

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 17144 of 2024

(*NEERAJ GARG Vs UNION OF INDIA AND OTHERS*)

WP/26400/2025, WP/42565/2025, WP/46813/2025, WP/3885/2026

Dated : 13-05-2026

Shri Amalpushp Shroti, Shri H.S. Gupta (through VC), Shri B.P. Pathak with Shri Ambikesh K. Shukla, Shri Aditya Sanghi, Sr. Advocate with Ms. Alka Singh- Advocates for petitioners.

Shri Anubhav Jain- Government Advocate for respondents/State.

Shri S.M. Guru - Deputy Solicitor General for respondent.

Ms. Kavita Ahirwar - Advocate for NHAI.

I.A.No.9588/2026 in W.P.No.43565 of 2025.

This is an application filed on behalf of the Indian Army contending that the order dated 26.11.2025 passed by this Court mandating that no trees shall be cut, pruned or transplanted in any manner in the State of Madhya Pradesh except with the prior permission of the Committee constituted by the National Green Tribunal and the concerned Tree Officer is impinging upon the construction of security related infrastructure which are proposed to be constructed by the Indian Army.

Learned Deputy Solicitor General appearing for the Indian Army draws attention to the Forest (Conservation) Amendment Act, 2023 and Section 4 thereof wherein Section 1A has been incorporated by way of an amendment in the principal Forest (Conservation) Act, 1980. Section

1A Clause 2 reads as under:

"1A. (1) The following land shall be covered under the provisions of this Act namely:-

*(a) * * * **

*(b) * * * **

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

(a) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (/); and

(c) such forest land,

(i) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects. as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government."

Learned Deputy Solicitor General has produced the details of the projects which are proposed to be carried out in a sealed cover. Sealed cover has been opened and contents perused and returned to the counsel.

Since the Forest (Conservation) Act makes an exception *inter alia* with regard to proposed construction of security related infrastructure, we clarify our order dated 26.11.2025 that the said order shall not be applicable in respect of the categories of land, which are specifically exempted in terms of Section 1 A of the Forest (Conservation) Act, 1980

as amended by the Forest (Conservation) Amendment Act, 2023.

W.P.No.17144/2024, WP/26400/2025, WP/42565/2025,

WP/46813/2025, WP/3885/2026

List for consideration on 30.06.2026.

Interim relief as modified to continue till further orders.

C.C. Today.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

P/-