

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, AT CHENNAI**  
**ORIGINAL APPLICATION NO. 28/2023**

**IN THE MATTER OF:**

NATIONAL ENVIRONMENT CARE FEDERATION ...APPLICANT

VERSUS

CHIEF SECRETARY TO THE  
GOVERNMENT OF KARNATAKA AND ORS ...RESPONDENTS

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**Filed By:**



**Date 25.07.2023**

**Mr. Darpan KM Adv.**

**Advocate for Respondent No. 7**

**LGF, K-6**

**Lajpat Nagar – III, New Delhi – 110 024**

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**REPLY ON BEHALF OF RESPONDENT NO. 7 (ASSISTANT  
CONSERVATOR OF FORESTS, MANGALORE SUB DIVISION)**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Original Application has been filed against alleged permission for felling of trees between Nandigudda and Marnamikatte, Mangalore for the purpose of road widening by Mangalore Smart City Ltd.
2. It is submitted at the outset that all contents of the Application are wrong and denied unless expressly admitted to.
3. It is submitted that the Principal Manager (Tec), Smart City Limited, Mangalore submitted an application dated 19.04.2022 to the Range Forest Officer, Mangalore regarding the clearing of 34 trees obstructing road widening works from Marnemikatta Circle to Kotichennaiah Circle (Nandigudda) of

Mangalore City Corporation. True copy of Application dated 19.04.2022 is annexed herewith as **Annexure R1**.

4. It is submitted that the Range Forest Officer, Mangalore after inspecting the said site submitted a report to Respondent No. 7 herein/Assistant Conservator of Forests, Mangalore stating that there are 34 trees stated in the application, which are said to be obstructing the road development work. True Copy of Report dated 11.07.2022 submitted by the Range Forest Officer to Respondent No. 7 herein/Assistant Conservator of Forests is annexed herewith as **Annexure R2**.
5. Meanwhile, one Sri. Daniel Tauro along with 5 other people strongly condemned and objected to the proposal of Mangalore Smart City Pvt. Ltd. to fell these 34 trees standing on the roadside between Nandigudde Circle and Marnamikatte Circle. It was contended by them that there is no need to widen the said road since there exists a parallel road and they contended that there is not much traffic plying on the concerned road.
6. The above persons requested that if any trees are found to be a danger to the people or for traffic, such trees may be considered for trimming or felling as the case may be, after

consulting the concerned people and environmentalists of Mangalore city.

7. It is submitted that in this regard, two meetings were held on 03.09.2022 and 08.09.2022 by Respondent No. 7/Assistant Conservator of Forests, Mangalore who is also the Tree Officer of Mangalore City Corporation under the Karnataka Preservation of Trees Act, 1976. The said meetings were attended by officials from Mangalore Smart City Pvt. Ltd., various environmentalists, objectors to the road widening project as well as local people. The removal of the said 34 trees obstructing the development of the road was discussed in detail during the meeting, and a conclusion was arrived at by the Respondent No. 7 herein to not remove the said 34 trees, and to suggest Mangalore Smart City Pvt. Ltd to modify/revise their sanctioned development plan of the said road without felling the existing trees, as was done in the surroundings of Kadri park area of Mangalore City Corporation. True copy of the minutes of meeting dated 03.09.2022 and 08.09.2022 are annexed herewith as **Annexure R3**.

8. It is submitted that in the meantime, over 147 local residents of Shanthinagara, Nandigudde, Mangalore submitted a written memorandum to Respondent No. 7 herein/Assistant Conservator of Forests, Mangalore on 20.09.2022. It was stated in the memorandum that these 34 trees were very old and matured and that they are obstructing the road widening works from Marnemikatta Circle to Kotichennaiah Circle (Nandigudda) of Mangalore City Corporation. It was further stated that these trees because of being old and situated on the road side were dangerous and that it is common for dead branches of these trees to fall off during rainy season, thus damaging people and vehicles passing through the said road. They also contended that the development of the said road is essential in the interest of the local people and they requested to clear these old and obstructing trees and to permit the Mangalore Smart City Pvt. Ltd. to develop the proposed road in the interest of the local public and to avoid any danger to people and vehicles using the road. The memorandum dated 20.09.2022 submitted by local residents of Mangalore is annexed herewith as **Annexure R4**.

