

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No \_\_\_\_\_ of 2023**

(Diary No 52331 of 2023)

**Ameet Gurucharan Singh and Ors**

**.... Appellant(s)**

**Versus**

**State of Maharashtra and Ors**

**....Respondent(s)**

**ORDER**

- 1 A Public Interest Litigation, being PIL No 163 of 2023, was moved before the Division Bench of the High Court of Judicature at Bombay (Parisar Sanrakshan Sanwardhan Sanstha v The Pune Municipal Corporation) on 12 October 2023.
- 2 The subject of the PIL pertained to the procedure adopted by the Pune Municipal Corporation in granting permission for the felling of trees to facilitate road widening of Ganeshkhind Road. The PIL was disposed of on 12 October 2023 in terms of the following directions:

“9. It is true that the Tree Authority is the final authority empowered to take a decision in the matter, however, he needs to consider not only the report and recommendations submitted by the Tree Officer, but also the objections and suggestions, which may be filed by the members of the general public. If we examine the facts of the present case in light of Section 8 of the Act of 1975, what we find is that the last date of submission of objections and suggestions by the members of the general public, as per the notice published by the Tree Officer, was 18th September 2023 and it is on the same day that the permission has been accorded by the Tree Authority. We, thus, find that the Tree Authority while issuing the impugned Notification dated 18th September 2023, hardly had any time either to consider the report and recommendations made by the Tree Officer or to take into consideration the objections and suggestions, which he might have received through the Tree Officer, from the members of the general public. Such a course

adopted by the Tree Authority, in our considered opinion, does not conform to the statutory provisions available in Section 8 of the Act of 1975. The same has to be strictly followed both, in form and in substance. Failure to ensure strict compliance with the provisions of the Act would render the provisions of Section 8 as also the salutary objects of the Act nugatory apart from having grave and deleterious effects on the environment. Such a course cannot, at any cost, be permitted.

10. At this juncture, Mr. Kulkarni, learned Counsel for the Respondent-Pune Municipal Corporation, on the basis of instructions received from the Additional Municipal Commissioner, submits that no action, pursuant to the impugned Notification dated 18th September 2023, shall be taken and no tree shall be removed, however the Tree Officer and the Tree Authority shall conduct the exercise of considering the prayer for felling of trees afresh, after issuing a public notice in terms of the provisions of Section 8 of the Act of 1975 and will consider the objections and suggestions, which may be filed or submitted, pursuant to the public notice to be published afresh, by the members of the general public. Accordingly, in view of the submissions made by Mr. Kulkarni, on the instructions received by him from the Additional Municipal Commissioner, Pune, we dispose of this Public Interest Litigation with the following directions :-
- (i) In terms of requirement of Section 8 of the Act of 1975, the Tree Officer shall publish a fresh public notice giving a period of at least seven days for furnishing the objections and suggestions, in view of the permissions sought for felling of trees.
  - (ii) The Tree Authority while publishing a public notice in terms of Sub-section (3) of Section 8 of the Act of 1975 shall also personally inspect the trees, hold an inquiry and shall mention in the advertisement, if the trees to be removed are the heritage trees, as also shall determine the age of the trees sought to be removed as per the criteria and method, which may have been notified by the Government.
  - (iii) Once the period of objections and suggestions expires, the Tree Officer shall furnish the entire material along with the report and recommendation, if any, to the Tree Authority, which shall consider the material, that may be made available and take appropriate decision on the prayer for felling of trees.
  - (iv) 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

18th September 2023, which shall abide by the fresh decision to be taken under this order.

- (v) The learned Counsel representing the Pune Municipal Corporation undertakes to communicate the gist of today's order immediately to the Authorities concerned without waiting for its certified copy or the order being uploaded.
  - (vi) We make it clear that the Court has not adjudicated any other issue(s) raised in this Public Interest Litigation except the issue relating to the procedure to be followed for according permission to a prayer for felling of trees.
11. With aforesaid observations and directions, the Public Interest Litigation stands, accordingly, disposed of."

3 A proceeding was initiated before the National Green Tribunal, namely, OA 186 of 2023. The Western Zone of the NGT declined to grant interim relief and listed the proceedings on 25 January 2024.

4 The grievance is that though the appellants were heard by the Pune Municipal Corporation, but, no order has been passed. There is some grievance in regard to the procedure which is being followed by the Municipal Corporation for the felling of trees.

5 Rather than entertaining the appeal which arises from an interim order of the NGT, we are of the considered opinion that it would be appropriate if the appellants are granted liberty to move the High Court of Judicature at Bombay either in a substantive proceeding or by moving an application in PIL 163 of 2023 so as to draw the attention of the High Court to the manner in which its directions have been complied with by the Municipal Corporation. In the event that the appellants do so, we request the Chief Justice of the High Court of Judicature at Bombay to take up the proceedings with all reasonable despatch.

6 In order to enable the appellants to have a reasonable time to approach the High Court, we direct that no further felling of trees shall take place between the

date of this order and till 5 pm of 21 December 2023 for the widening of Ganeshkhind Road

7 Since we are leaving it to the High Court to take an appropriate view of the matter, we clarify that this order shall not be construed as any expression of opinion on merits.

8 The appeal is accordingly disposed of.

9 Pending application, if any, stands disposed of.

.....CJI.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[J B Pardiwala]

.....J.  
[Manoj Misra]

**New Delhi;**  
**December 15, 2023**  
**-S-**

ITEM NO.36

COURT NO.1

SECTION XVII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS****CIVIL APPEAL Diary No(s). 52331/2023**

(Arising out of impugned final judgment and order dated 11-12-2023 in OA No. 186/2023 passed by the National Green Tribunal, Western Zone, Pune)

**AMEET GURUCHARAN SINGH & ORS.****Appellant(s)****VERSUS****THE STATE OF MAHARASHTRA & ORS.****Respondent(s)****Date : 15-12-2023 This appeal was called on for hearing today.****CORAM :****HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE J.B. PARDIWALA**  
**HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Mr. Najmi Wazri, Sr. Adv.  
Mr. Gaurav Jain, Adv.  
Mr. Shashank Singh, AOR  
Mr. R Arunadhri Iyer, Adv.  
Mr. Akash Alex, Adv.  
Ms. Prapti Shrivastav, Adv.

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 In terms of the signed order, we are of the considered opinion that it would be appropriate if the appellants are granted liberty to move the High Court of Judicature at Bombay either in a substantive proceeding or by moving an application in PIL 163 of 2023 so as to draw the attention of the High Court to the manner in which its directions have been complied with by the Municipal Corporation. In the event that the appellants do so, we request the Chief Justice of the High Court of Judicature at Bombay to take up the proceedings with all reasonable despatch.

- 2 In order to enable the appellants to have a reasonable time to approach the High Court, we direct that no further felling of trees shall take place between the date of this order and till 5 pm of 21 December 2023 for the widening of Ganeshkhind Road
- 3 Since we are leaving it to the High Court to take an appropriate view of the matter, we clarify that this order shall not be construed as any expression of opinion on merits.
- 4 The appeal is disposed of in terms of the signed order.
- 5 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**