

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
INTERIM APPLICATION NO. \_\_\_\_\_ OF 2026  
IN  
ORIGINAL APPLICATION NO. 38 OF 2026**

In the matter between:

MANISH ARUN BAVISKAR

...Applicant

VERSUS

NASHIK MUNICIPAL CORPORATION &

ORS.

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 1,  
NASHIK MUNICIPAL CORPORATION**

**PAPER BOOK**

(FOR INDEX, PLEASE SEE INSIDE)

**ADVOCATE FOR THE RESPONDENT: VP LEGAL PARTNERS**

**Filed on: 27.04.2026**

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Place: New Delhi

Date: 25.04.2026

<b>NOTARY</b> 901
NOTED & REGISTERED
at Serial No.....51...../2026
Date 27/04/2026
THIS DOCUMENT
Contains Pages...17.....

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 38 OF 2026**

**In the matter of:**

Mr. Manish Arun Baviskar

...Applicant

Versus

Nashik Municipal Corporation & Ors

...Respondents

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT  
NO. 1 NASHIK MUNICIPAL CORPORATION**

I, Mr. Amit Ranjan, age: 36 years, Occu: Service as the Additional Commissioner of Nashik Municipal Corporation, Maharashtra, presently at Nashik for Respondent No. 6 do hereby solemnly affirm and say as under:

1. The present Reply Affidavit is being filed jointly on behalf of the Tree Authority and the Nashik Municipal Corporation (hereinafter referred to as "NMC" for convenience).
2. That the Answering Respondent herein is filing the instant Reply Affidavit to bring on record the facts and circumstances which are crucial for proper adjudication of the instant petition.
3. At the outset, the Answering Respondent denies in its entirety the contentions raised, and the averments made by the



Petitioner in the instant Petition as being false, incorrect and misconceived. All facts, averments, statements, submissions and contentions raised by the Petitioner in the Present petition are contrary to law and all grounds raised by the Petitioner not in consonance with the counter affidavit are hereby denied.

4. The present O.A. has been filed by Mr. Manish Arun Baviskar impugning the notices issued by the Tree Officer for road widening purposes in the city of Nashik and establishment of a 'Sadhugram' for the forthcoming *Kumbh Mela* 2027.
5. The notices impugned in the present O.A. are as follows:  
  
No.333/2025, 299, 300, 389, 408, 410, 411, 416, 420, 421, 422, 424, 425, 429, 434, 435, 436, 439, 440, 446, 447, 448, 449, 450, 451, 457, 459, 463, 465, 468, 469, 473, 474, 482 and 483/2026.
6. The present Original Application was listed on 7<sup>th</sup> April 2026 before this Learned Tribunal for fresh hearing. This Tribunal vide Order dated 7<sup>th</sup> April 2026 has admitted the present Original Application and directed by way of interim direction that the Respondent i.e. the answering Respondent -



Municipal Corporation will not be felling any tree till the next date of hearing.

7. The Applicant in the present Original Application had contended that the notices issued were not in consonance with Section 8(3) of the Trees Act, 1975. According to the Applicant, the advertisement must mention the kind of tree i.e. heritage tree, its age, reasons for being felled.

**Statutory provisions:**

8. The present Respondent – Municipal Corporation humbly submits that the scheme of provision under the Trees Act, 1975 does not contemplate the contentions raised by the Applicant in the present Original Application. The procedure as enumerated in the Trees Act, 1975 as per Section 8 is as follows:
  - a. As per Section 8(2), if any tree is to be felled an application has to be made to the Tree Officer in writing, the said application shall be accompanied by the description of the tree, a site plan and the reasons therefor.
  - b. As per Section 8(3):



- i. on receipt of such an application, the Tree Officer is required to give public notice by advertising it in at least one local newspaper;
  - ii. the notice is also required to be affixed on conspicuous part of the tree that is to be felled;
  - iii. the Tree Officer is required to personally inspect the tree to be felled;
  - iv. the Tree Officer is required to hold an enquiry;
  - v. the Tree Officer is required to specifically mention in the advertisement if the tree to be felled is a heritage tree; and
  - vi. determine age of the tree being felled as per the criteria and method as may be notified by the government.
- c. Thereafter, the Tree Officer is required to call for objection and suggestion by a notice of not less than 7 days and submit his report along with the objections and suggestions to the Tree Authority or to the Municipal Commissioner as per Section 8(5). The Tree Officer is required to submit a report within 12 days from the date of receipt of the application.



d. Further, the Tree Authority is required to decide on the application within 45 days of the same being submitted.