9. It is submitted that the Applicant herein had also made a representation dated 09.09.2022 to Respondent No. 7 herein/Assistant Conservator of Forests, asking him to reject the application made by Mangalore Smart City Limited. In light of the two meetings held on 03.09.2022 and 08.09.2022 and the discussions therein, a decision was arrived at by Respondent No. 7 to not accord any permission to cut the trees in question.
10. This decision was conveyed by the Respondent No. 7 herein to the Mangalore Smart City Pvt. Ltd. on 09.09.2022, directing the latter to modify or revise their sanctioned Project Plan to develop the said road without removing the any existing trees. True copy of the letter dated 09.09.2022 issued by Respondent No. 7 herein to Mangalore Smart City Pvt. Ltd. is annexed herewith as **Annexure R5**.
11. It is thus submitted that the Mangalore Smart City Pvt. Ltd had been informed on 09.09.2022 itself to modify or revise their sanctioned Project Plan, even prior to any representation or intervention by the Applicant organisation. Thereafter, no

proposal to cut any trees in the area in question has been received by the answering Respondent.

12. It is submitted that the instant Application has been filed on the ground of alleged non-compliance of the Karnataka Preservation of Trees of Act, 1976, the Wildlife Protection Act, 1972 and the Constitution of India. With respect to each of the above, it is submitted as follows:

**Re: Karnataka Preservation of Trees Act, 1976:** It is submitted that there is no non-compliance of the Karnataka Preservation of Trees Act, 1976 by any of the Respondents herein. Section 8 of the said Act deals with permission to fell trees, and the relevant portion of the said provision states as follows:

**8. Restriction on felling of Trees** – (1) *With effect on and from the appointed day, notwithstanding any custom, usage, contract or law for the time being in force, no person shall fell any tree or cause any tree to be felled in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer.*

(2) *Any person desiring to fell a tree, shall apply in writing to the concerned Tree Officer for permission in that*

*behalf. The application shall be accompanied by a site plan or survey sketch specifying clearly the site or survey numbers, the numbers, kind and girth of the tree sought to be cut and the reasons therefor along with the consent of the owner or occupant.*

*(3) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such inquiry as he deems necessary, either grant permission in whole or in part or refuse permission:*

*Provided that permission shall not be refused, if the tree-*

*(i) is dead, diseased or wind-fallen; or*

*(ii) has silviculturally matured; or*

*(iii) constitutes a danger to life or property; or*

*(iv) constitutes obstruction to traffic; or*

*(v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or*

*(vi) is required to be removed either for cultivation, extension of cultivation or change in crop cultivation in areas specified in Schedule II, (except where such removal does not involve felling of all trees in the areas proposed for cultivation, extension of cultivation or change in crop cultivation) or for the bonafide use of the applicant.*

***(vii) felling is more than 50 that are necessitated for any public purpose like road widening, construction of road, canal, tanks, buildings etc., subject to condition that***

***permission is issued after issue of public notice to invite objections from the public and the same is considered by the Tree Officer.***

It is hence apparent to note that as necessitated by Proviso (vii) to Section 8(3) of the Act, objections from the public are to be invited when the number of trees proposed to be felled are more than 50. Nevertheless, even though the instant case pertains to a proposal for 34 trees only, objections of the public were invited and considered in the interest of sustainable development.

It is stated at the cost of repetition that the Mangalore Smart City Corporation has not been accorded any permission after receipt of objections of the public. It is submitted that in the future, any revised plan for development which contains any proposal for felling of trees will be dealt with in strictly accordance with the provisions of the Karnataka Preservation of Trees Act, 1976.

**Re: Wildlife Protection Act, 1972** – It is submitted that the said Act does not find a mention in Schedule I of the National

Green Tribunal Act, 2010 and any adjudication upon the same is hence *ultra vires* the jurisdiction of this Hon'ble Tribunal.

Without prejudice to the above, it is submitted that the Applicant has failed to point out specific provisions which have been allegedly violated. Moreover, there is no permission to fell any trees, hence there is no adverse impact on the animals dependant on the said trees, if any.

**Re: Constitution of India** – It is submitted that in fact, in complete compliance to their Constitutional duties, the official respondents have called in public objections for proposal to fell 34 trees, even though the Karnataka Preservation of Trees Act, 1976 mandates the same to be done in case the number of trees to be felled is more than 50. Hence, there is no violation of any Constitutional provisions.

13. It is therefore apparent that there is no violation of any provisions in order for this Hon'ble Tribunal to entertain the present Application under Section 14 of the National Green Tribunal Act.

14. With respect to the photograph annexed by the Applicants at Annexure 13 to the Application, it is submitted that the tree in question has not been felled. The answering Respondent on 13.07.2023 has in fact conducted a spot inspection and has arrived at the finding that the tree in question is still standing. Only a few branches extending towards the road, and which may be dangerous for the public have been cut. Photographs of the tree alleged to have been cut are annexed herewith as **Annexure R6**.

True Copy of Spot Mahazar dated 13.07.2023 is annexed herewith as **Annexure R7**.

