IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 2470 of 2015

Court on its Own Motion

Versus

1. The State of Jharkhand through the Chief Secretary, Govt. of Jharkhand.
2. The Principal Secretary, Road Construction Department, Government of Jharkhand, Project Building, PO/PS- Dhurwa, District - Ranchi.
3. The Principal Secretary, Department of Forest, Environment and Climate Change, Government of Jharkhand, Ranchi, Government of Jharkhand, Ranchi.
4. Engineer-in-Chief, Road Construction Department, Government of Jharkhand, Ranchi.
5. Chief Engineer (Communication), Road Construction Department, Government of Jharkhand, Ranchi.
6. Superintending Engineer, Road Construction Department, Government of Jharkhand, Ranchi.
7. Executive Engineer, Road Division, Ranchi.
8. Assistant Engineer, Road Sub. Division-I, Ranchi.
9. The District Forest Officer, Ranchi Range/Circle, Ranchi.

WITH

W.P. (PIL) No. 735 of 2018

Indrajeet Samanta, aged about 47 years, S/o Sujit Samanta, resident of Village Kanungo Bigha, P.O. & P.S. Koderma, District Koderma, Jharkhand.

… Petitioner

Versus

1. Union of India through Ministry of Environment and Forest, Indira Paryavaran Bhavan, CGO Complex, P.O. & P.S. Jorbagh, Jorbagh Road, New Delhi-110003.
2. State of Jharkhand through its Chief Secretary. having its office at Project Bhawan, P.O. & P.S. Dhurwa, Ranchi.
3. Forest Environment and Climate Change Department, through its Principal Secretary, having office at Nepal House, P.O. & P.S. Doranda, Ranchi.
4. National Highway Authority of India, through its Chairman, having office at G5 and G6 at Sector 10, Dwarka, P.O. & P.S. Dwarka, New Delhi-110075.
5. Department of Road Construction, through its Principal Secretary, having office at Project Bhawan, P.O. & P.S. Dhurwa, Ranchi.

6. Chief Conservator of Forest, Hazaribagh Region, having office at Van Bhawan, P.O., P.S. & District Hazaribagh.
7. Conservator of Forest, Hazaribagh region, having office at Van Bhawan, P.O., P.S. & District Hazaribagh.
8. Divisional Forest Officer, East Division Hazaribagh, having office at Van Bhawan, P.O., P.S. & District Hazaribagh.
9. Divisional Forest Officer, West Division Hazaribagh, having office at Van Bhawan, P.O., P.S. & District Hazaribagh, Jharkhand.

… … … Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr Nipun Bakshi, Amicus Curiae
Mr Shubham Sinha, A.C. to *Amicus*
Party-In-Person [W.P. (PIL) No. 735/2018]
For the State: Mr Vibhor Mayank, A.C. to A.G.
For the UOI: Mr Prashant Kumar Singh, D.S.G.I.
For the NHAI: Miss Pinky Anand, Senior Advocate
Mr Balendu Shekhar, Advocate
Mrs Sweety Topno, Advocate
Mr Amrit Raj Kisku, Advocate
Ms Saudamini Sharma, Advocate
Mr Samrat Pasriccha, Advocate
Mr Shashank Chamoli, Advocate
Ms Adeti Salooja, Advocate
Mr Vinayak Tiwari, Advocate

75/Dated: 29.10.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr Nipun Bakshi, learned *Amicus Curiae;* Mr Indrajeet Samanta, the petitioner in W.P. (PIL) No. 735 of 2018; Ms Pinky Anand, learned Senior Advocate, who appears with Ms Sweety Topno and Mr Balendu Shekhar for the NHAI; Mr Prashant Kumar Singh for the UOI; and Mr Vibhor Mayank, the learned A.C. to A.G. for the State.

2. Learned counsel for the parties agree that the *suo motu* W.P. (PIL) No. 2470 of 2015 and W.P. (PIL) No. 735 of 20128 can now be

disposed of by a common order, since the issues raised in both these matters are substantially the same.

