

Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1765 of 2020

Petitioner :- Ayush Kumar Srivastava And 9 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Akshay Prakash In Person, Anuradha Gupta In Person, Ayush Maurya In Person, Ayush Yadav In Person, Darshan Gupta In Person, Kiran Srivastava In Person, Manushi In Person, Namrata Singh In Person, Shabih Fatima In Person

Counsel for Respondent :- C.S.C., Pawan Kumar Singh, Pranjal Mehrotra, Sunil Dutt Kautilya

Hon'ble Munishwar Nath Bhandari, J.

Hon'ble Saurabh Shyam Shamsbery, J.

Sri Pranjal Mehrotra, learned counsel for the respondent is present through video conferencing.

The present writ petition has been filed with following prayers:

"i. Issue a writ, order or direction in the nature of mandamus directing the respondent to provide entire scheme of reallocation of trees in proposed 6 lane highway from Alopibagh to Handia and 17 roads inside the Nagar Nigam Area Prayagraj under the smart city scheme and may also further direct the respondents not to resort tree felling on the proposed highways and roads during the pendency of the writ petition in the interest of justice.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents District Magistrate and Divisional Forest Officer, Prayagraj from granting any permission for cutting or felling of trees without leave of the Hon'ble High Court.

iii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to provide the chart on affidavit about the number of trees cut down and number of trees planted along with the area before this Hon'ble Court.

iv. Issue a writ, order or direction in the nature of mandamus commanding the respondents no. 2, 3 and 4 to take up a massive drive for the plantation of trees like Sheesham, Mango, Jamun, Bargad, Pakad, Tamarind and other big and utilitarian trees, in the Nagar Nigam area of Prayagraj.

v. To award the cost of the petition to the petitioners."

The students pursuing law study have made a research on the issue raised in Public Interest Litigation. For the development in the city of Prayagraj and nearby areas, trees coming in the way of widening of road and development of area are being cut. The prayer is to prepare a scheme and apply the technique so that the trees are not cut. The trees coming in the way be replanted by applying the technique and thereby District Magistrate may not grant permission to cut the trees.

Learned counsel for respondents no.1 and 2 submitted that number of petitions containing same issues are pending consideration before this Court. Specific direction has been given for periodically reports and are submitted before the Court. The respondents are applying the techniques so as to save the tree and it is not cut without the permission of the authority and that too when survival of the tree with replantation may not be possible.

The prayer is to connect this writ petition along with pending writ petitions. Copy of the orders passed in the connected writ petitions has been given.

We find reason to accept the prayer made by the side opposite. This petition should come with connected writ to avoid any conflicting order related to same or similar issue.

Let this petition be listed along with PIL No. 1323 of 2019, Jyoti Verma vs. State of U.P. and others and PIL No. 909 of 2020, Akansha Yadav vs. State of U.P. Apart from the prayer made in this writ petition, we are further directing the respondents to come out with the compliance

of the judgment of the Supreme Court in the case of **T. N. Godavarman Thirumulpad vs. Union of India and others, (2013)11 SCC 466**, in which National Highways Authority of India was directed to plant twice the number of trees for every tree uprooted or cut.

Learned counsel for the side opposite is directed to submit detailed report of all the roads going from Prayagraj to other cities. Whether it is National Highway or the State Highway to indicate as to how many plants/trees have been planted both side of the road or the plants on the divider because with the development, the compliance of the judgment is mandatory to maintain the ecology in the area. It is more so when the National Highway Authority is carrying the direction in the few States, as directed by the Apex Court in the case of T. N. Godavarman Thirumulpad (supra).

Accordingly, let this petition be listed along with PIL No. 1323 of 2019, Jyoti Verma vs. State of U.P. and others and PIL No. 909 of 2020, Akansha Yadav vs. State of U.P. on **19.01.2021** as fresh.

However, it is with a direction to the State Government as well as National Highway Authority to come out with the details of the trees already planted where road has already been developed.

Order Date :- 17.12.2020
Ashish Pd.