

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.73/2023/EZ

In the matter of:

Awadhesh Kumar Pandey

S/o Late Braj Bhushan Pandey,
Aged about – 72 years,
R/o Near Loyala Bed. College,
Zone No.1B, Birsanagar,
P.O. & P.S. – Birsanagar,
Jamshedpur,
Dist. – East Singhbhum,
Jharkhand – 831019

.... Applicant(s)

Versus

1. State of Jharkhand

Through its Chief Secretary,
Having its office at First Floor, Project Building,
Dhurva,
Ranchi – 834004

2. Deputy Commissioner, East Singhbhum,

Having its office at Deputy Commissioner Office,
Sakchi,
Jamshedpur – 831001

3. Jamshedpur Notified Area Committee

Through its Special Officer,
Having its office at Office of the Jamshedpur Notified Area Committee,
Sakchi,
Jamshedpur,
Pin – 831001

4. Divisional Forest Officer, Jamshedpur,

Having its office at Divisional Forest Office,
Circuit House Area,
Jamshedpur – 831001

5. Tata Motors Limited, Jamshedpur

Through its Plant Head namely Ravindra Kulkarni,
Having its office at Hans Stoehr Road,
Telco Colony, P.S & P.O. - Telco,
Jamshedpur – 831004

6. Tata Steel Limited, Jamshedpur

Through its Managing Director T. V. Narendran,
Having its office at General Office, Tata Steel Ltd.,

Sakchi,
Jamshedpur

7. Principal Chief Conservator of Forest, Jharkhand

Having its office at Van Bhavan,
Doranda, Ranchi,
Jharkhand – 834002

8. Director General of Police, Jharkhand

Having its office at HEC Campus,
Dhurva,
Ranchi – 834004

.... Respondent(s)

Date of hearing: 07.07.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Ravi Shankar Pandey, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Ravi Shankar Pandey, learned Counsel appearing in (Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant, *inter-alia*, seeking a direction to the Respondent Nos. 3, 5 & 6, to immediately halt the concretization drive in Telco Colony and surrounding areas of Jamshedpur till a comprehensive Environment Impact Assessment is conducted and to undertake de-concretization measures, specifically for removal of concrete and tiling around tree roots and provision for adequate space and soil for their growth and sustenance.
3. The allegation in the Original Application is that a number of trees in the river view colony, Telco Colony Jamshedpur, and other areas are suffering from excessive concretization in view of the fact that base of the trees have been covered with concrete and road material including pavement tiles without leaving any open space for the trees to breath or for rain water to seep in to provide sustenance to

the roots of the trees as a result of which the trees are dying or stand damaged.

4. Reliance has been placed on the directions given by the Principal Bench, National Green Tribunal, New Delhi, on 06.01.2023 in Original Application No.832/2022 (*Dharmesh Sharma & Anr. Vs. State of H.P.*). Paras 2 & 3 of the order are reproduced herein below:-

“2. The issue with regard to concretization of trees and filling up of trees pits with concrete and bitumen in respect of SAS Nagar, Mohali, Punjab was considered by this Tribunal in OA No. 346/2019, Environment Protection Society (Regd.) vs. State of Punjab & Ors. and a joint Committee was constituted comprising Director, Town and Country Planning Department, Punjab and Principal Chief Conservator of Forest (HoFF), Forest Department, Punjab who submitted their report on 29.03.2019. The said report was considered by Tribunal in its order dated 08.08.2019 and accepted the recommendations made by Committee in the said report which reads as under:-

- (i) To prevent the damage of the root system of trees the area of 1 meter should be left de-concretized around the base of the trees where ever possible while construction of the pavements or roads to facilitate percolation of water to the roots. The area should be leveled with earth/soil and grass may be planted where ever it is possible. It is also suggested to discourage concretization/tiling of central verge of the roads/pathways.*
- (ii) On narrower roads and paths, as far as possible, unpaved or katcha effective area of at least 1square meter be left around the trees.*
- (iii) The trees which are already concretized should be deconcretized manually without damaging the roots of the trees.*
- (iv) Due precaution should be taken in future so that no concrete or construction or repairing work is done at least within one meter radius of the trunk of trees. This even*

should be the part of contracting agreements by the Municipal Corporation / Concerned local Government.

- (v) *If public demands for the tiling of parking in front of their houses, then the same can be allowed to do by themselves with the conditions of leaving the minimum space around the tree (square meter).*
- (vi) *After removal of malba /concrete material etc., around the trees as the space will be filled with good soil should be carried out simultaneously.*
- (vii) *Maintaining the Enumeration reister of the existing trees by the Municipal Corporation and the same should be updated yearly to have the checks of trees protection.*
- (viii) *The trees which died due to the concretization should be replaced by the Municipal Corporation with the suitable tree species.*
- (ix) *For the effective implementation of the above aspects a Tree Officer can be designated by the Municipal Corporation.”*

3. The Tribunal after accepting the recommendations directed concerned Municipal Corporation and the District Administration to act upon the said recommendations.”

5. Further reliance has been placed to the directions given by the Principal Bench, National Green Tribunal, on 23.04.2013 in Application No.82/2023 (*Aditya N. Prasad Vs. Union of India & Ors.*). Relevant extract of the order is reproduced herein below:-

“In the meanwhile, we direct all the public authorities, more particularly Municipal Corporation of Delhi, DDA, DTC, DMRC, NHAI and all Government respondents in this petition including the Director General of CPWD, the Chief Engineer, PWD, to ensure that

- (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 meter 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 at least within one meter 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.”

6. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-

- i) Deputy Commissioner, East Singhbhum, Jamshedpur,
- ii) Special Officer, by whatever designation called, Jamshedpur Notified Area;
- iii) Divisional Forest Officer, Jamshedpur; and
- iv) Senior Scientist, Jharkhand State Pollution Control Board;

7. The Deputy Commissioner, East Singhbhum, Jamshedpur, shall be the Nodal Office for all logistic purposes.

8. The Committee is directed to cause an inspection to be carried out and give facts and figures with regard to the number of trees within the Jamshedpur Notified Area and other areas in Jamshedpur and ensure that the directions of the Tribunal referred to hereinabove are being observed in strictness, namely, the Tribunal has directed that there shall be no concrete or construction or repair material work at least within one meter radius of the trunk of trees. All paving tiles, road construction material etc. shall be removed within a one meter radius of the base of trees to ensure that rain

water seeps through to the roots of the trees. Trees that have died or are beyond restoration or revival shall be replaced with adequate species of trees.

9. The Committee shall ensure that the directions given hereinabove are duly carried out during the forthcoming monsoon season and file an affidavit of compliance before the Ld. Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, by **11.09.2023**.
10. With the aforesaid directions, the Original Application No.73/2023/EZ is accordingly disposed of.
11. I.As. if any, stand disposed of accordingly.
12. There shall be no orders as to costs.

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

July 07, 2023,
Original Application No.73/2023/EZ
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