3. The genesis for initiation of *suo motu* W.P. (PIL) No. 2470 of 2015 can be discerned from the order dated 09.06.2015 which is transcribed below for the convenience of reference: -

> *"Today, while returning to my Doranda residence from Birsa Munda Airport, Ranchi, it prima-facie appeared that in the process of widening of road, many trees standing on both side of road are being cut down unnecessarily, under the supervision of Road Construction of State of Jharkhand. Cutting of such trees is avoidable.*
>
> *Ranchi has been known for its excellent weather condition but of late because of haphazard cutting of trees and other avoidable factors, the once enviable weather condition of the city has lost its charm to a considerable extent. In this backdrop, unless immediately further avoidable cutting of trees, which is being done at a rapid pace by the Road Construction Department, is prevented immediately the city will be an environmental hazard. Thus, this court is constrained to take suo moto cognizance of the aforesaid haphazard cutting of trees which is avoidable. Let it be registered as Writ Petition under the caption Public Interest Litigation i.e. W.P (PIL).*
>
> *Keeping in view the urgency of the matter, let the Executive Engineer, Road Division, Ranchi and the Assistant Engineer, Road Sub-division-1, Ranchi, be noticed telephonically to appear in my residential office at 07:30 P.M. today.*
>
> ***Later on:***
>
> *The Executive Engineer and Assistant Engineer of Road Construction Department appeared in person. Upon query about the*

cutting down/removal of trees, they could not produce the relevant file nor could they answer about the following questions:-

- *When the matter was sub Judice, who gave/granted permission to remove/cut the trees from the Airport Hinoo Chowk To Rajendra Chowk area?*
- *Total how many trees are going to be removed/ cut in the pretext of widening of road?*
- *Uptill now how many trees have been cut?*
- *Where the timber of such cut trees are lying and whether any Register/ Stock Register is maintained in this regard?*
- *Action plan, if any for compensatory afforestation.*

But the two officers present undertook that they will not cut any trees standing by the side of the road from Hinoo Chowk to Rajendra Chowk till further order from this Court.

The aforesaid officers of the Road Construction Department are directed to furnish the details of the aforesaid queries before the Registrar General of this Court on 10th June, 2015.

Let notice be issued upon the following :-

1. *The State of Jharkhand through the Chief Secretary, Govt. of Jharkhand.*
2. *The Principal Secretary, Road Construction Department, Govt. of Jharkhand, Project Building, PO/ PS - Dhurwa, District - Ranchi.*
3. *The Principal Secretary, Department of Forest and Environment, Govt. of Jharkhand, Ranchi.*
4. *Engineer In Chief, Road Construction Department, Govt. of Jharkhand, Ranchi.*
5. *Chief Engineer (Communication), Road Construction Department, Govt. of Jharkhand, Ranchi.*

6. *Superintending Engineer, Road Construction Department, Govt. of Jharkhand, Ranchi*
7. *Executive Engineer, Road Division, Ranchi.*
8. *Assistant Engineer, Road Sub Division - I, Ranchi*
9. *The District Forest Officer, Ranchi Range/ Circle, Ranchi.*

Post this matter on 17.06.2015 before the appropriate Bench."

4. W.P. (PIL) No. 735 of 2018 has been filed by Mr Indrajeet Samanta in public interest seeking the following reliefs: -

"That by the instant petition filed in public interest, the petitioner above named prays for the issuance of an appropriate writ(s)/ order(s)/ direction(s) to restrain the respondent authorities from felling the trees having diameter less than 14 inches but transplant the same on road widening/diversion project of National Highway (N.H.) 33 crossing through Hazaribagh Wildlife Sanctuary and Canary Hill Forest, Hazaribagh. Since, the same is in violation of The Indian Forest Act, The Environment Protection Act, The Wildlife Protection Act other statues relating to Environment protection, The National Environment Policy, The Forest (Conservation) Act, The Rules framed under the various Acts, The National Forest Policy, declaration of Eco Sensitive Zones, The Green Highways (Protection & Maintenance) Policy, 2015 and various direction(s) / order(s) passed by this Court and Hon'ble Supreme Court of India.

AND / OR

For issuance of any other appropriate writ(s)/ order(s)/ direction(s)."