9. This is the general scheme of Act of 1975 to be followed by felling of any tree. As per the contention of the Applicant in Original Application, there are two issues that have been primarily raised which are as follows:

- i. that the notices under Section 8(3) of the Trees Act, 1975 are not in accordance with the statutory framework; and
- ii. that the *modus operandi* adopted by the Respondent Authority is that they issue a notice of 7 days and without passing any order on the objection permit the cutting of the trees.

10. The Applicant has not pointed out the correct procedure as provided under Section 8(3) of the Trees Act, 1975. As per Section 8(2), the application made to the Tree Officer for grant of permission for felling of a tree is required to be filed with the description of the tree and the reasons for felling of the same.



11. As per Section 8(3)(a), the Tree Officer is required to advertise the public notice in at least one local newspaper which has been complied by the Respondent – Municipal Corporation by issuing notice in in newspapers namely 'Lokmat', 'Pudhari', 'Gavkari' and 'Brahmar' newspapers. The notices as published are annexed to the Original Application.
12. The requirement of affixing such notice on conspicuous part of the tree to be felled as also being complied by the Authority. The photographs of the affixation of the notice on the concerned trees are annexed herewith and marked as **Exhibit "A"**.
13. As per Section 8(3)(a)(v), the advertisement is required to mention if the tree is a heritage tree. The said requirement applies only that the tree proposed to be felled is a heritage tree. Under Section 8(3) of the Trees Act, 1975, there is no requirement of providing the age or the reasons for the proposed felling of trees in the advertisement to be given by the Tree Officer. The said details as to the reasons of felling



of tree are to be enumerated in the application filed before the Tree Officer.

14. Thus, the contention raised by the Applicant in the Original Application belies the statutory provisions of the Trees Act, 1975. The requirements under Section 8(3) have been complied by the Respondent – Municipal Corporation in its totality

15. The next contention/argument advanced by the Applicant is as to the *modus operandi* adopted by the Respondent Authority of issuing 7 days' time and not passing any order on the objections raised by the objectors. In this respect, it would be relevant to note that as per Section 8(3), the Tree Officer is required to give a notice of not less than 7 days for inviting the objections and suggestions.

16. It would be further relevant to note that under the proviso, the Tree Officer is required to submit his report within 12 days from the date of receipt of application. Thus, it is clear from the statutory scheme, that the law has excluded any laxity while dealing with these applications and has provided a strict



timeline of the Tree Officer report being filed to the Tree Authority within 12 days of the receipt of the application.

17. Thus, it would be justified that the authority concerned is within the statutory framework of giving a 7 days' notice for calling of the suggestions and objections.
18. It would be also pertinent to note that as per Section 8(3), the Tree Officer does not have any power to pass any orders on the objections and suggestions received. The Tree Officer has been empowered to file the report along with the objections and suggestions received to the Tree Authority. Thus, there is no question of passing of any orders by the Tree Officer.
19. It would be also pertinent to note that the Tree Authority has to pass an order on the report submitted by Tree Officer along with the suggestions and objections. The said exercise has been carried out and order has been passed by the Tree Authority.
20. It would be important to note that the notices which are subject matter of the present Original Application are the trees



which are part of road widening or obstruction in the middle of the road causing danger to the traffic plying in the city.

21. It would be important to note that the Applicant has tried to mix different issues i.e. *Sadhugram* and the road widening work carried out in the city. Only Notice bearing No. 333/2025 is pertaining to *Sadhugram* whereas all the other notices under challenge are regarding the other developmental work to be carried out in the city.

Further, it would also be pertinent to note that the notices challenged herein also include the applications made by private parties for felling of trees.

22. The trees proposed to be cut by the impugned notice are either causing hindrance to the traffic or are a serious danger as they are standing in the middle of the road. The depiction of the danger caused by the trees proposed to be cut are evident from the photographs annexed herewith as **Exhibit "B"**..

23. It is also relevant to note that the Respondent – Municipal Corporation is not cutting all the trees, some trees are being translocated. It is also important to note that species of trees



such as Vad, Nandrukh and Pipal which are prohibited to be felled are not being touched, however, the same are being translocated.

24. The Applicant herein has relied upon an Interim Order of the Hon'ble Bombay High Court in *Rohit Manohar Joshi v. The Tree Authority, Thane*. The Interim Order dated 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 23<sup>rd</sup> April 2018 was passed in a PIL, wherein the amendment to the Tree Act was challenged.
25. The observations made and the direction passed in the order dated 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 23<sup>rd</sup> April 2018 are interim in nature. In the said Order, the Hon'ble Bombay High Court had passed certain directions as to the amendment Act.
26. However, by a subsequent Order dated 11<sup>th</sup> December 2018, the interim directions passed vide order dated 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 23<sup>rd</sup> April 2018, were expressly vacated and thus the observations made therein cannot be relied upon. The Order dated 11<sup>th</sup> December 2018, passed in PIL No 119 of 2017 i.e. *Rohit Manohar Joshi v. Tree Authority, Thane*, is hereto and marked as Exhibit 'C'.



