

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONAL BENCH, BHOPAL**

**Original Application No. 19/2013 (CZ)**

**CORAM:**

**Hon'ble Mr. Justice Dalip Singh  
(Judicial Member)**

**Hon'ble Mr. P.S.Rao  
(Expert Member)**

**BETWEEN:**

1. Kishore Deepak Kodwani  
S/o Shri Deepak Kodwani  
Vikas Mitr Drishti 2050,  
301, Pushpdeep Apartment  
14, Sarvoday Nagar,  
Sapna-Sangeeta Road, Indore.
2. Shri Dinesh Rawat  
Shri Kishanlal Rawat  
Vikas Mitr Drishti 2050,  
301, Pushpdeep Apartment  
14, Sarvoday Nagar,  
Sapna-Sangeeta Road, Indore.
3. Shri Pawan Khetka  
Vikas Mitr Drishti 2050,  
301, Pushpdeep Apartment  
14, Sarvoday Nagar,  
Sapna-Sangeeta Road, Indore.

.....Applicants

Versus

1. District Collector  
Collector Office,  
Lalbagh Road, Moti Tabela,  
Indore.
2. Road Transport Officer,  
R.T.O. Office, Kesharbagh Road,  
Indore.
3. Chief Executive Officer,  
Atal Bus Service,  
A.B. Road, Indore.
4. Regional Officer,  
M.P.Pollution Control Board,  
Vijay Nagar, Indore

5. Inspector General of Police,  
Residency Area, Indore.
  6. Indore Municipal Corporation,  
Through Commissioner,  
M.G.Road, Indore
  7. Ministry of Petroleum and Natural Gas,  
Through Secretary,  
Shastri Bhawan, New Delhi – 110001.
  8. Government of India,  
Ministry of Urban Development,  
Secretariat, New Delhi
  9. Chief Executive Officer,  
Indore Development Authority,  
Race Course Road, Indore
- .....Respondents

**Counsel for the Applicant : Shri Kishore Deepak Kodwani (In Person)**

**Counsel for Respondent No. 1, 2, 5 & 6 : Shri Sachin K.Verma, Advocate**

**Counsel for Respondent No. 4 : Ms. Parul Bhadoria, Advocate for  
Shri Purushaindra Kaurav, Advocate**

**Counsel for Respondent No.7 : Shri Rakesh Giri, Advocate**

**Counsel for Respondent No. 9 : Dr. Sapna Aggarwal, Advocate**

---

**Dated : August 25<sup>th</sup>, 2014**

---

**Delivered in Open Court by  
Hon'ble Mr. Justice Dalip Singh, Judicial Member**

1. On 28.07.2014 the Tribunal had recorded that for the 'Urban agglomeration' of the city of Indore there was plan for planting approximately of 2.5 lakh trees and that the drive would be carried out through various agencies including the Indore Municipal Corporation.
2. Shri Sachin K. Verma, Learned Counsel was directed to submit a copy of the consolidated plan for carrying out the aforesaid drive. Today, Shri Sachin K. Verma clarified that the planting of 2.5 lakh trees was not confined to the Urban agglomeration area of the city of Indore alone but for the entire District. Shri

Sachin K. Verma, Learned Counsel has today by means of Misc. Application No. 417/2014 given the details and prayed for the same to be taken on record about the manner in which the plantation work in the urban limits and various forest areas is to be carried out. The details are furnished in the annexed documents as Annexure R-1, R-2 & R-3 which are to be carried out by the Forest Department for planting of about 20800+37912 trees, the Municipal Corporation, Indore which in turn shall be carrying out plantation of nearly 8698 trees and the Indore Development Authority (IDA) about 20158 trees. In the said information it has also been provided the amount which has been allocated for the plantation work and the names of the persons who will be responsible for carrying out the aforesaid task so far as the Municipality is concerned and also the details and the procedure to be adopted by the IDA for carrying out the plantation as well as maintenance and protection of the trees to be planted. The site plan (Annexure R-4) has also been filed indicating in green colour the areas (scheme) in which the IDA is going to carry out the plantation work during the current year.