5. During hearing these two petitions, several orders were made to redress the issues raised therein.

6. At this stage, however, we refer to our order dated 23.04.2026 which is transcribed below for the convenience of reference: -

> *"1. Heard learned counsel for the parties.*
>
> *2. We have also heard Mr Jabber Singh, Chairperson, High-Powered Committee; Mr Shrikant Verma, Member Secretary, High-Powered Committee; Mr Manoj Kumar Pandey, Project Director, NHAI and Mr Hari Shanker Gupta, Expert, NHAI, who are present in the Court today.*
>
> *3. At the outset, we must say that the affidavit filed by Mr. Manoj Kumar Pandey, Project Director of NHAI, leaves a lot to be desired.*
>
> *4. On the earlier occasion, Mr Pandey had made a bold statement to this Court about the existence of more than 20000 trees on the stretch in question. The DLSA Secretary's report does not support this statement.*
>
> *5. Mr Pandey has, therefore, now tried to pick holes in the DLSA's report. The petitioner contests the existence of 20,000 trees. This is prima facie supported by the DLSA's report. Still, Mr Pandey makes a desperate bid to fault the DLSA's report without placing any serious material in support of his assertion made to the Court.*
>
> *6. Besides, in our order dated 12th of January 2026, we drew the NHAI's attention to its 2015 policy. Extracts from this policy were also quoted. We had specifically noted that the NHAI's affidavit does not refer to any monitoring agencies as contemplated under the policy being in place. Therefore, we had directed the NHAI to file an additional affidavit regarding the NHAI's own policy and the details of any monitoring agencies in place.*
>
> *7. In today's affidavit, Mr Manoj Kumar Pandey, who had made several assertions on the previous occasion, has not adequately dealt*

with this crucial aspect. Merely planting trees or spending money on planting trees is not the point if no steps are taken to maintain them.

8. In any event, we do not wish to treat this petition as any adversarial litigation. The Chairperson of the High-Powered Committee is present in the Court before us. He has assured the Court that he will extend all cooperation to the NHAI in ensuring that on the stretch in question there is appropriate green cover.

9. This Court's sole interest is to ensure that the conditions regarding the planting and replanting of trees, or the widening of Highways, are complied with in letter and spirit, and not seen by NHAI or other authorities as an obstacle to their main function of providing Highways. While the development is most welcome and even appreciable, it ought to be sustainable so that the interests of the environment are not entirely sacrificed.

10. Therefore, we once again direct Mr Manoj Kumar Pandey or his superior officer, i.e., the Regional Officer, NHAI, to file an affidavit in accordance with our order dated 12th January 2026 and the subsequent orders. The Regional Director should also consider visiting the stretch that is the subject matter of this petition, not just to verify whether the statements made by Mr Manoj Kumar Pandey are correct, but also to see that the green cover on the stretch is truly improved.

11. The affidavit now filed states that fresh tenders have been invited in this regard. If these works are taken up at the earliest, the NHAI and the High-Powered Committee would possibly have the advantage of the ensuing monsoons.

12. We record the Chairperson's statement that the forest officials and the other officials, who are part of the High-Powered Committee, will guide the NHAI officials by providing them with solutions so that

this requirement of green cover, which is one of the conditions for widening of the Highways, is suitably complied with. The Chairperson has stated before us that officials from the three Forest Divisions, i.e., Hazaribagh Wildlife Sanctuary, Hazaribagh East Forest Division, and Hazaribagh West Forest Division, will be involved in this project and will do their best in the matter.

13. The NHAI must coordinate with these Forest officials without waiting for them to approach the NHAI authorities. As stated earlier, the only purpose of this Public Interest Litigation is not to find faults with the various agencies involved, but to ensure that the green cover on the stretch is not compromised.

14. Merely stating that some trees were planted or that huge amounts were expended for planting such trees cannot be sufficient. The responsibility point for maintaining these trees at least up to the stage when they can take care of themselves would be shared by all these agencies, including, in particular, the NHAI.

15. The statement in Mr Pandey's affidavit that there can be no plantation on a 15-kilometre stretch because it is covered with habitation, drainage, etc., cannot be accepted at its face value. The Chairperson has stated that his team will advise the NHAI on this issue and see what can be best achieved even in this stretch of 15 kilometres.