27. Ultimately, the abovementioned PIL was not pressed before the Hon'ble High Court and as such was dismissed being not pressed.
- The Order dated 21<sup>st</sup> August 2019, passed in PIL No 119 of 2017 i.e. Rohit Manohar Joshi v. Tree Authority, Thane, is hereto and marked as **Exhibit 'D'**.
28. Thus, the directions contained in *Rohit Manohar Joshi* (supra) cannot be pressed into service by the Applicant herein, since the orders were expressly vacated.
29. The answering Respondent being the planning authority, is required to provide for the safe public infrastructure and also cater to the growing populous demand. Thus, the answering Respondent is required to strike a balance between the essential development for the city as well as protection of ecology.
30. The answering Respondent herein submits that the compensatory afforestation is proposed to be done in a manner contemplated under the Act, rather it would be an ounce more than what is contemplated under the Act of 1975.



31. The Answering Respondent shall para-wise deal with the contentions of the Petitioner.

- I. The contents of para 1 are unsubstantiated averments by the Petitioner and hence denied.
- II. The contents of para Nos. 2-13 are a matter of record and warrant no reply.
- III. At the outset, the averments made in paragraph 14 (a) are denied. The bald assertion that the proposed works have resulted or will inevitably result in environmental degradation is wholly premature and unsubstantiated.
- IV. The averments made in paragraph 14 (b) are baseless and therefore denied. Any proposed tree cutting, if at all required, is being considered strictly in accordance with law, after due surveys, technical assessments, and subject to statutory permissions.
- V. The allegations in paragraph 14 (c) are emphatically denied. The statements attributing mala fides, commercial motives, land-grabbing intentions, or alleged "commission" in award of tenders are scandalous, politically coloured, and devoid of any particulars.



- VI. The contents of paragraph 14 (d) are denied. It is submitted that the Answering Respondent has neither proposed nor sanctioned the indiscriminate felling of old or heritage trees. It is further submitted that any felling or pruning of trees, if at all required, is undertaken strictly in accordance with the applicable statutory framework and only upon obtaining due permissions from the competent authority, after following the prescribed procedure under law.
- VII. The averments in paragraphs 14 (e) and (f) are denied in toto. The absence of general elections, if any, does not ipso facto render the statutory body non est or divest it of its lawful authority to discharge its statutory functions. Further, it is submitted that the proposed tree felling is accompanied by compensatory plantation and other mitigation measures as mandated under law. The allegation that the felling is "excessive," "avoidable," or "arbitrary" is denied as being speculative and without factual foundation.
- VIII. The contents of paragraph 14(g) are emphatically denied as being wholly false and devoid of any supporting material. The Applicant has advanced bald and sweeping



allegations without placing on record any cogent or credible evidence in support thereof. The figure purportedly indicating the number of trees to be felled by the Answering Respondent is entirely arbitrary, speculative, and without any foundation in official records or sanctioned proposals.

- IX. The contents of para 14 (g) are denied. The planning process for Kumbh Mela necessarily involves temporary and permanent infrastructure upgrades to ensure public safety, crowd management, emergency access, and environmental safeguards. Such planning cannot be equated with arbitrary commercial exploitation.
- X. The contents of para 15 are denied as being baseless. It is submitted by the Answering Respondents that the entire case put forth by the Applicant is based on conjectures and surmises and there is no evidence even to show a *prima facie* violation of any statutory compliance, directions by this Hon'ble Tribunal or the orders of the Hon'ble High Court that have been brought on record by the Applicant. It is respectfully submitted that the Answering Respondent is fully conscious of its statutory role and responsibility as



a custodian and protector of urban tree cover. Accordingly, utmost care has been taken to ensure the maintenance of ecological balance, and any proposal involving tree felling has been restricted to the absolute minimum necessary, after due consideration of environmental impact and available alternatives. Thus, the Applicant has prematurely approached this Ld. Tribunal without verifying any of the averments and facts alleged in its application.

- XI. The prayers sought in clauses (a) to (e) are wholly misconceived, untenable in law, and liable to be rejected. The impugned notices have been issued strictly in accordance with the statutory mandate under Section 8(3) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, after following the prescribed procedure. The sweeping reliefs sought in the said application viz. seeking blanket quashing of multiple notices, permanent restraint on statutory authorities, imposition of additional conditions de hors the statute, and a complete embargo on developmental works are devoid of merit and deserve to be rejected. The Petitioner cannot, under the guise of public interest, seek to supplant the



existing statutory framework with self-styled guidelines or insist upon conditions not contemplated by law. Without prejudice, all actions undertaken or proposed are compliant with the statutory framework, and the Respondents remain bound by applicable legal and judicial mandates. The interim reliefs sought, being in the nature of a blanket stay affecting essential public works, deserve outright rejection.