3. Having considered the aforesaid information, we order that Misc. Application No. 417/2014 is allowed and the aforesaid information be taken on record and also noted that the concerned departments and agencies have taken adequate steps for carrying out effective measures for afforestation, protection of the trees as well as ensuring their survival. It is more important that the protection and ensuring survivals of the trees has to be carried out.
4. It was rightly pointed out by the Applicant that in the past several years, crores of rupees has been spent and it is claimed that lakhs of trees were planted over the years, however, the census which was ordered by this Tribunal has pointed out and brought out the factual position that in the urban agglomeration of the city of Indore, only about 85,000 trees exist which also includes, to a large

extent the trees planted by individuals, household owners which account for majority of such existing trees in the city of Indore. We would therefore, impress upon all concerned, particularly respondents to introspect with regard to the claims which have been made by all the concerned regarding the large scale planting of trees as claimed by them and see the factual position which has been brought out by them before this Tribunal regarding the present trees existing in the city of Indore.

5. In the past, as was pointed out by the Applicant, indiscriminate cutting of trees has been carried out by various agencies, unmindful of the fact that prior permission is required to be taken from the concerned Tree Officer before cutting of the trees even for any development project that may be essential. All agencies must respect the law of the land and since, prior permission for cutting of trees is essential, they must obtain such permission before going ahead with the task of carrying out developmental activity and cutting of trees.
6. The Tree Officer concerned shall evaluate the need for cutting of the trees on the basis of the guidelines already available including the requirement for such cutting of trees and whether there is any option available by way of alternative to carry out the project without cutting of such trees. We have also, during the course of hearing of this application, emphasized the need to look into the aspect of translocation of the trees which has now become quite common in various parts of the world and even in India.
7. The local bodies, Public Works Department, concerned agencies and government departments as well as other institutions which may be carrying out public works or developmental works, must exercise the option of looking into the possibility of translocation of trees if it is inevitable to remove the trees for undertaking such developmental works. No doubt, it may be an expensive proposition but it must be given due weightage and consideration. We have

been informed that in the city of Indore itself, after our order, the IDA and other agencies have successfully carried out the work of translocation of the trees as an alternative to cutting of trees for which initially there was a ban imposed by this Tribunal but subsequently permission was granted and translocation as an option to cutting of trees has been duly exercised. We have also noted our concern that in the background of the creation of BRTS Corridor, about 3152 trees were sacrificed in the city of Indore. By the time this issue was taken up by the Tribunal, though the permission was taken from the Tree Officer for cutting of trees, but the option of carrying translocation was not at all examined. It would therefore, be necessary on our part to direct that the State Government would issue necessary directions to all Tree Officers that while considering the request to cutting of trees, they shall examine the possibility of translocation and make it mandatory.

8. The entire issue of maintaining the green area within the city of a minimum of atleast 30 % must always be kept in mind as the trees, the open spaces and the green areas not only protect the environment but are also helpful in purifying the air in the cities which are getting congested and polluted as a result of various factors and more particularly because of ever increasing vehicular traffic. The trees, the green areas and open spaces therefore become the lungs of the cities and are of utmost importance not only for beautification but more particularly for the health of the residents. The rise in the cases of respiratory and asthma related diseases is also the cause and concern and therefore all possible measures for maintaining sufficient green cover and planting of trees and allowing them to survive must be taken into account. It is also essential including all the citizens to keep in view the mandate of the fundamental duties enshrined under article 51 (A) of the Constitution of India where it has been provided that under clause (g) that : *“it shall be the duty of every citizen to protect and improve the natural*

*environment including forests, lakes, rivers and wild life, and to have compassion for living creatures*". The words "compassion for living creatures" are of utmost important. The plants and trees fall within the said category and they are more importantly the habitat and essential for many species of birds such animals to survive. The need is also for planting of trees which are of indigenous local species and grow in varied climatic conditions and do not require much after care. While planting of shade bearing and ornamental trees in urban areas can be said to be of importance, but fruit bearing trees providing habitat to birds and small animals is also important and as such care must be taken to plant such kind of trees for showing compassion to all living creatures as envisaged under article 51(A) that man must not only think of themselves but also for other living creatures.