16. We now post this matter on the 25th of June 2026 at 2:15 p.m., on which date the Project Director of NHAI or, better still, his superior, i.e. the Regional Officer of NHAI, shall file a compliance affidavit along with proper photographs, etc., in this Court. We also request the Chairperson of the High Powered Committee, Mr Jabber Singh, to file an affidavit in this matter regarding the measures that have already been taken and those that need to be taken."

7. Pursuant to our order dated 23.04.2026, the Project Director of NHAI filed counter-affidavits. These affidavits set out the steps taken by NHAI and contain statements regarding the steps proposed to be taken with regard to tree plantation and other matters referred to in the supplementary affidavit.

8. The above was recorded by us in our order dated 02.07.2026, which is again transcribed below for the convenience of reference:-

> *"1. Heard the petitioner who appears in person, Ms Pinky Anand, learned Senior Advocate who appears along with Ms Sweety Topno for the NHAI and Mr Vibhor Mayank, learned A.C to A.G appearing on behalf of the State.*
>
> *2. Ms Anand refers us to the supplementary counter affidavits filed by Mr Ashutosh Soni, Project Director of NHAI.*
>
> *3. The affidavit refers to the various steps being taken in the context of tree plantation. The affidavit also refers to the tenders concerned with this work. The affidavit also state that the procedures are being expedited so that the work of tree plantation is completed within this monsoon season expeditiously.*
>
> *4. For the present, we accept the statements in the affidavit filed on behalf of the NHAI and direct the NHAI to comply with their own assurances with regard to tree plantation and other matters referred to in the affidavit.*
>
> *5. Mr. Vibhor Mayank states that the Additional Principal Chief Conservator of Forest has filed an affidavit dated 23.06.2026, as directed. He says that the copy of the same would be given to Mr Indrajeet Samanta.*

6. *In order to consider the progress in the matter, we direct the NHAI to file a status report by 17th of August, 2026 after giving the petitioner an advance copy.*
7. *We post these matters for further consideration on 20.08.2026 at 2.15 P.M."*

9. Finally, Ashutosh Soni, the Project Director, NHAI, Hazaribagh, filed an affidavit on 27.10.2026 in these matters. Paragraphs 4 to 8 of this affidavit, dated 27.10.2026, are significant and relevant, and therefore, the same are transcribed below for ease of reference:-

"4. That the instant affidavit is being filed in compliance of the order 02.07.2026 passed by the Hon'ble Court, wherein and whereby the Hon'ble Court was pleased to direct the NHAI to file a status report in compliance of NHAI assurance with regard to tree plantation and other matters referred to in the affidavit.

5. *That it is stated and submitted that the work of Dense Avenue Plantation/ Causality Replacement and maintenance of existing Avenue plantation works along Barhi (Km 0.000) to Hazaribagh (Km 40.500) of NH-33 pursuant to NIT No. NHAI/RO/RNC/JH/2026-2027/05 dated 15.04.2026 was awarded to M/s Green India and the Contract Agreement was executed on 24.07.2026. The plantation work has been completed with 9,312 saplings planted out of which 5,912 plants have been protected through bamboo gabion structures and the remaining 3,400 plants through barbed-wire fencing.*
6. *That it is stated and submitted that the process of enumeration and numbering of trees along the Barhi-Hazaribagh stretch of NH-33, pursuant to the directions issued by the Office of the Additional Principal Chief Conservator of Forests, Ranchi Region*

has progressed substantially and enumeration of a total of 22,083 trees has been completed. The exercise is being undertaken to ensure proper identification, monitoring and maintenance of the trees along the project corridor.