32. That the Answering Respondent herein further seeks Liberty to file additional affidavit in course of litigation as and when directed by this Hon'ble Court or required in the facts and circumstances of the case.

33. That in view of the foregoing paragraphs, this Hon'ble Court may be pleased to dismiss the present Original Application with costs.

PLACE: Nashik

Date: 22.04.2026

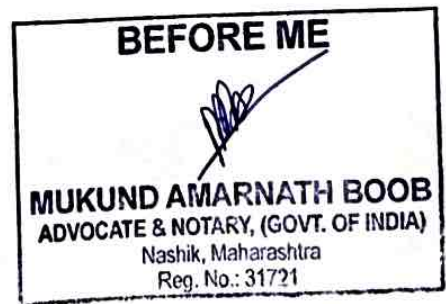
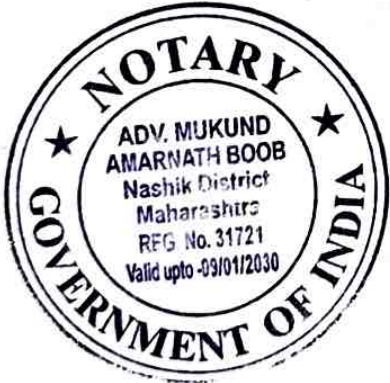
  
DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of para 1 and 2 of above Affidavit are true and correct to the best of my knowledge and belief and no material has been concealed there from.

Solemnly affirmed on this 25<sup>th</sup> day of April 2026 at Nashik.

*Amit*  
Deponent





कुंभनगरी म्हणजेच त्रांबकेश्वर  
 त्रांबकनगरीच्या पायथ्याशी  
 सर्व सुख - सुविधायुक्त  
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PROPERTY REGISTRATION DEPARTMENT  
 Nashik, Maharashtra  
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 **GPS Map Camera**



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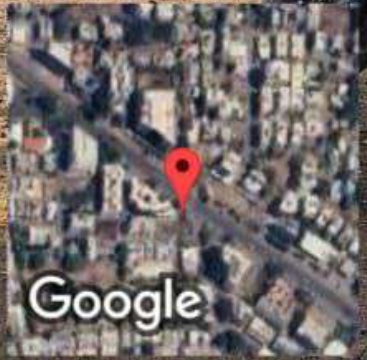
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**Nashik, Maharashtra, India** 

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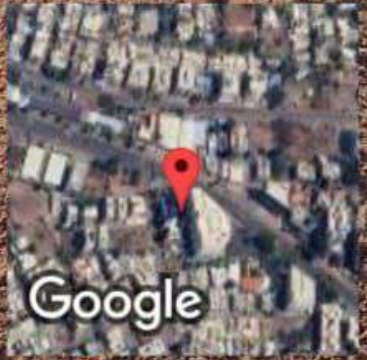


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 पुस्तकालय, नशिक - 422010, महाराष्ट्र, भारत  
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Nashik, Maharashtra, India 🇮🇳  
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नाशिक महानगरपालिका, नाशिक  
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नाशिक महानगरपालिका, नाशिक

GPS Map Camera

Nashik, Maharashtra, India 🇮🇳

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**नाशिक महानगरपालिका, नाशिक**  
 पुस्तक संशोधन विभाग, नाशिक नगरपालिका, नाशिक  
 (नाशिक-०२) काठमाडौं, नेपाल  
 काठमाडौं, नेपाल

**नाशिक शैली**


नाशिक शैलीको लेखनमा निम्नलिखित विशेषताहरू देखापर्छ- यहाँको लेखनमा अक्षरहरूको आकार, स्थिति र अक्षरहरूको जोड-तुलनाको ध्यान दिइएको छ। यहाँको लेखनमा अक्षरहरूको जोड-तुलनाको ध्यान दिइएको छ। यहाँको लेखनमा अक्षरहरूको जोड-तुलनाको ध्यान दिइएको छ।

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शा सेंटर

GPS Map Camera

Nashik, Maharashtra, India 

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नाशिक महानगरपालिका, नाशिक  
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नाशिक महानगरपालिका, नाशिक  
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 महानगरपालिका, नाशिक, महाराष्ट्र, भारत