15. The Proviso (iii) to Section 8(3) of the Karnataka Preservation of Trees Act, 1976 states that if a tree is a danger to life of property, permission to fell the same shall not be refused by the Tree Authority. Despite the said relaxation being there, the tree itself has not been felled in the interest of the environment. The same is even evident from the photographs annexed by the Applicant themselves.

16. It is hence submitted that no permission has been granted by the Answering Respondent to fell any tree and hence there are

no grounds to entertain the instant Petition. It is submitted that any proposal in the future which involves the cutting of any trees shall be dealt with strictly in accordance with the Karnataka Preservation of Trees Act, 1976.

With the above being submitted, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the instant Petition with costs.

*[Signature]*  
Asst. Conservator of Forests &  
Technical Assistant to  
Deputy Conservator of Forests,  
Mangalore Division, Mangalore

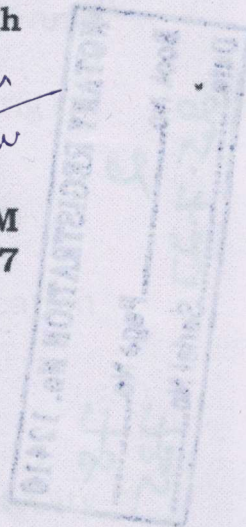
**RESPONDENT NO. 7**  
**ASSISTANT CONSERVATOR OF FORESTS**  
**MANGALORE SUB DIVISION**

Through

*[Signature]*  
A/c

**DARPAN KM**  
**ADVOCATE FOR RESPONDENT NO. 7**

**Date: 25.07.2023**



SWORN TO BEFORE ME

N. NAGESHA  
ADVOCATE & NOTARY  
GOVT. OF INDIA  
105, 1st Floor, 8th Cross  
Vittal Nagar, GFF Road  
Mysore Road, Bangalore-560036

No. Of CORRECTIONS

MOJKA  
M.E. 01-04-2003  
RECEIVED BY THE REGISTRAR, MANGALORE, dated 25/07/2023

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, AT CHENNAI  
ORIGINAL APPLICATION NO. 28/2023

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VERSUS

CHIEF SECRETARY TO THE  
GOVERNMENT OF KARNATAKA AND ORS ...RESPONDENTS

**AFFIDAVIT**

I, P. Shreedhar, aged about 51 years, working as Assistant Conservator of Forest, Mangalore sub-Division, Government of Karnataka, having office at the O/o Deputy Conservator of Forest, Mangalore Division, PWD Building, Near RTO Office, Mangalore 575 001, Karnataka do hereby solemnly affirm and state as under:

1. That I am the Respondent No. 7 in the above-mentioned Original Application and being fully conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That I have gone through the accompanying Reply, drafted on my instructions. I say that the contents thereof are true and correct to the best of my knowledge and belief. Annexures are true copies of their respective originals.

NOTARY REGISTRATION No. 12410  
 Book No. 2  
 Page No. 78  
 Date: 25.7.23 Serial No. 735

VERIFICATION:

I, the above named deponent do hereby verify that the contents of my affidavit are true and correct to the best of my knowledge and belief, no part of which is false and nothing material has been concealed therefrom.

Verified at Bangalore on this 25<sup>th</sup> day of July, 2023.

SWORN TO BEFORE ME

P.N. NAGESHA  
B.A., LL.B.,

ADVOCATE & NOTARY  
GOVT. OF INDIA

# 10/5, 1st Floor, 8th Cross,  
Vittal Nagara, GEF Post,  
Mysore Road, Bangalore-560028

J. D. Mahan  
 Asst. Conservator of Forests &  
 Technical Assistant to  
**DEPONENT**  
 Deputy Conservator of Forests,  
 Mangaluru Division, Mangaluru

J. D. Mahan  
 Asst. Conservator of Forests &  
 Technical Assistant to  
**DEPONENT**  
 Deputy Conservator of Forests,  
 Mangaluru Division, Mangaluru

No. OF CORRECTIONS.....



AFFIXING NOTARY STAMP  
 ABOLISHED BY GOVT. OF KARNATAKA  
 WEF 01-04-2003

MANGALURU  
SMART CITY

## MANGALURU SMART CITY LIMITED

Mangaluru City Corporation Building, 2<sup>nd</sup> Floor, MG Road, Lalbagh, Mangaluru – 575 003, D.K.

Man. Sma. C. L/Technical/EE-3/AEE-1/AE-2/CR-25/2022-23/46

Dated: 19-04-2022

To,

**Zonal Forest Officer,**  
Mangalore Zone,  
Hoige Bazar,  
Mangalore.Seal of office of Zonal Forest officer  
Mangalore dated 22 Apr 2022

Respected Sir,

Subject: Regarding clearing of trees obstructing the road development work from Marnamikatta circle to Koti Chennayya circle within the limits Mangalore Municipal Corporation.

