

R E V I S E D

ITEM NO.6                      Court 4 (Video Conferencing)                      SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.17310/2021

(Arising out of impugned final judgment and order dated 20-09-2021 in WP No.17841/2018 passed by the High Court of Karnataka at Bengaluru)

DATTATRAYA T DEVARE & ANR.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.140276/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.140278/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 15-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)      Ms. Pritha Srikumar, AOR  
                                 Ms. Vaishali Movva, Adv.  
                                 Mr. Dheeraj Murthy, Adv.  
                                 Mr. Anirudh Gotety, Adv.

For Respondent(s)      Mr. Dhyan Chinappa, Sr. Adv.  
                                 Mr. Rajshekhar Rao, Adv.  
                                 Mr. Manu Kalyan, Adv.  
                                 Mr. Chandrashekhar A. Chakalabbi, Adv.  
                                 Mr. Shiv Pandey, Adv.  
                                 Mr. Awanish Kumar, Adv.

**Mr. Anshul Rai, Adv.  
Ms. Ayusshi Agarwal, Adv.  
M/s. Dharmaprabhas Law Associates**

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

- 1 The Special Leave Petition arises from an order of a Division Bench of the High Court of Karnataka dated 20 September 2021. The proceedings are pending before the High Court and are due to be listed on 19 November 2021.
- 2 The grievance which has been set up on behalf of the petitioners by Ms Pritha Srikumar, learned counsel is in respect of the approval which has been granted for the felling of 100 'heritage' trees. Learned counsel has adverted to the previous order of the High Court dated 3 September 2020 and to the report which was submitted by the Expert Committee on 12 February 2021. Subsequently, in view of the report of the Expert Committee (Annexure P-16), permission was granted for the felling of trees on the basis that the High Court order dated 3 September 2020 postulated retention only in the event that the alignment of the road was not to be changed.
- 3 Mr Dhyan Chinappa, learned senior counsel appearing on behalf of the Karnataka Road Development Corporation Limited (KRDCL) submits that as on date, of the 91 trees which are proposed to be felled, 18 trees are left intact apart from 9 trees which are to be translocated. Moreover, it has been submitted that of a total of 7512 trees which would be affected by the project, the Expert Committee has envisaged that 3068 trees would be cut, 642 trees would be retained and 1801 trees would be translocated. Learned senior counsel has submitted that there are serious difficulties in the way of changing the alignment of the road and it was in this backdrop that KRDSL even agreed to having the matter re-examined by the Expert Committee afresh. In view of the report of the EC, it has been urged that there is no merit in the grievance of the petitioners.

- 4 Since the matter is pending before the Karnataka High Court it would be appropriate to grant liberty to the petitioners to raise the concerns which they have raised in the present proceedings before the Division Bench when the matter comes up on the next date of listing which is 19 November 2021. Granting liberty to the petitioners to do so, we dispose of the Special Leave Petition without expressing any opinion of this Court on the merits of the rival contentions.
- 5 We request the Division Bench of the High Court to consider the submissions of the petitioners when the matter is taken on 19 November 2021 or on a proximate date as would sub-serve the exigencies of the work of the Court.
- 6 During the course of the hearing, we have expressed the view that we would expect KRDCCL not to take any further action in respect of the remaining trees, for the next week having regard to the fact that the High Court would be taking up the matter on 19 November 2021.
- 7 A copy of the objections which are proposed to be raised by the petitioners shall be served on KRDCCL at least forty-eight hours before the next date of listing before the High Court.
- 8 The Special Leave Petition is accordingly disposed of.
- 9 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**



**M/s. Dharmaprabhas Law Associates**

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O R D E R**

- 1 The Special Leave Petition arises from an order of a Division Bench of the High Court of Karnataka dated 20 September 2021. The proceedings are pending before the High Court and are due to be listed on 19 November 2021.
- 2 The grievance which has been set up on behalf of the petitioners by Ms Pritha Srikumar, learned counsel is in respect of the approval which has been granted for the felling of 100 'heritage' trees. Learned counsel has adverted to the previous order of the High Court dated 3 September 2020 and to the report which was submitted by the Expert Committee on 12 February 2021. Subsequently, in view of the report of the Expert Committee (Annexure P-16), permission was granted for the felling of trees on the basis that the High Court order dated 3 September 2020 postulated retention only in the event that the alignment of the road was not to be changed.
- 3 Mr Gyan Chinappa, learned senior counsel appearing on behalf of the Karnataka Road Development Corporation Limited (KRDCL) submits that as on date, of the 91 trees which are proposed to be felled, 18 trees are left intact apart from 9 trees which are to be translocated. Moreover, it has been submitted that of a total of 7512 trees which would be affected by the project, the Expert Committee has envisaged that 3068 trees would be cut, 642 trees would be retained and 1801 trees would be translocated. Learned senior counsel has submitted that there are serious difficulties in the way of changing the alignment of the road and it was in this backdrop that KRDSL even agreed to having the matter re-examined by the Expert Committee afresh. In view of the report of the EC, it has been urged that there is no merit in the grievance of the petitioners.

- 4 Since the matter is pending before the Karnataka High Court it would be appropriate to grant liberty to the petitioners to raise the concerns which they have raised in the present proceedings before the Division Bench when the matter comes up on the next date of listing which is 19 November 2021. Granting liberty to the petitioners to do so, we dispose of the Special Leave Petition without expressing any opinion of this Court on the merits of the rival contentions.
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Court Master