GPS Map Camera

Nashik, Maharashtra, India 

Wqrm+vx2, Pandav Nagari, Pathardi Phata,  
 Nashik, Maharashtra 422010, India

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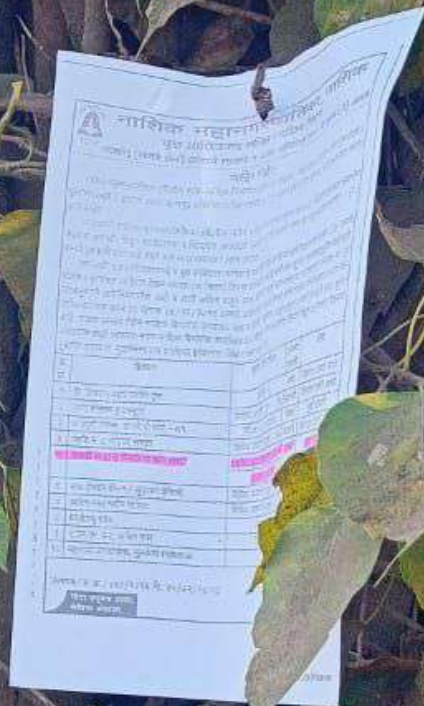


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**Nashik, Maharashtra, India**   
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 GPS Map Camera

Nashik, Maharashtra, India 

6th Floor, Anant Arcade, Near Rayaba Hotel Phatardi,  
Road, Near Phatardi Phata, Wasan Nagar, Pathardi Phata,  
Deolali, Nashik, Maharashtra 422010, India

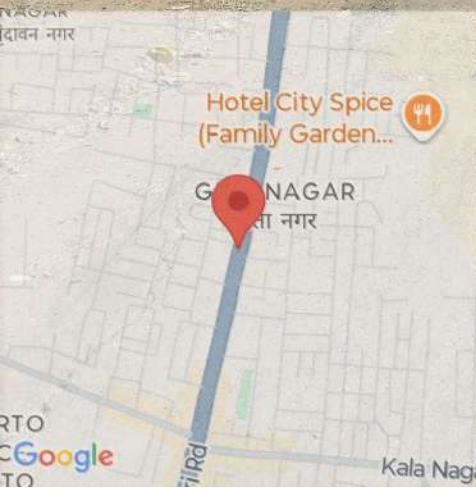
Lat 19.954336° Long 73.765054°

Sunday, 08/02/2026 11:36 AM GMT +05:30



Google





9 Apr 2026 10:25:24 am  
 359° N  
 422101 Dindori Road  
 Sneha Nagar  
 Nashik Division  
 Maharashtra  
 Altitude:561.2msnm  
 Index number: 871







9 Apr 2026 10:24:44 am

1° N

Dindori Road

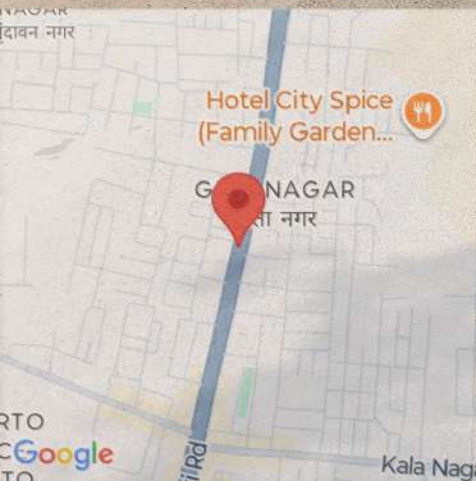
Sneha Nagar

Nashik Division

Maharashtra

Altitude:558.0msnm

Index number: 870

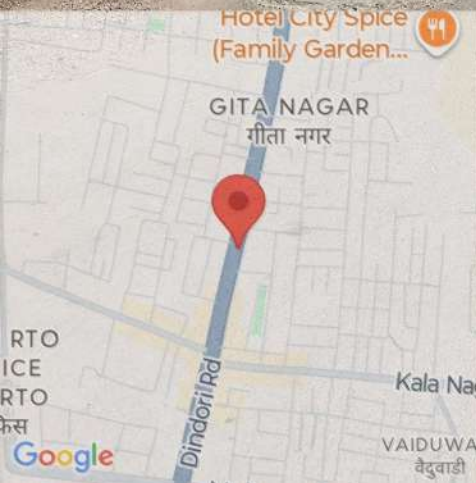


481

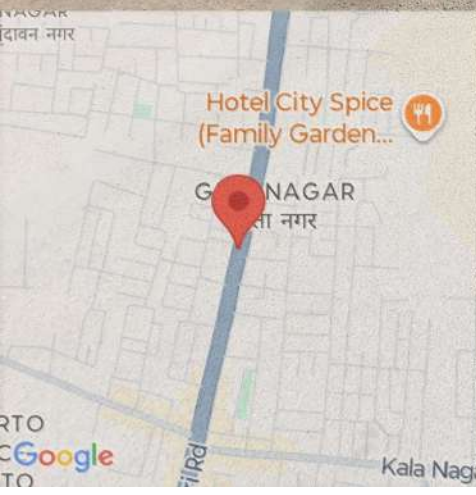
942



9 Apr 2026 10:24:01 am  
8° N  
WING A 323 Peth Road  
Nashik Division  
Maharashtra  
Altitude:556.7msnm  
Index number: 867