\*\*\*\*\*

Relating to the above said matter, the road, rain water and footpath development from Marnamikatta to Koti Chennayya circle under the jurisdiction of Mangalore City Corporation has been taken up by Mangalore Smart City and the trees existing near the said road is causing hindrance to carry out the said development work. Accordingly, it is hereby requested to remove the trees obstructing the development work and to enable the road works being carried out for smooth vehicular traffic.

Thanking You,

Annexure: The sketch of the road with the trees that is to be cleared is annexed herewith.

Yours Faithfully,  
Signed:General Manager (Technical)  
Mangalore Smart City Limited  
Mangalore.

Copy to:

- 1) Respected Managing Director, Mangalore Smart City Limited for information.

Translated from Kannada to English by

**YADUNANDAN**  
B.A., (Law), LL.B.,  
Advocate2nd Floor, Pioneer Complex  
Nellikai Road, (Maidan West Road)  
STATE BANK, MANGALORE -575 001

Sl. No: Vi Va: 78/2022-23/A. Mara

Office of the Range Forest,  
Mangaluru Range , Mangaluru.  
Dated: 11-07-2022

To,

Assistant Forest Conservator  
Mangaluru.

Respected Sir,

Subject: Regarding clearing the trees that are obstructing the road development from Marnamikatta Circle to KotiChennaihaCircle , within the limits of Mangaluru City Corporation.

Reference: 1) Letter of General Manager (Technical) Mangaluru Smart City Limited, Mangaluru in Letter No: Ma Sma, C. L/Technial/EE-3/AEE-1/AE-2/CR-25/2022-23/46 Dated: 19-04-2022  
2) Report of Deputy Zonal Forest Officer, Mangaluru Branch dated 04-07-2022

\*\*\*\*\*

In relation to the above matter, the road, rain water, drain and footpath development works from Marnamikatta Circle to Kotichennaih Circle under the Jurisdiction of Mangaluru City Corporation have been taken up by Smart City. Hence as per reference (1) letter General Manager (Technical) Mangaluru Smart City Limited, Mangaluru have submitted the application that , the trees that are obstructing should be cleared and the road works shall be carried out for the public and for smooth vehicular Traffic.

In this regard, Deputy Zonal Forest Officer, Mangalore Branch verified the trees obstructing the road development works from Marnamikatta Circle to Kotichennaih circle and there were 34 trees of difference species in the said place and the said trees were the hindrance to the road development and it is necessary to cut the said trees. Only 2 deodar trees are worth and remaining 15 trees were timber and the remaining almond, banyan tree, Spethodia and 17 trees of cherry species are useless assets and when the said trees are cut down 1.5275 G.M mopu and 5,000GM timber is got and these trees are indispensable for the development of the road . Hence Smart City limited Mangalore have given the report that permission to cut the trees shall be granted on condition of transportation of useful properties to Government Nata Museum and useless properties to the dumping yard on the

condition that two trees shall be planted instead of one felled or bear the cost incurred of the said work.

Regarding this matter, I have checked the trees obstructing the road development work from Marnamikatta Circle to Kotichennaih Circle of Attavara Village Mangalore Taluk on 05-07-2022. There are 34 trees of difference species is the said place. The said trees are a hindrance to the road development work and work can be done after the said trees are cleared. So it is necessary to clear the said trees . Only 2 deodar trees are worth and remaining 15 trees were timber and the remaining almond, banyan tree, Spethodia and 17 trees of cherry species are useless assets and when the said trees are cut down and converted 1.5275 G.M Mopu and 5,000GM timber is got and these trees are indispensable for the development of the road . Smart City Limited Mangaluru will transport the useful material to the Government Nata Museum and the useless material to the dumping yard and under the provisions of section 8 of the Karnataka Tree Preservation Act 1976 , 2 saplings shall be planted for cutting of 1 tree and for cutting of 34 trees 68 sapling shall be planted at the cost of Rs. 1911/- per tree and accordingly, the cost of 68 saplings is Rs. 1,29,948.00 and hence the file was submitted for your consideration.

Yours Faithfully,  
Signed:  
Range Forest Officer,  
Mangaluru Range, Mangaluru.

