

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No.460/2015
(M. A. NO. 1320/2015 & M. A. NO. 09/2016)**

Raj Kumar Jain Vs. Ruchi Gupta & Ors.

**CORAM: HON'BLE MR. JUSTICE U. D. SALVI, CHAIRPERSON
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant /Appellant : Ms. Richa, Relhan, Adv.
Respondent No.1 : Ms. Ruchi in person
Respondent No.2to7 : Ms. Ruchi Gupta & Mr. Ritesh Khatri, Adv.
Respondent No. 8 to 10 : Mr. Anil Grover AAG with Mr. Rahul
Khurana, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No. 05 January 07, 2016	<p>M.A. No. 1320/2015</p> <p>Heard. Perused.</p> <p>This is an application for filing additional documents on record moved by respondent nos. 2 to 7. The documents sought to be filed on record are relevant to the matter in issue. Hence allowed. Let these documents be taken on record for the purpose of disposal of main application. Thus, M.A. No. 1320/2015 stands disposed of accordingly.</p> <p>Heard. Perused Record.</p> <p>This is a case where neighbours are fighting over cutting of Eucalyptus trees which according to the respondents are cause of nuisance and pose danger to their dwelling places.</p> <p>The record reveals that Horticultural Department of Municipal Corporation of Faridabad on complaint made by one of the respondents Ms. Ruchi Gupta inspected the place where the Eucalyptus trees in question were standing and made a report dated 12th March, 2015 stating that these trees are required to be removed to avert mis-happening in future. On the basis of this report, the record further reveals, the Municipal Corporation of Faridabad issued notice under Section 315 of Haryana Municipal Corporation Act, 1994 to</p>

the applicant directing them to get the said tree removed in order to avert the nuisance and avert danger to the persons dwelling in the neighbourhood vide notice dated 1st April, 2015 at annexure R-1 to the reply of the respondent nos. 2 to 7. The record further reveals that the group of residents in locality moved a complaint made under Section 133 of CRPC before the Sub-divisional Magistrate, Faridabad seeking abatement of nuisance caused as a result of Eucalyptus trees in question. SDM disposed of this application-Case No. 149/SDM/69/2015 with the order dated 6-11-2015 directing removal of the said trees in order to abate nuisance and avert danger to the life and property of the complainants.

After having heard the parties at some length, Learned Counsel appearing on behalf of the applicant submits that she wants to withdraw the present application with the liberty to pursue the remedies against the orders passed or notices issued as regards cutting of trees in question before the competent forum/s. Permission to withdraw the present application with liberty as solicited is granted. However, this liberty may not be interpreted as any comment on the merit or demerit of the Orders/Notices which are sought to be assailed by the applicant before the Competent forum/s.

O.A. No. 460/2015 thus stands disposed of. Pending M.A. No. 09/2016, resultantly, comes to an end.

.....,JM
(U. D. Salvi)

.....,EM
(Ranjan Chatterjee)