9 Apr 2026 10:24:03 am  
 7° N  
 WING A 323 Peth Road  
 Nashik Division  
 Maharashtra  
 Altitude:556.7msnm  
 Index number: 868



9 Apr 2026 10:24:42 am  
 360° N  
 Dindori Road  
 Sneha Nagar  
 Nashik Division  
 Maharashtra  
 Altitude:558.0msnm  
 Index number: 869









9 Apr 2026 10:23:11 am  
 8° N  
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 Sneha Nagar  
 Nashik Division  
 Maharashtra  
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 Index number: 865



9 Apr 2026 10:23:12 am  
6° N

Dindori Road  
Sneha Nagar  
Nashik Division  
Maharashtra

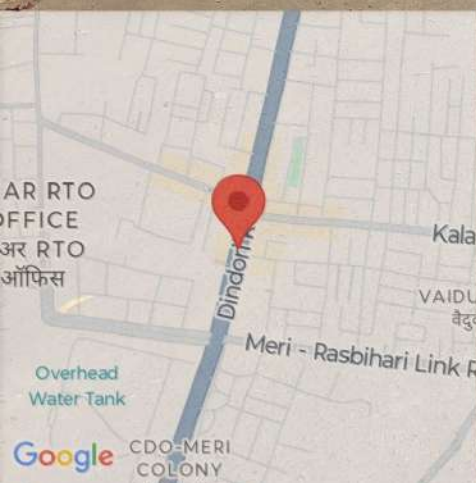
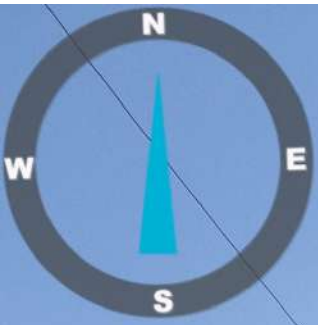
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Index number: 866







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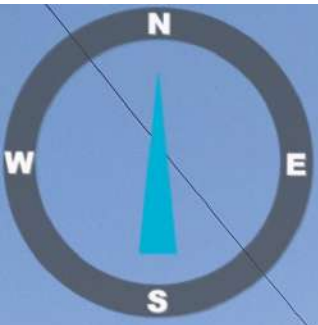
Dindori Road  
Vaiduwadi

Nashik Division  
Maharashtra

Altitude:532.9msnm

Speed:1.1km/h

Index number: 864



9 Apr 2026 10:22:16 am  
 359° N  
 Dindori Road  
 Vaiduwadi  
 Nashik Division  
 Maharashtra  
 Altitude:554.2msnm  
 Index number: 863





9 Apr 2026 10:21:45 am

2° N

Dindori Road

Gav

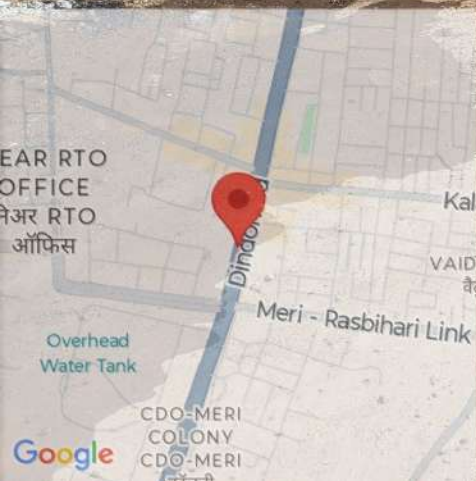
Nashik Division

Maharashtra

Altitude:556.1msnm

Speed:1.0km/h

Index number: 862

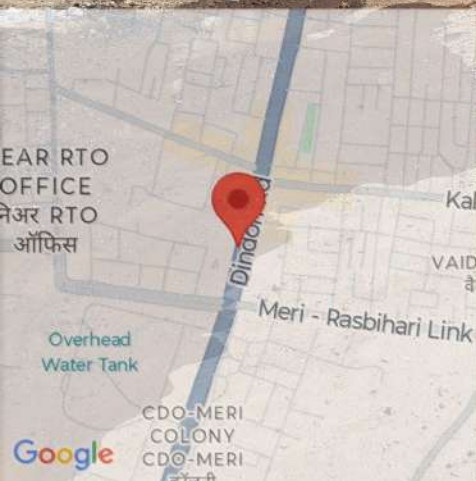








9 Apr 2026 10:21:44 am  
 1° N  
 Dindori Road  
 Gav  
 Nashik Division  
 Maharashtra  
 Altitude:555.2msnm  
 Speed:1.1km/h  
 Index number: 861





