

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:083355-DB



Civil Writ Petition No. 27300 of 2023 (O&M)

Date of Decision: 24.07.2024

National Environment and Forest Protection Trust Regd.

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI, JUDGE

Present : Mr. Harender Singh, Advocate, for
Mr. Jasbir Mor, Advocate, for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Vishal Nehra, Advocate,
for respondents No.11 & 14 to 17.

SHEEL NAGU, CHIEF JUSTICE (Oral)

This petition has been filed by a Trust, namely, National Environment and Forest Protection Trust (Regd.) raising a public cause that pursuant to a resolution dated 09.05.2023 (Annexure P-2) passed by Gram Panchayat Thaska, District Sonapat, it has been decided to allot two acres of land for construction of police station and five acres for police lines. The authorities are yet to execute the same but their grievance is that the same will result into cutting of 150 trees standing thereon which are alleged to be about 100 years old.

2. On the insistence of this Court, a report has been submitted by Mr. Sandeep Goyat, Deputy Conservator of Forest, Sonapat, which *inter-alia* reveals thus:-

1) *That the present writ petition is not maintainable in its present form. However, it is submitted that after receiving the letter from DDPO, Sonipat, respondent No.10 alongwith the Sarpanch of the village Thaska inspected the spot and found*

that there are approximately 150 trees of Jaal (Salvadora oleoides) standing over there and those trees are of a century year old and the Jaal tree is a rare species which is the heritage of the village and there is no justification in cutting such a rare species of trees. The respondent No.10 after inspection sent report to the respondent No.09 vide letter No. 252 dated 20.09.2023 which is annexed herewith as Annexure R-1 and respondent No. 09 send the detailed report to the DDPO Sonipat vide office letter No. 1035 dated 21.09.2023 which is annexed herewith as Annexure R-2. It is also pertinent to mention here that the answering respondent is ready to give pension benefits to trees that are of age 75 years and above under the Haryana Pran Vayu Devta Pension Scheme but the dispute arises between the petitioner and Gram Panchayat of village Thaska, hence the answering respondent has put the scheme on hold. As soon, as the dispute between the parties settles the answering respondent will release the pension of the eligible trees.”

xx xx xx xx xx xx

6. *That the contents of para No.6 of the petition wrong and hence denied. However, it is submitted that after receiving the letter from DDPO, Sonipat the respondent No.10 along with the Sarpanch of the village Thaska inspected the spot and found that there are approximately 150 trees of Jaal (Salvadora oleoides) standing over there and those trees are of a century year old and the Jaal tree is a rare species which is the heritage of the village and there is no justification in cutting such a rare species of trees. The respondent No.10 after inspection sent report to the respondent No.09 vide letter No. 252 dated 20.09.2023 which is annexed herewith as Annexure R-1 and respondent No.09 send the detailed report to the DDPO Sonipat vide office letter No. 1035 dated 21.09.2023 which is annexed herewith as Annexure R-2. The rest of the para is not related to answering respondent.”*

2. From the report of the Deputy Conservator of Forest, it is obvious that on the land in question, which has been allotted for the purpose of constructing a police station and police line, about 150 trees which are nearly

‘Haryana Pran Vaayu Devta Pension Scheme’ is being extended in respect of the said trees. However, execution of the said scheme has been put on hold due to a dispute between the parties.

3. From the aforesaid it is obvious that about 150 trees, which are a century old, stand on the land allotted for the purpose of constructing a police station and a police line. The petitioner has filed certain photographs of the concerned area which *inter-alia* reveal that there is also a water body next to the above trees.

4. We the people have suffered enough environmental degradation and therefore, this Court would not like to be a part of any further deterioration.

5. Therefore, the petition stands disposed of with the following directions:-

- i) If the concerned authorities can construct the police station and the police line without cutting/damaging even a single trees out of the 150 trees standing on the spot, then the authorities are free to do so.
- ii) If the concerned authorities are unable to construct police station and the police line without cutting the above trees, then they are restrained from cutting the trees and are well advised to find out alternate site for construction of police line and police station.
- iii) Any violation of this order shall be viewed seriously.

6. A writ of mandamus as well as prohibition is accordingly issued.

(SHEEL NAGU)
CHIEF JUSTICE

(VIKAS SURI)
JUDGE

24.07.2024
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Whetherspeaking/reasoned	√Yes/No
Whethereportable	√Yes/No