

Item No. 02

Court No. 1

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

(BY VIDEO CONFERENCING)

M.A. No. 48/2023

In

Original Application No. 200/2023

Kuldeep Singh Khaira & Ors.

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 28.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Kapil Dev & Mr. Kuldeep Singh Khaira, Applicants in Person

ORDER

1. The grievance of the applicant in this application is violation of Environment (Protection) Rules, 1986 and Article 51A of the Constitution of India by cutting the trees and not taking action by the Respondent-State Authorities.

2. The matter was taken up by this Tribunal and a report was called from a joint Committee consisting Principal Chief Conservator of Forest (HoFF), Punjab, Sahibzada Ajit Singh Nagar. In its reply it has been submitted that:

- i. There is no legal provision or any mechanism to penalize the offenders involved in illicit felling/lopping/pruning of trees.

- ii. Municipal Corporation, Ludhiana has reported the incident to police for taking action.
 - iii. Felling of trees (incident) was in Punjab Agriculture University premises where trees were auctioned by an Estate Officer and trees of Eucalyptus, Poplar, Siris and Shisham have been cut.
3. Committee has observed that except few 8 odd trees of other species all remaining trees were of Eucalyptus and Poplar species. Poplar cannot be retained for a longer period as it becomes hollow and loses its timber quality and value. Even though Eucalyptus is an agroforestry species, but when planted in public premises, it can be retained for a long period for environmental gains unlike the cases where revenue generation is an objective.
 4. Apart from this, 410 new trees have been planted on the main campus and are being maintained. Further, there is proposal to plant round 120 (Jaccarnda, Delonix, Cassia, Sterculia, Lagerstroemia, Melia, Plumaria, Saraca etc.) trees of ornamental value in coming season.
 5. The Committee has recommended that the Forest Department should be directed to formulate the policy and guidelines for such activities.
 6. Accordingly, we direct Chief Secretary, Punjab to issue a proper instruction to Forest Department to formulate the policy of such incidents and the modalities may be adopted from Tree Protection Act of Delhi in addition to some other modifications required and thought by the authorities concerned.
 7. In the meanwhile, Forest Department shall take appropriate action with regard to such incidents and proper remedial measures would be

taken for cutting of trees and protection of trees. Policies and guidelines so formulated be submitted to this Tribunal within three months.

8. List the matter on 08.11.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 28, 2023
M.A. No. 48/2023 In
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SNP