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

## Original Application 273 of 2013

Citizen for Green Doon Vs. State of Uttarakhand & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER

HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present: Applicant: Ms. Ayesha Choudhary, Advocate

Respondent No.1to3: Mr. Atif Suhrawardy and Dr. Abhishek Atrey,

Ke	Advocates	wardy and Dr. Admisher Atre
Date and Remarks	Orders of the Tribunal	
11011141115		
Item No. 5 December	We have heard Learned	counsel appearing for the
2013	Applicant at some length.	
	The only prayer made	by the Applicant in this
A 7	Application is th <mark>at <i>provi</i>so</mark> to	Section 5 of the Uttar
	Pradesh Protection of Trees in	Rural and Hill Areas Act,
W	1976 <mark>read</mark> s as under:	11/10
	"The compet <mark>e</mark> nt	Authority may on the
	<mark>applic</mark> ation of any <mark>persor</mark>	<mark>entitled to fell a standing</mark>
	tree or to cut, remove o	or otherwise dispose of a
	fallen tree, after making s	ruch enquiry <mark>, as it thinks fit</mark>
March 1	grant permission him to d	o so;
	Prov <mark>ide</mark> d such pern	nission s <mark>hal</mark> l not be refused
	if it constitutes danger	to person or property;
	Provided further that except in such area a may be notified by the State Government in thi behalf such permission shall not be required for the	
	felling of any tree with a	view to appropriating the
	wood or leave thereof for	bonafide us for purposes of
	fuel, fodder, agricultur	al implements of other
	domestic us:	
	Provided also that	such immediate steps as
	are necessary to remove o	any obstruction or nuisance
	or to prevent any danger	may be taken without such
	permission".	

The word 'Dangerous' used therein has neither

been explained nor appropriate guidelines issued by the State Government in that regard.

In the Reply filed on behalf of the Respondent No. 3, the Additional Secretary, Forest & Environment Department of Uttarakhand Government has specifically stated that amendment to the above provisions is under active consideration of the State Government and it is proposed to define the term "Dangerous".

In light of the above, it is not necessary for us to keep this Application pending any longer. We dispose of this Application with the observations that the Respondent shall abide by their statement made in the Reply filed before the Tribunal. Till legislative amendment is carried out by the appropriate legislation, we direct the State Government to issue guidelines to explain or define the word "Dangerous" which shall remain in force till legislative amendment has taken place.

With the above directions, the Original Application No. 273 of 2013 stands disposed of by leaving the parties to bear their own costs.

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(Swata	anter Ku <mark>m</mark> ar)	
 (U.D. S	Salvi)	JM
 (Dr. D.F	K. Agrawal)	,EM
(B.S. Sa		,EM
(Dr. R.C	 2. Trivedi)	EM