

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 10 OF 2026

COURTS ON ITS OWN MOTION

Vs.

THE PRINCIPAL SECRETARY, MINISTRY OF ENVIRONMENT
GOVT. OF MAHA., MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Naval Shiralkar, Advocate h/f Mr. R. D. Dhande, Advocate as Amicus Curiae.
Mr. Kartik N. Shukul, DSGI a/b Mr. Prutha N. Hardas, Advocate for Respondent
No.2.
Mr. J. B. Kasat, Advocate for Respondent Nos.3 to 5.
Mr. Akshay Naik, Senior Advocate a/b Mr. Madhur Deo, Advocate for
Respondent No.7.
Mr. Shubhankar Phadnis, Advocate for Respondent No.8.
Mr. Deepak Thakare, Addl. GP for the Respondent/State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 16th JUNE, 2026.

1. The present Public Interest Litigation (PIL) was registered as Suo Motu PIL on a letter received on 17/01/2026 sent by one Mr. Dnyandeep Bhongade, Advocate raising a serious issue about cutting of large number of trees in the area of Khamla, Sneha Savardhak Road till Jaitala Road (London Street Road).
2. Respondent No.7 as well as Municipal Corporation filed their affidavits.

3. It is the case of the prosecution that, while granting permission to respondent No.7 for cutting of the trees, a condition of compensatory plantation was imposed.

4. Shri Naik, learned Senior Advocate appearing for respondent No.7 points out that as per the condition imposed by the Corporation about ten thousand compensatory trees have been planted.

5. It is important to note that the trees which are to be cut are located at Khamla, Sneha Savardhak Road till Jaitala Road (London Street Road) and the area where such compensatory plantation has been made is not nearby, but far away from said area.

6. Let us therefore, examine the effect of planting of compensatory trees at a distant locality.

7. Such compensatory afforestation may create a spatial imbalance and further cause localized environmental degradation. The trees act as natural sinks for a particular matter and pollutants. Their removal spikes localized air pollution. The people in the said area may experience higher temperature and lower humidity and the area from where the trees are to be cut become vulnerable to water run off and land degradation during rains. Similarly, localized micro eco-systems will be destroyed. The native birds, insects will also suffer. Furthermore, the trees regulate water table and localized rainfall. Their

removal decreases soil moisture retention and can affect local water availability in the immediate vicinity.

8. The aforementioned effects of cutting of trees are illustrative. Here, the point, which we are trying to make, is that if a large number of trees are cut from the aforementioned areas and against the same compensatory afforestation is made at a distant place, it cannot be of any benefit to the people of the area from where such large number of trees are to be cut. Moreover, new saplings planted far away cannot “breath” for the residents living in the deforested area, nor do they mitigate the loss of shed or localized temperature regulation for the original ecosystem.

9. When we use the term ‘compensation’, it denotes making the loss caused to someone, good in terms of money or other things. No different meaning can be attached to the expression ‘compensatory plantation’, which is carried out after deforestation. Such afforestation shall therefore, be made in the same locality or if no sufficient place is available for afforestation in the same locality it should be done in the adjoining and nearby locality to compensate the loss suffered due to deforestation by the people of that area.

10. Thus, in any case, such compensatory afforestation cannot be permitted at a distant area as made in this case.

11. Accordingly, we direct the Tree Authority/Tree Officer to identify the places nearby the area from where the trees are to be cut and file an affidavit giving list of such places for compensatory plantation. The Tree Officer/Tree Authority shall also specify the number of trees can be planted at such places.

12. Learned Amicus Curiae may accompany the Tree Officer while carrying such survey. The Tree Officer shall carry out this exercise and file an affidavit by 23/06/2026. The Tree Authority shall give at least four hours' prior notice to the learned Amicus Curiae before visiting to identify the places.

13. Place this matter on **23/06/2026**.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)