The calculated estimation List that can be obtained by felling the trees obstructing the road development work from Marnamikatta Circle to Kotichennaih Circle of Attavara Village, Mangaluru Taluk

Sl. No.	Species	Estimated height	Circumference	Ratio (G. M)	Remarks
1	Tamarind	2.00	1.20		Wood
2.	Mahagani	2.00	0.55		Wood
3.	Feltafaram	1.00	1.20		Wood
4.	Feltafaram	2.00	0.90		Wood
5.	Cedarwood (Dewadaru)	1.00	1.70		Wood
6.	Feltafaram	1.00	1.10		Wood
7.	Cedarwood (Dewadaru)	1.50	2.70	0.683	
8.	Feltafaram	1.00	1.40		Wood
9.	Feltafaram	1.00	1.20		Wood
10.	Feltafaram	1.00	1.80		Wood
11.	Feltafaram	1.00	1.80		Wood
12.	Feltafaram	1.00	1.00		Wood
13.	Feltafaram	1.50	1.80		Wood
14.	Banyan tree	2.00	3.00		Irrelevant assets
15.	Banyan tree	2.00	5.00		Irrelevant assets
16.	Banyan tree	3.00	6.00		Irrelevant assets
17.	Banyan tree	1.50	3.40		Irrelevant assets
18.	Devadaru (Cedarwood)	1.50	3.00	0.844	
19.	Feltafaram	1.00	1.20		Wood
20.	Feltafaram	1.00	1.80		Wood
21.	Feltafaram	1.30	1.20		Wood
22.	Almond	4.00	0.30		Irrelevant assets
23.	Almond	3.00	0.40		Irrelevant assets
24.	Almond	5.00	0.40		Irrelevant assets
25.	Banyan tree	2.00	0.80		Irrelevant assets
26.	Almond	2.00	0.50		Irrelevant assets
27.	Faltafaram	1.00	1.50		Irrelevant assets
28.	Banyan tree	4.00	8.00		Irrelevant assets
29.	Banyan tree	2.00	5.00		Irrelevant assets
30.	Cherry	1.00	0.40		Irrelevant assets
31.	Cherry	1.00	0.50		Irrelevant assets
32.	Cherry	1.00	0.40		Irrelevant assets
33.	Forest species	1.00	0.60		Irrelevant assets
34.	Specthodiya	1.00	0.40		Irrelevant assets
			Mopu	1.527	
			Wood	5,000	

Verified by:  
Signed:  
Range Forest Officer,  
Mangaluru Range, Mangaluru.

Signed and sealed:  
Deputy Range Forest Officer,  
Mangaluru Section, Mangaluru.

## Annexure R3

**On 03-09-2022 at afternoon 5.00 PM in the office of Tree officer and Assistant Forest Officer, Mangalore proceedings of the meeting was held on issue of clearing the trees for development work at Marnamikatte Circle to Kotichennayya Circle road , Mangalore City Corporation Mangalore.**

Present:

- 1) Sri. Subramanya Rao, Tree Officer and Assistant Forest Conservator, Mangalore.
- 2) Sri. Prashanth Kumar Pai, Zonal Range Forest Officer, Mangalore
- 3) Sri. Daniel Tauro, Environmentalist
- 4) Smt. Suma R. Nayak, Advocate and Environmentalist
- 5) DillipVaj Nayak, Environmentalist.
- 6) Sri. Helen Mathais, Environmentalist

Absentees:

That Mr. Daniel Tauro and others have submitted an objection Petition to this office on behalf of Smart City, Mangalore seeking permission to cut down 34 trees which are said to be obstructing the road development work from Marnamikatta circle to Kotichennaiah circle which comes within the jurisdiction of Mangaluru City Corporation. On 5-08-2022, the zonal Range forest officer, Mangalore informed in the meeting that even though the petitioner and the officials of Smart City Limited were requested to come to the place, no one have attended the spot . Further on this day i.e dated 03-09-2022 , the Zonal Rage Forest officer, Mangalore of Smart City, contacted the officer and the objection petitioner through telephone and called them to attend the discussion in the presence of undersigned. But only Daniel Tauro and three others attended and no one assisted on behalf of Smart City. In the meeting Mrs. Suma R. Naik said that road widening work has already been started from Marnamikattacircle to Kotichennaiah circle, soil has been loosened at the base of trees and concrete has been laid here and there. Therefore, until the above petition is settled, it shall be observed that the trees in this area should not be damaged.

Finally, it was decided that the officials of Smart City and the objectors will come to the office of the undersigned on 08-09-2022 at 4:00PM for a final discussion on the matter and thus concluded the today's discussion.

Signed and sealed:  
Tree Officer and  
Assistant Conservator of Forests  
Mangaluru Sub Division, Mangaluru.

No. Sa Aa Sam: A Mara: Vi Va -02:2022-23

Dated: 03-09-2022

To,

- 1) The persons present in the meeting
- 2) General Manager (Technical) Mangaluru Smart City Limited, Mangaluru.  
Mangaluru City Corporation Building, 2<sup>nd</sup> Floor, MG Road, Lalbagh, Mangaluru.
- 3) Range Forest Officer, Mangaluru Range, Hoigebazar, Mangaluru.

