46 trees.

2. Arguments adduced

2.1 The petitioner contends that the procedure as prescribed under the Policy dated 23.08.2017 for assessing the requirement of removing the trees posing immediate threat to the life and liberty has not been followed. He further submits that the green trees are sought to be removed.

2.2 Per contra, the learned counsel representing the respondents have submitted that the Policy has been revised in the year 2022 and permission to cut only those trees has been granted which were of immense danger to the children as well as the school building accommodating around



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being removed as per the 2022 policy and the compensatory trees have also been planted.

3. Discussion and Conclusion

3.1 During the hearing, it has been disclosed that out of 46 eucalyptus trees, 15 have already been cut and removed, whereas in view of the interim order passed by this Court, the remaining trees are yet to be cut and removed.

3.2 Having heard the learned counsel representing the parties, this Bench is of the considered view that the writ petition as well as the contempt petition are required to be disposed of with the following directions:-

- I) The permission already granted to remove remaining 31 trees shall be reconsidered by the appropriate authority after following the procedure as laid down in 2022 Policy.
- II) The competent authority will ensure that the compensatory trees are planted while making efforts to plant maximum trees in the same area.

3.3 While reconsidering the matter, the authority shall take a holistic view by attempting to create a delicate balance between ecology, environment and requirement of the trees for the survival of mankind on this mother planet on one hand by planting compensatory trees and cutting down those trees that pose threat to the life and property of the children and the school building on the other hand.

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3.4 The miscellaneous application(s) pending, if any, in both the writ petition as well as the contempt petition shall stand disposed of.

(Anil Kshetarpal)
Judge

(Sheel Nagu)
Chief Justice

August 20, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No