

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

Original Application No. 131/2014 (CZ)

CORAM:

**Hon'ble Mr. Justice U.D. Salvi
(Judicial Member)**

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

BETWEEN:

Smruti Park Tulsivan Vikas
E-6/23, Arera Colony, Bhopal

.....Applicant

Versus

Municipal Corporation of Bhopal,
Madhya Pradesh.

.....Respondent

Counsel for Applicant :

None.

Counsel for B.M.C. :

**Mr. Neel Chaudhary, Adv. for Mr.
Vijay Kumar Chaudhary, Advocate
Ms. Sudha Bhargava, Tree Officer
Mr. Sachin K. Verma, Advocate**

Counsel for State of M.P./UADD :

Dated : July 3rd, 2014

Delivered in Open Court by

Hon'ble Mr. Justice U.D. Salvi , Judicial Member

1. This Tribunal took cognizance of a letter petition dated 26th April, 2014 addressed by one, Mr. S. K. Banerjee, President of Kshetriya Vikas & Jan Kalyan Samiti, Bhopal making allegations that on 24th April, 2014 the Bhopal Municipal Corporation had cut three old/big trees namely Mango and Amla and also three big Ashoka trees opposite to House No. E-6/34, Arera Colony, Bhopal.
2. Today before us a return has been filed on behalf of the Bhopal Municipal

Corporation dated 3rd July, 2014. It is revealed that only the trimming of the trees was done pursuant to the permission granted by the Tree Officer to do so on 23rd April, 2014. This permission, it is revealed, was granted as a consequence of the complaint made by one, Mr. Ramkrishna Gupta, a retired IAS officer, resident of E-60/40, Arera Colony, Bhopal bringing to the notice of the Municipal Authorities the problems arising out of excessive growth of the trees leading to threat to electrical lines and limb and property of the neighbouring residents as well due to unmindful stone throwing by the passersby in hope of getting fruits of the trees.

3. We can find from the annexures to the said return the application moved by Mr. Ramkrishna Gupta to the Tree Officer, the endorsements of the Garden Superintendent recommending trimming of the trees and the permission accorded for such trimming. Photographs annexed to the return do depict trimming of the tree tops. It shows that the crown of some of the trees has been completely removed. However, the Tree Officer Ms. Sudha Bhargava appearing before us, submits that the trees have not been fatally damaged and trimming would facilitate their horizontal vigorous growth in future. There is a denial in the return of the allegation that three Ashoka trees have been cut. Though the photograph is not before us of those standing three Ashoka trees, a statement is made by the Tree Officer that those trees still stand at their place where they were planted and only trimming has been done of those trees and such trimming would not fatally hurt those Ashoka trees and in fact would facilitate their horizontal growth.
4. Learned counsel for the State submitted that 'felling of the trees' which includes even the trimming work appears to have been done in accordance with the Madhya Pradesh Vrikshon ka Parirakshan (Nagariya Kshetra) Adhiniyam,

2011). The record produced before us along with the return does suggest that the procedure for felling of the trees as envisaged under the Act has been gone through. We, therefore, see no reason to continue further with the letter petition in question.

5. Original Application No. 131/2014 thus stands disposed of. Inform the aggrieved person – Mr. S.K.Banerjee, President, Kshetriya Vikas Evam Jan Kalyan Samiti, Arera Colony, Bhopal.

Bhopal:
July 4th, 2014

(Mr. Justice U.D. Salvi)
Judicial Member

(Mr. P.S. Rao)
Expert Member

NGT