

Mentioned Matter

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.186/2023 (WZ)**

News Item appearing in Pune Pulse Dated 11.10.2023  
titled "Pune Residents Condemn tree felling for  
Urban Development Projects"

.....Applicant

*Versus*

Maharashtra Forest Department & Ors.

....Respondent(s)

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Rajendra Kumar Kale, Advocate

Respondent : Mr. Rahul Garg, Advocate for R-4/PMC

**ORDER**

1. We have received an e-mail dated 01.12.2023 from Mr. Ameet Singh, Ms. Hema Chari Madabhushi and Mr. Sathya Natarajan addressed to the Registrar of this Bench stating there-in that they are the originators of the news item (copy attached at page nos.3 & 4 of the compilation filed by the applicant today), on the basis of which the Principal Bench of this Tribunal had passed an order dated 01.11.2023 directing the Western Zone Bench to list the present matter on 04.12.2023. It appears that the PMC Officials, who were personally known to the applicants and had a meeting with them on 01.12.2023, have fraudulently got the matter listed without knowledge of the applicants and got the matter adjourned to 25.01.2024 to facilitate felling of hundreds of trees before the matter comes for hearing before this Tribunal. If the matter is not listed as per the order of Principal Bench,

irreparable damage will be caused to the environment. Hence, it is prayed that this matter may be listed today.

2. We find that the matter was placed before us by the Registry on 01.12.2023. When we enquired from the Bench Secretary, as to why this matter was listed before us on 01.12.2023, he states that the learned Registrar had directed him to list the matter on the said date. We enquired from the learned Assistant Registrar, who is said to have given the instruction, who says that there was no such instruction that the matter be listed on 01.12.2023, rather the concerned Assistants interpreted the text 'list this matter before Western Zone Bench before 04.12.2023' to mean that this matter was required to be listed before this Tribunal prior to 04.12.2023, hence by mistake this matter was listed on 01.12.2023. We do not expect that such a blunder would be done in future by the concerned Assistants and the Registry shall also be careful in future so that no such type of mistake is repeated.

3. Since we have taken up this matter on 01.12.2023 and passed an order that this matter will be taken up next on 25.01.2024, it would be appropriate to hear this matter on that very date unless all the parties appear before us today.

4. From the perusal of record, we find that in the memo of parties, there are only two respondents i.e. Maharashtra Forest Department through its Principal Chief Conservator of Forest as respondent No.1 and the Commissioner of Pune Municipal Corporation as respondent No.2.

5. Today, from the side of respondent No.2, learned counsel Mr. Rahul Garg has appeared before us. The learned counsel for applicants submits that there is no relief sought against the respondent No.1, rather the

relief is only against the respondent No.2/PMC, hence hearing may be done today.

6. The learned counsel for applicants has presented before us a compilation today, which consists of Vakalatnama filed on behalf of five persons, who want to be impleaded as applicants in the present matter, namely (i) Mr. Ameet Singh, (ii) Ms. Hema Chari Madabhushi, (iii) Mr. Chaitanya Dattatraya Ket, (iv) Mr. Sathya Narayanan Natarajan and (v) Gangotri Chanda, who engaged the learned counsel Mr. Rajendra Kumar Kale to appear before us on their behalf to represent them. Besides that the learned counsel for said applicants has also apprised us that Mr. Chaitanya Dattatraya Ket is not present today, therefore, he is not being impleaded as one of the applicants. Therefore, only four applicants out of the above-mentioned five need to be impleaded as applicants in the present matter and in place of 5<sup>th</sup> applicant, the Secular Community India Chapter through its Chairman: Mr. Rajendra Kumar Kale needs to be impleaded as applicant No.5. Further, it is clarified by him that Mr. Ameet Gurucharan Singh and Ms. Hema Chari Madabhushi, these two persons had given interview to the newspaper, on the basis of which the cognizance has been taken by the Principal Bench of this Tribunal. He has also annexed the said news item at page no.3 & 4 of the compilation. In the present matter, he has mentioned Original Application No.661/2023, which has now been re-numbered by this Tribunal as Original Application No.186/2023(WZ), showing all the names of applicants, which want to be impleaded as applicants in the present matter and showing the District Collector, Pune as respondent No.1; the Principal Chief Conservator of Forests (HOFF), Nagpur as respondent No.2; the Metropolitan Commissioner as respondent No.3; and the Municipal Commissioner, Pune Municipal Corporation (PMC) as

respondent No.4. We direct the Registry to treat this application, which has been filed by the learned counsel for applicants, who sought impleadment as applicants at page nos.157 to 173, to be the Original Application in this case and the parties mentioned therein shall be treated to be the parties, in place of the earlier memorandum of parties, which has been prepared by the Registry showing only two respondents.

7. The applicants have also filed an interim application, annexed at page nos.225 to 238 of the compilation, seeking relief of temporary injunction against the respondent No.4 to the effect that pending hearing of this application, all the tree felling proposals and in particular, against the operation of all the tree-felling notices and tree felling orders passed by the respondent No.4/PMC in respect of felling of tree across the city of Pune be put on hold and *status quo* order be directed to be maintained anywhere in Pune.

8. The learned counsel Mr. Rahul Garg representing respondent No.4 submits that he would file reply affidavit against the Interim application as well as the main application promptly and that the matter may be taken up for hearing on Wednesday i.e. on 06.12.2023. We direct that whatever reply he wants to file, the same be filed and a copy of the same shall be served upon the learned counsel for applicants in advance through e-mail. The earlier order fixing the date of hearing in this case to be 25.01.2024 is now preponed to 06.12.2023. The other party respondents are also directed to be served by the applicants Dasti/through e-mail to file their replies, if they so want.

9. The learned counsel for respondent No.4/PMC has brought to our notice the order dated 12.10.2023 of Hon'ble High Court of Bombay passed in PIL No.163 of 2023, of which our attention is drawn to para

no.10(iv), in which it is recorded “We specifically direct that till the entire exercise in terms of this order as also keeping in view the provisions contained in Section 8 of the Act of 1975 is undertaken and completed afresh, no further felling of trees shall take place pursuant to the impugned Notification dated 18.09.2023, which shall abide by the fresh decision to be taken under this order”. The learned counsel for respondent No.4 pressed before us the argument that the present matter before us has already been taken care of by the Hon’ble Bombay High Court in the above-mentioned PIL and pursuant to the order passed therein, they are already in the process of following the procedure afresh and when the same is completed, thereafter only, any tree felling would be done.

10. As against this, the learned counsel for applicants submits that the procedure has not been followed till date nor they intend to follow and before following the same, they intend to cut the trees.

Put up this matter for further consideration on 06.12.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 04, 2023  
Original Application No.186/2023(WZ)  
P.Kr