9. We have noted during the hearing of this application the fact that as a result of the issues raised by the Applicant, the authorities of the State have now started to make concerned officials and staff accountable for ensuring the survival and also providing necessary care for the protection and survival of trees. In certain cases, the authorities responsible for have also entered into contract with the contractors for providing necessary infrastructure and for ensuring watering, maintenance and survival of the trees. The Applicant, during the course of hearing praised before us the excellent work being done by way of planting of trees in the city of Indore and urban agglomeration by the IDA. Therefore the steps taken for successful planting and protection of trees by one agency can be adopted by other agencies by sharing the experience of each other. We would therefore, impress upon the District Collector, Indore that he would periodically review the steps taken by various agencies such as the Forest Department, Municipal Corporation and IDA with regard to carrying out plantation work and how the trees are actually surviving and being cared and protected including

regular watering during the summer season. Also steps are essential for protection of young saplings against extreme weather conditions as in the summer temperature rises up to 45°C. There is also a necessity of providing adequate measures for water supply on regular intervals for ensuring the survival of these trees planted till the next monsoon season comes. It was submitted by the Learned Counsel for the State that the State Government, in case of any necessity or additional requirement, would come forward for supplementing the amount already sanctioned and allocated to various agencies, in case any such demands are raised. Any such demand that may be raised by the IDA, Municipal Corporation Indore or Forest Department, shall be submitted to the District Collector, Indore who in turn shall forward the same to the State Government, in case no funds are available with the District Collector under any of the existing scheme / programme and it is expected that the State Government would consider the same on merit and provide necessary funds for the aforesaid.

10. Before us today, Misc. Application No. 421/2014 has been filed on behalf of the Executive Engineer, PWD, Division No. 2, Indore for seeking permission for cutting/translocation of trees which are required to be removed for the expansion of the Airport Super Corridor Road which is under construction. We may only state that the permission for the aforesaid has already been applied before the Tree Officer and the Tree Officer vide his order dated 28.06.2014 already directed for shifting/translocating of 33 trees and cutting of 93 trees and for carrying out compensatory afforestation by way of planting of 630 trees. We are happy to note that as a result of the steps taken by Applicant by bringing to light such issues which have been raised in the application particularly with reference to the city of Indore, private individuals and officials of Government departments have in fact started taking steps for translocation of trees which were till now carrying out indiscriminate cutting of trees in the name of

constructions and development of projects and they are becoming aware of the need for consent of the Tree Officer and seeking permission for cutting / translocating of trees before proceeding with project. While dealing with the application submitted by the Executive Engineer, PWD, Indore for the aforesaid permission, we permit the aforesaid task to be done as directed by the Tree Officer. The Tree Officer in consultation with the Municipal Corporation, Forest Department or IDA shall also identify and direct the place where afforestation and plantation of 630 trees must be carried out. The necessary amount to be deposited with the State agencies for carrying out the aforesaid task at the same time for translocation of 33 trees shall also be identified and be earmarked. Before proceeding with the project, the Tree Officer shall be satisfied with regard to the competency and capability of the agency through which the aforesaid task of translocation of trees is liable to be done at the instance of the PWD.

11. The Applicant by way of written submission has filed Misc. Application No. 420/2014 and has drawn our attention to the fact that in the original application there were two parts : one relating to the BRTS Corridor, plying of BS-III compliant vehicles instead of CNG and BS-IV compliant vehicles as required; and the second issue with regard to the indiscriminate felling of trees for creation of such BRTS Corridor in the city of Indore.
12. He has prayed that by the above order, the major component with regard to the raising and protection of trees and of the green belt and its survival has been taken care of and additional staff has been provided, he may be permitted while disposing of the above application to raise the grievance against the Ministry of Petroleum and Natural Gas as well as Ministry of Road Transport and Ministry of Environment pertaining to BRTS and public transport requirement of CNG and BS-IV compliant vehicles.



13. We are inclined to accept the aforesaid prayer and while disposing of this application, grant liberty to the Applicant that he would be free to raise the issue with regard to the public transport and the requirement of having public transport vehicles which are compliant of BS-IV as well as running on CNG fuel in the urban agglomeration in the city of Indore as highlighted in the Soumitra Choudhary Report submitted to the Government of India.
14. We note our appreciation for the perseverance with which the Applicant appears to be totally dedicated for improvement of the environment and more particularly for the protection of trees and maintain greenery in the city of Indore. We are also mindful of the fact that with considerable inconvenience to himself physically, he has to travel on several dates of hearing from Indore to Bhopal to be present before us for taking this cause.
15. In view of the aforesaid, the Original Application No. 19/2013 stands disposed of. The Misc. Application Nos. 189/2014, 249/2014, 412/2014, 413/2014, 417/2014, 420/2014 and 421/2014 filed by various parties also stand disposed, accordingly.
16. No order as to cost.

**(Mr. Justice Dalip Singh)**  
**Judicial Member**

**Bhopal;**  
**August 25<sup>th</sup>, 2014**

**(Mr. P.S.Rao)**  
**Expert Member**