Signed:

Received:  
Daniel Tauro

**On 08-09-2022 at afternoon 4.00 PM in the office of Tree Officer and Assistant Forest Officer, Mangalore proceedings of the meeting was held on issue of clearing the trees for development work at Marnamikatte Circle to Kotichennayya Circle road , Mangalore City Corporation Mangalore.**

Present:

- 1) Sri. Subramanya Rao, Tree Officer and Assistant Forest Conservator, Mangalore.
- 2) Sri. Prashanth Kumar Pai, Zonal Range Forest Officer, Mangalore
- 3) Sri. Shailesh. B. Shetty Corporator
- 4) Sri. Raghavendra , Assistant Executive Engineer, Smart City Limited, Mangaluru.
- 5) Smt. Suma R. Nayak, Advocate and Environmentalist
- 6) Sri. Daniel Tauro, Padil, Mangalore
- 7) Sri. Jeeth Roach, Morgansgate, Mangalore
- 8) K. Gopika, Raktheshwari Nagar, Mangalore
- 9) Harish Kumar, Maroli, Mangalore
- 10) Sri. Helen Mathais, Nandigudde, Mangalore
- 11) B.C. Ferandes, Majila, Mangaluru -2
- 12) DilipVaj Nayak, Shivabagh Road, Kadri, Mangaluru and others.

In the meeting held on this day, Sri. Sanju D. Lamani, Deputy Range Forest officer, Mangalore welcomed everyone to the meeting and told regarding the petition filed by Mr. Daniel Tauro and others on behalf of city Mangalore seeking permission to cut down 34 trees which are said to be obstructing the development work from Marnamikatta circle to Kotichennaiah circle within the jurisdiction of Mangalore Municipal Corporation. After briefly informing regarding the gathering of meeting, he introduced Raghavendra, Assistant Executive Engineer of Smart City and Mr. Shailesh B. Shetty Co-operator of that area to everyone present in the meeting and said to freely discuss the matter regarding cutting of trees.

In the meeting the below mentioned matter has been discussed.

**1) Regarding to save the trees in case of alternative road system:**

Smt. Suma R. Nayak spoke and said that herself has no objection to carry out development work across the city. But Smart city has undertaken road development work in this area for smooth vehicular movement. She said that there is another route from Jeppu Cemetery side instead of road marked from Marnamikatta Circle to Kotichennayya Circle . The current route is in good condition and this alternative route can also be used for smooth movement of vehicles and there is no need to cut trees from this side and also told that, since there is a replacement system in the constitution of India, trees should be protected. She told in the meeting to take action to change the plan prepared by the smart city for the protection of the environment and for the protection of animals and birds. Responding to this, the Assistant Executive Engineer of Smart City told regarding the approval of already made development from Padil to Pumpel route and Pumpwell to Kankanady and Kankanady Father Mullers Hospital to four road as per smart city plan. Sri. Daniel Tauro objected this matter and said that the

road was widened from Kankanady to Nanidugde in the past, so that there was no benefit for vehicular traffic and pedestrians and currently street vendors are conducting business on the footpaths. Hence he requested that, as per the order of the Honourable Supreme Court and as per the direction of the Honourable Green Bench, when there is an alternative system for road traffic, to make good use of it and save as many trees as possible.

**2) Regarding translocation of trees :** That Zonal Range Forest Officer have asked Sri. JeethRoach , the person who help the Department and public to translocation plants/ trees, to relocate some of the trees identified from Marnamikatta circle to Kotichennaiah circle? In his reply , he replied that since the trees at the site are too big it cannot be removed.

**3) About the alternative system of planting trees instead of cutting down trees:** Mr. Harish said that instead of cutting down trees here and there, special "Traffic rules" should be implemented to limit the number of vehicles per house to a minimum for the smooth movement of vehicles in Mangaluru City . And when asked what alternative system is being implemented for planted across environmental protection under trees, he said that 10,000 trees have been planted throughout Mangaluru city. Meanwhile, the Zonal Forest Officer of smart city, Mangaluru said that instead of planting two saplings per tree for development projects in the city limits at Mangaluru shall pay approximately Rs. 3800-4000/- and the assets obtained from the trees are transported to the government depot. And the said amount being deposited in the account of the Forest Department and the amount will be released by the government for plantation under various schemes in different parts of Karnataka . Said Mr. Harish objected to this matter and said that if trees are cut in Mangalore City and planted in some other corner of Karnataka, it will not benefit the people of Mangaluru. He said that that cutting down these trees will not only deprive us of oxygen and shade, but also harm the Biodiversity.