9 Apr 2026 10:21:16 am  
359° N

Meri - Rasbihari Link Road

Sneha Nagar

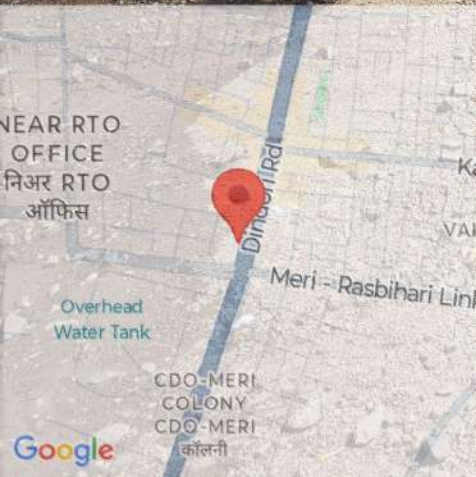
Nashik Division

Maharashtra

Altitude:552.8msnm

Index number: 859





9 Apr 2026 10:21:17 am  
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 Meri - Rasbihari Link Road  
 Sneha Nagar  
 Nashik Division  
 Maharashtra  
 Altitude:542.6msnm  
 Speed:1.3km/h  
 Index number: 860



ENOKHI FASHION

NO PARKING  
IN THIS AREA  
EXCEPT FOR  
EMERGENCY





*pdp*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
PUBLIC INTEREST LITIGATION NO. 119 OF 2017  
WITH  
CIVIL APPLICATION NO. 62 OF 2018  
WITH  
CIVIL APPLICATION NO. 52 OF 2018

Rohit Manohar Joshi

.. Petitioner

Vs.

1. Tree Authority, Thane and ors.

.. Respondents

Mr. Ankit Kulkarni I/by Kranti L. C. for petitioner and applicant in CAI/62/18.

Mr. R. S. Apte I/by Jagdish G. Aradwad (Reddy) for respondent nos.1 to 3.

Ms. Nisha Mehra, AGP for respondent no.4.

Mr. T. N. Subramanian, Sr. Advocate a/w Mr. Saket Mane a/w Mr. Suneet Tyagi a/w Ms. Jayashree Ramchandran a/w Mr. Vishvesh Kalra I/by Vidhi Parnters for respondent no.5.

Mr. Uday Warunjikar for applicant in CAI No. 52 of 2018.

CORAM: NARESH H. PATIL, CJ. &  
M. S. KARNIK, J.

DECEMBER 11, 2018.

P.C.

1. Heard the learned counsel for the parties. This PIL has been already admitted by this court.

2. The petitioner challenges the constitution of Tree Authority under the provisions of Section 3(1) and 3(3) of the Maharashtra (Urban Areas) Protection & Preservation of Trees Act, 1975 (for short the Act). The petitioner has invited our attention to the Resolution No. 168 dated 18/5/2018 passed by the Urban Local Authority i.e. Municipal Corporation, Thane, nominating six members under Section 3(1) of the Act. The petitioner has also pointed out Resolution No. 25 dated 30/10/2018 whereunder the Municipal Corporation has nominated five persons under Section 3(3) of the Act.

3. The learned counsel for the petitioner raises objection to the two names, who are appointed under Section 3(3) i.e. Vikrant Chandrahas Tawade and Namrata Sushant Jadhav as per the Resolution No. 25 dated 30/10/2018. The objections to these names are raised on the following issues :

(a) They do not possess required qualifications/experience.

(b) It could not have been possible for them to complete the course for which they obtained certificate.

(c) Charity Commissioner's office intimated that Vikrant Tawade is not a member of the Trust – NGO.

Further objection is that inspite of directions of this court, a permanent Tree Officer has not been appointed under Section 5(2) of the Act. The Assistant Commissioner of Corporation is handed over charge of Tree Officer. The learned counsel submits that in view of the orders passed by this court earlier, the mandate of law is required to be followed in its letter and spirit. The Tree Authority, being a Committee of immense importance under the Act, needs to be constituted so that development of the city takes place under the expert's guidance and instructions.

