

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 593/2018
(Earlier O.A. No. 159/2014 (SZ))
WITH
Original Application No. 168/2017 (SZ)

P. Edwin Wilson Applicant(s)

Versus

The State of Tamil Nadu & Ors. Respondent(s)

WITH

R. Doraisamy Applicant(s)

Versus

The Department of Environment & Anr. Respondent(s)

Date of hearing: 01.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Appellant(s)/Applicant(s): Mr. Yogeshwaran, Advocate ,

For Respondent (s): Mr. Thanganila, Advocate for R-2 Chennai Corporation

ORDER

1. The issue for consideration is measures to protect the trees planted at public places and along the avenues.
2. The grievance in the application is that laying of concrete and cement around the trees, without any space is detrimental to the health of trees and environment. Avenue trees need to have adequate space around them.
3. This Tribunal had earlier directed, vide order dated 23.04.2013 in O.A. No. 82/2013), that concrete surrounding the trees within one metre of the trees should be removed.

4. This petition was filed on 05.06.2014 and has been considered on several dates. Some of the orders may be referred to.
5. On 22.02.2016, the Tribunal considered the report furnished by the Deputy Commissioner, Chennai Corporation to the effect that there are about 33,090 trees in Chennai City on road side. 19,044 trees have been identified for de-concretization. De-concretization has been completed around 10,461 trees and the remaining work will be done in a phased manner.
6. On 08.03.2017, in a later report, different statistics were mentioned. It was stated that out of 33,090 trees, 17,000 trees have been uprooted or damaged.
7. On 23.11.2017, it was noted that Care Earth Trust and INMAAS have been engaged as consultants to prepare a DPR for suitable plantation strategy for Greater Chennai Corporation, through TNUIFSL managed Project Development Grant Fund for which three months time was required.
8. There can be no dispute that protection of trees is necessary for environment protection. In O.A. No. 82/2013, *Aditya N. Prasad Vs. Union of India & Ors.*, the Tribunal, in the context of Delhi, directed as follows:-

“ (i) All the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension cables or otherwise are removed from the trees forthwith.

(ii) They shall also ensure that the concrete surrounding the trees within one metre of the trees are removed forthwith and all the trees are looked after well and due precaution is taken in future so that no concrete or construction or repairing work is done atleast within one metre radius of the trunk of trees. The Vice-Chairperson, the Commissioner, the Chief engineer, the Director General and all other senior most officers of the Departments/authorities concerned shall be personally responsible for carrying out this order.

(iii) The Departments/authorities concerned shall take all and every prohibitive measures to prevent the

defacing of the trees in any manner whatsoever, save only its trimming in accordance with law.

(iv) All the respondents whose boards are fixed on the trees shall be prosecuted by the respective authorities under in accordance with the relevant law.”

9. In the present case, this Tribunal earlier directed taking steps to de-concretize area of one metre around the trees. Though it was stated that part of the work had already been executed, it is not clear whether the remaining work has been completed. Having regard to the lapse of time, we direct that the work of de-concretizing to the extent of less than one metre around the trees may be completed now, within three months. The Counsel for Greater Chennai Corporation submitted that DPR for Suitable Plantation Strategy has already been prepared and approved and they are in the process of implementation. But they are not in a position to say the present status. The Corporation is also directed to carry out the DPR for Suitable Plantation Strategy in tune with the direction given by this Tribunal mentioned above and submit a status report as directed including these aspects also within the time mentioned above. The indiscriminate cutting of trees on the ground of development should not be allowed. A Committee must be formed consisting of District Collector and a Forest Officer of that District to study this aspect before granting permission to cut trees with the provision for replanting of trees as directed by this Tribunal in several decision in order to protect ecology and environment.

10. A report of compliance be filed by e-mail at ngt.filing@gmail.com by the Commissioner, Corporation of Chennai who will be personally responsible for overseeing the compliance of these directions.

The application is disposed of.

Put up for consideration of the report on 27.05.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 01, 2019
Original Application No. 593/2018
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JG