Further Gopika continues to speak and told that in Mangaluru in the name of development , there is concretization everywhere and there is no support for planting trees. On behalf of NECF, they have been planting trees at a distance of 100 – 150 KM and they have been a situation of growing "Miyawaki Plantation" at Mangalore and saving the trees. In the meantime, Mr. Harish spoke and told that , concrete is being put up to the base of the trees and it is seen that, they are gradually drying up without even getting water and asked the Forest Department to take adequate action regarding this matter.

Finally DilipVaj Nayak read the passage of the Smart City website and said that instead of making the city beautiful by just making concrete buildings and road, the city can be made smart by saving as many trees as possible. Finally, JeethRoach spoke and said that earlier there was a proposal to cut down trees while developing the road around Kadri Park, but still they have saved all the trees over there and made it a model road and told that same method shall be used at Marnamikatta to Nandigudde road and asked to make changes in the project of road development.

There being no other matters for discussions, the meeting was closed after thanking all present in the meeting.

Signed and sealed:  
Tree Officer and  
Assistant Conservator of Forests  
Mangaluru Sub Division, Mangaluru.

No: Sa A Sam: A Mara: Vi Va-02: 2022-23

Dated: 08-09-2022

To,

- 1) The person present at the meeting
- 2) Range Forest Officer, Mangaluru
- 3) General Manager (Technical) Mangalore Smart City Limited, Mangaluru City Corporation Building, 2<sup>nd</sup> Floor, M.G. Road, Lal Bagh, Mangalore
- 4) Respected Deputy Forest Conservator, Mangalore Division, Mangaluru
- 5) Sri. Shailesh B. Shetty Corporator.

To,  
Assistant Forest Conservator Officer,  
Mangalore.

From,  
The Public,  
Shanthinagar, Nandigudde,  
Mangalore.

Seal: 20 SEP 2022

Respected Sir,

Subject: Regarding to avoid the disaster caused by old trees and provide opportunity for road development.

\*\*\*\*

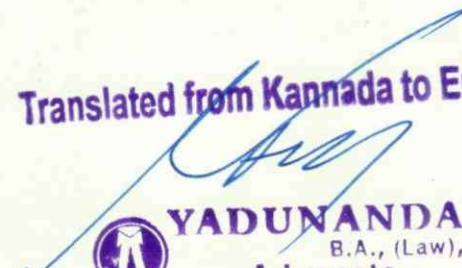
Relating to the above said matter, there are many old trees in Koti Chennayya circle upto Marnamikatta Circle and already their branches are falling into pieces due to the rains, due to which many pedestrians and motorists are injured. There is possibility of these old trees falling in the coming up days, before major calamities occur in this area, it is requested to District Commissioner, Mangalore City Corporation, Mangalore Smart City Limited and Forest Department Mangalore to wake up and cut down these trees and develop the road in this area.

Some surroundings people have strongly opposed regarding the cutting of trees, they are showing as an alternative route to Vaman Nayaks road as there are cemetery on both the sides of the road, as this road is a deserted road in the city and many accident occur during night in this area and hence the surrounding people have strongly opposed to travel on this road at night and also requested to complete the development work.

Yours Faithfully,

- |                |  |                    |
|----------------|--|--------------------|
| 1) K. Jeevanji | Moray House, Jeppu,<br>Shanthinagar, Nandigudda,<br>24-11-1195 | 9986589259 Signed: |
| 2) Vani D.     | Moray House, Jeppu,<br>Shanthinagar, Nandigudda,<br>24-11-1195 | 7892277453 Signed: |
| 3) Sumitra     | Moray House, Jeppu,<br>Shanthinagar, Nandigudda,<br>24-11-1195 | 9449450597 Signed: |
| 4) Edward      | "GEM" Nandigudda opp<br>Mangalore Store, D.No.<br>24-12-1197.  | 7348846799 Signed: |

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YADUNANDAN  
B.A., (Law), LL.B.  
Advocate

2nd Floor, Pioneer Complex  
North Road, (Morden West Road)

## Annexure R5



Karnataka Forest Department

Telephone: 0824-2423913

0824-241242

e-mail: def\_mngt@yahoo.co.in

[defmng@aranya.gov.in](mailto:defmng@aranya.gov.in)

Deputy Forest Conservator Office, Mangaluru Division, P.W.D Building, Near Near Maidan, Mangaluru – 575 001

No. Sa A Sam: A. Mara: Vi Va-02:2022-23

Dated: 09-09-2022

To,

General Manager (Technical)  
Mangaluru Smart City Limited,  
Mangaluru City Corporation Building,  
2<sup>nd</sup> Floor, M.G. Road,  
Lalbagh, Mangaluru.

Respected Sir,

Subject: Regarding to cut the trees which are obstructing the road development work from Marnamikatta Circle to Marnamikatta Circle, within the jurisdiction of Mangaluru City Corporation.

Reference: 1) The office letter in even Number dated 03-09-2022

2) As discussed in the meeting dated 08-09-2022.