7. *That it is stated and submitted that, with regard to the Dense Median Plantation/Casualty Replacement and maintenance of existing Median Plantation works along Barhi (Km 0.000) to Hazaribagh (Km 40.500) of NH-33, NHAI has initiated the tender process to ensure timely execution of the work. As the earlier tender process could not be concluded due to non-compliance with the stipulated tender conditions by the selected bidder, a fresh tender (2nd Call) was floated vide NIT No. NHAI/RO/RNC/JH/2026-2027/06 dated 03.08.2026. The fresh tender has now reached the technical evaluation stage. Necessary action is being taken to complete the tender process expeditiously and facilitate commencement of the median plantation work.*
8. *That it is stated and submitted that, pursuant to the technical recommendations of the Forest Department, plantation along the identified 15 km stretch of NH-33 has been completed with a total of 1,163 saplings of species namely Amaltas, Mahogany and Moringa have been planted."*

10. The learned *Amicus Curiae* has rendered able assistance in this matter as also taken the trouble of personally visiting the sites in question. So also, Mr Indrajeet Samanta, the petitioner who appears in person, has been constantly monitoring the sites to ensure various compliances.

11. The learned *Amicus Curiae* and Mr Indrajeet Samanta acknowledge that substantial progress has been made to redress the grievances raised in these petitions.

12. However, Mr Samanta pointed out that the plantation carried out by NHAI is dense, and the spacing between the plants does not comply with the Green Highways Policy, 2015. He refers to the technical specification in Clause 7 of the Policy.

13. Mr Samanta further submitted that the statement, on behalf of the NHAI, that no plantation can be carried out on a 15-km stretch because it is covered with habitation, drainage, etc., should not be accepted at face value. He submitted that the Green Policy of 2015 provides that plantation can also be carried out in such areas after taking the locals into confidence.

14. Ms Anand submits that as far as possible, the provisions of the Green Policy of 2015 have been complied with. She submitted that, if any further compliance is necessary and feasible, NHAI is not averse to it.

15. Regarding the plantation on the 15-km stretch, Ms Anand submitted that plantations have been carried out even on this stretch. She pointed out that almost 1163 saplings of *Amaltas, Mahogany and Moringa* have been planted. She submitted that locals are being taken into confidence, and the NHAI has no intention of excluding them in achieving Green Highways.

16. With respect to the two issues raised by Mr Samanta, while we feel there is substantial compliance, we give Mr Samanta liberty to

represent to the NHAI and the Forest Department of the State Government. The representation should also include his suggestions on how these issues can be suitably redressed. The Forest Department and the NHAI, in consultation with each other, should consider such representation and the suggestions contained therein.

17. This approach of mutual consultation for identifying suitable locations and ensuring effective plantation is in line with the observations of the **Hon'ble Supreme Court in National Highways Authority of India v. Vivek Kamboj & Ors., Civil Appeal No. 8178 of 2022 (order dated 06.04.2023).** This is because ultimately, Mr Samanta as well as all the authorities involved should be mainly interested in redressing the issues and providing a green highway on this stretch.

18. The statements made in the affidavits on behalf of NHAI are accepted. Whatever assurances that are contained therein must be complied with if not already complied with. NHAI must monitor the plantations and ensure proper care is taken of them. Mere planting of trees is not sufficient. That is only the first welcome step.

19. This step, must however, be followed by regular monitoring and care, consistent with the emphasis laid by the **Hon'ble Supreme Court** in **M.C. Mehta v. Union of India, W.P.(C) No. 13381 of 1984 (orders dated 14.12.2015 and 11.02.2025)** that compensatory afforestation must be implemented in its true letter and spirit so that the environmental loss is effectively compensated.

20. Since we are satisfied that most of the issues raised in these petitions have been suitably redressed, we propose to dispose of these petitions.

21. However, before we do so, we once again thank Mr Nipun Bakshi, the learned *Amicus Curiae,* and Mr Indrajeet Samanta for the assistance they rendered not just to this Court but to the cause of the environment. At the same time, we appreciate the proactive role of the NHAI officials, as well as the learned Senior Advocate Ms Pinky Anand and Ms Sweety Topno, who appeared for NHAI. Even the State Government officials and their counsel, Mr Vibhor Mayank, have fully cooperated in addressing the issues raised in these matters. All the parties and their learned counsel never treated this matter as adversarial litigation but assisted the Court and the cause of the environment to the best of their ability. For this, the Court expresses its gratitude to all of them.

22. These petitions are disposed of in the above terms without any order for costs. IAs, if any, pending in these petitions will not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 29, 2026

N.A.F.R.

M.Kr./Sharda/Cp.2

Uploaded on 03.11.2026