



WEB COPY



WP No.17728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

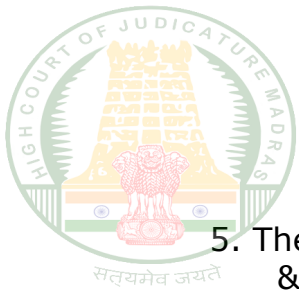
WP No.17728 of 2023
and WMP No.16822 of 2023

Pasumai Thaayagam Foundation
Rep. by its Secretary, Mr.Arul,
No.9, Lynwood Lane,
Mahalingapuram, Chennai 600 034.

.. Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary
to the Government, Environment, Climate
Change and Forest Department & Chairperson,
State Green Committee, Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of Forests,
(Head of the Department), No.1, Geenis Road,
Panagal Building, Saidapet, Chennai 600 015.
3. The State Green Committee,
Rep. by its Member Secretary,
Department of Forest, No.1, Geenis Road,
Panagal Building, Saidapet, Chennai 600 015.
4. The District Collector,
Chairperson, District Green Committee,
Collectorate, Chennai.



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5. The District Forest Officer
& Member Secretary,
District Green Committee,
District Forest Office, Chennai.
6. The General Manager,
Southern Railway, Head Quarters,
Park Town, Chennai 600 003.
7. The Divisional Railway Manager,
Southern Railway, Chennai Division,
Park Town, Chennai 600 003.
8. The Managing Director,
Chennai Metro Rail Ltd. (CMRL),
Chennai Division, Annasalai,
Nandanam, Chennai 600 035.
9. The Ministry of Environmental Forest
and Climate Change, Indira
Paryavaran Bhawan Jorbagh Road,
New Delhi 110 003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from cutting the trees while expansion of Egmore Railway Station without following the judgment of Hon'ble Supreme Court of India, which is reported 2022 (4) SCC 289 and consequently, to direct respondents to frame guidelines based on the judgment of Hon'ble Supreme Court of India for protecting trees in the city of Chennai as well the entire State of Tamil Nadu.

For the Petitioner : Mr.K.Balu

For the Respondents : Mr.J.Ravindran,
Additional Advocate-General,
Assisted by Dr.T.Seenivasan,
Spl. Govt. Pleader (Forest)
for RR 1 to 3 and 5

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- : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader, for R-4
- : Mr.AR.L.Sundaresan,
Addl. Solicitor General
Assisted by Mr.K.Srinivasamoorthy,
CGSC, for RR 6, 7 and 9.

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.K.Balu, learned counsel for the petitioner, Mr.AR.L.Sundaresan, learned Additional Solicitor General for respondents 6, 7 and 9, Mr.J.Ravindran, learned Additional Advocate-General for respondents 1 to 3 and 5, Mr.P.Muthukumar, learned State Government Pleader for respondent No.4.

2. The present writ petition is filed in the nature of Public Interest Litigation (PIL). The learned counsel for the petitioner submits that the petitioner is a non-governmental organisation and the object of the petitioner-organisation is primarily working for the preservation of the environment and ecological sustainable

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development. The learned counsel submits that the petitioner came across the act of the respondents in indiscriminately cutting down the trees for expansion of the Chennai Egmore railway station. The petitioner learned that more than 400 trees have to be cut for expansion of the said railway station. About 50-80 year old trees which were protected by the Government are also cut down. The learned counsel submits that the respondents have not adhered to the guidelines laid down by the Apex Court in a case of **T.N.Godavarman Thirumulpad, In Re vs. Union of India**, reported in **(2022) 4 SCC 289**. According to the learned counsel, instead of cutting the 50-80 year old trees, they ought to be re-transplanting, as the technology is available to that effect.

3. Learned Additional Solicitor General, learned Additional Advocate General and learned State Government Pleader submit that all the acts are being done after following proper procedure and obtaining the permission of the District Green Committee. The 103 trees are to be transplanted and 182 trees are to be cut and for each tree being cut, 12 saplings to be planted. Necessary permission has been obtained for 318 trees.

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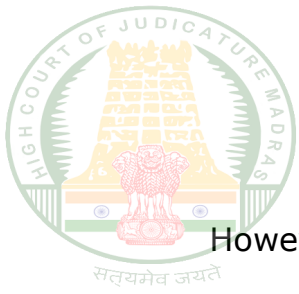
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4. We, for a moment, do not doubt the intention of the petitioner. The trees are being cut or transplanted for expansion of Chennai Egmore railway station. Balance has to be struck between sustainable development on one hand and ecology and environment on the other. The safeguards have been provided, pursuant thereto the District Green Committee, Chennai has been constituted. The Chairman of the Committee is the District Collector. The other members are the Forest Officer, Superintending Engineer of Park, Executive Engineer of Public Works Department, Assistant Engineer, Highways Department and so on. The materials placed on record suggest that the District Green Committee has granted permission on 10.05.2023 for felling of 182 trees, transplantation of 103 trees and pruning of 33 trees, totalling 318 trees. It is further observed by the Committee that some of the trees are transplanted in Queen Mary's College without getting prior approval, as such, the Contractor was directed to plant saplings in the ratio of 1:12 for each tree.

5. We may today not doubt about the bonafides of the respondents also as the transplantation and felling of trees is necessitated for the expansion of the Chennai Egmore railway station.

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However, it also needs to be considered that the respondents cannot travel beyond the order passed by the District Green Committee. The respondents shall report to the District Green Committee about the compliance, that is transplantation of 103 trees, the saplings being planted so as to compensate for the felling of trees. The District Green Committee shall verify the same.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

15.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra

To:

1. The Additional Chief Secretary
to the Government, Environment, Climate
Change and Forest Department &
Chairperson, State Green Committee,
Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600 009.

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2. The Principal Chief Conservator of Forests,
(Head of the Department), No.1, Geenis Road,
Panagal Building, Saidapet, Chennai 600 015.
3. The Member Secretary,
State Green Committee,
Department of Forest, No.1, Geenis Road,
Panagal Building, Saidapet, Chennai 600 015.
4. The District Collector,
Chairperson, District Green Committee,
Collectorate, Chennai.
5. The District Forest Officer
& Member Secretary,
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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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