\*\*\*\*\*

In relation to the above matter, the undersigned has organized a meeting on 08-09-2022 to discuss the matter and take further action regarding cutting down of 34 trees which are said to be obstructing the road development work from Marnamikatta Circle to Kotichennaiah circle of Marnamikatta within the jurisdiction of Mangalore City Corporation and the proceedings of the meeting are annexed with this letter.

There is already a tree – marked road to go from Marnamikatta Circle to Kotichennaiah circle and there is another route from Jeppu Cemetery side. If there is a replacement system, the trees have to be protected. Hence everyone present in the meeting requested to change the project plan prepared by Smart City in view of environmental protection and Protection of Plants and animals. Therefore, requesting you to modify the “Project Plan” prepared by you for the purpose of protecting tree and urgently requesting you to inform regarding this matter to this office.

Yours Faithfully,  
Signed and sealed:  
Tree Officer and  
Assistant Conservator of Forests  
Mangaluru Sub Division, Mangaluru

# Annexure R6



GPS Map Camera

**Mangaluru, Karnataka, India**  
Mathias Mansion, Father Muller's Rd, Nandi Gudda, Mangaluru,  
Karnataka 575002, India  
Lat 12.854316°  
Long 74.853647°  
13/07/23 02:08 PM GMT +05:30





 GPS Map Camera

**Mangaluru, Karnataka, India**

VV43+3J5, Nandigudda 2nd Cross Rd, Kankanady, Mangaluru,  
Karnataka 575002, India

Lat 12.855094°

Long 74.854185°

13/07/23 02:13 PM GMT +05:30

Google

MAHAZAR

This Mahazar is prepared on 13/07/2023 in the presence of Assistant Forest Conservator, Mangalore Sub Division, Staff and in the presence of below mentioned panchas as per O.A. No. 28/2023 of the Honourable Court regarding obstructing the trees existing at Attavara Village, Nandigudde, Marnamikatte road of Mangalore Taluk

On this day I along with staff and panchas came to the spot which was marked by Honourable Green court in O A No. 28/2023 for cutting off the trees which are obstructing the road at Nandigudde to Marnamikatte of Attavar Village of Mangalore Taluk and we searched and found the location of the tree mentioned in the complaint by the complainant, then we tallied the photo of the trees taken by the complainant at the spot in the presence of panchas and it was confirmed that the said place was the place where the complainant have requested to cut down the trees , thereafter photograph taken by the complaint regarding the felled tree which was not felled was still at the spot and was tallied and confirmed in the presence of panchas

The said trees were existing at the road side of Nandigudda Marnamikatte road and belongs to Feltafarm Category and the branches of the tree are spread at the base and it contained about 3-4 branches existing at the one side of the road and since the said tree was existing at the road side in the rainy season, due to rain and wind some small branches of the trees have fallen to the road and have caused danger to the vehicular traffic and lives of people and this was told by the local panchas present over there and was accepted by the remaining panchas. And continuing it was mentioned in the Mahazar that Panchas and Department staff have told that at the time of rainy season prior precautions shall be taken to obstruct the branches of the trees in the presence of public and in collaboration with the Forest Department . The panchas have opinioned , that the three photos filed by the complaint regarding obstructing of trees may be taken while cutting the branches of the trees and as stated by the complainant,

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**YADUNANDAN**  
B.A., (Law), LL.B.

there is no sign of any unauthorized obstructing of trees in the said place and again looked at the shape of the tree at the spot and confirmed that it was the same tree and the said tree was not obstructed and it was confirmed in the presence of the panchas and the photos of the said trees were taken and it was decided at the spot in the presence of the panchas that report shall be sent to the honourable court and District Commissioner regarding this matter. This Mahazar was prepared at morning 9-00 hours to 10-00 hours and completed.

Boundaries of the spot:

East: Nandigudda road

West: Marnamikatta road

North: Koragajanna Katte and Private residential house

South: Private shop and House buildings.

Signature of the panchas:

1) Seal and signed:

Vigneshwara Traders,  
Mornay Mansion, Shanthi Nagar,  
Nandigudda, Mangalore -2

2) Signed: Nalini

Wife of Raghu Poojary,  
Madoor, Arasunagara,  
Mangalore

Signed: Krishna

Surveyor

Sub Zonal Forest officer,  
Mangalore.

Written by me:

Signed:

Patrol Forest Guard  
Mangalore Patrol.

"in my presence"

Signed: 13/7/23

Assistant Forest Conservator Officer.

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**YADUNANDAN**

B.A., (Law), LL.M.

Advocate

2nd Floor, Pioneer Complex  
Nellikai Road, (Maidan West Road)  
STATE BANK, MANGALORE -575 001-