4. The learned Senior Counsel Mr. Apte appearing for respondent nos. 1 to 3 submits that after going through the orders passed by this court, the Corporation took necessary steps and reconstituted the Tree Authority. For appointing members under Section 3(3), three Members panel has been constituted consisting of,

(i) Deputy Conservator of Forest, (ii) Regional Forest Officer and (iii) District Agricultural Officer. These three experts in the field have selected five persons under Section 3(3). The authority concerned, after perusing their record, certificates etc. was satisfied that these persons, including Vikrant Tawade and Namrata Jadhav are eligible to be nominated as members of the Tree Authority. Both the learned counsel appearing for the petitioner and Corporation relied upon the respective affidavits filed by them and the relevant record.

5. Mr. Warunjikar, learned counsel appearing for applicant – Vikrant Tawade, submits that not only the candidates Vikrant Tawade and Namrata Jadhav satisfy the eligibility conditions, but they also have necessary certificates, documents indicating they have sufficient experience in this field.

6. Learned Senior Counsel Mr. Subramanian appearing for respondent no.5 submits that under Section 3(3) of the Act, Committee need not be of five members but it could be less than five members too. It is submitted that development projects are held up since last 2

to 3 years in Thane City. No development is going on which affects trade, commerce and business.

7. We have perused the record, earlier orders passed by this court and the relevant provisions of the Act. We have considered the submissions advanced. To appreciate the controversy, it would be material to consider the provisions of Sections 3 (1) and 3(3) of the Act, which read thus:

3(1) As soon as may be after this Act is brought into force in any urban area the urban local authority concerned shall constitute a Tree Authority, consisting of the Chairman and other not less than five and not more than fifteen persons from amongst its members, appointed in such manner and for such period as that authority may determine:

Provided that, where an administrator by whatever name called is appointed for any municipal corporation or municipal council, he shall during the period of his appointment, act as the Tree Authority and exercise all the powers and perform all the duties of the Tree Authority.

(2) .....

(3) Every Tree Authority may nominate representatives of non-official organisations, who have special knowledge or practical experience in the field of planting and preservation of trees, as members of the Tree Authority, but the number of such nominated members shall not exceed the number of members appointed under subsection (1). These members shall be nominated in such manner and for such period as may be prescribed.

It would also be material to refer to the Resolution No. 25 dated 30/10/2018. The said Resolution records that pursuant to the orders passed by this court an advertisement was issued in different newspapers and also on the website of the Corporation inviting applications for nominating members on the Tree Authority. The eligibility conditions are prescribed in the advertisement. Accordingly, 11 applications were received. The applications were duly scrutinized by the three members' panel constituted comprising of (a) Deputy Conservator of Forest, (b) Regional Forest Officer and (c) District Agricultural Officer. The meetings of the three members committee were held on 21/9/2018 and 28/9/2018 and the report was duly submitted. Based on the Report of the panel, five members, (i)

Vikrant Chandrahas Tawade, (ii) Sau. Namrata Sushant Jadhav, (iii) Shri Prakash G. Berde, (iv) Kum. Ankita Amol Jamdar and (v) Shri Sanket Damodar Damame are nominated as members of the Tree Authority.

9. There is no disagreement with the submission that the development of the City should not be stalled. The projects which are on hand have to be completed. New projects are to be undertaken after getting necessary sanction / permission. The Act was framed for making better provision for trees in urban areas in the State by regulating felling of trees and providing for planting of adequate number of new trees in those areas. The legislation must be of paramount consideration for all the stake holders. The composition of the Tree Authority was stayed by this court. On the statement made by the Corporation, the Corporation was permitted to reconstitute the Committee and accordingly Committee has been reconstituted.

10. The intricate issues regarding actual knowledge, experience of the persons have been looked into by the experts and the

concerned Authority who is in law entitled to constitute the Committee. We have gone through the relevant records. Prima faice, we are satisfied with the constitution of the Tree Authority.

11. It is informed that the petitioner has also raised challenge to some of the provisions of the Amended Act.

12. In these premises, we vacate the interim order dated 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 23<sup>rd</sup> April, 2018. We permit the Tree Authority to function. The Municipal Commissioner, Thane, being Chairman of the Tree Authority under the Act shall strictly monitor the functioning of the Tree Authority so as to fulfill the object of the legislature and expectations of the people in the larger interest of Thane City.

13. Civil Application No. 52 of 2018 to be heard along with present PIL.

**M. S. KARNIK, J.**

**CHIEF JUSTICE**



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
PUBLIC INTEREST LITIGATION NO.119 of 2017

WITH

CIVIL APPLICATION NO.39 of 2019  
IN  
PUBLIC INTEREST LITIGATION NO.119 of 2017

Rohit Manohar Joshi .. Petitioner/  
Applicant  
Versus  
Tree Authority, Thane and ors .. Respondents

WITH

CIVIL APPLICATION NO.52 of 2018  
IN  
PUBLIC INTEREST LITIGATION NO.119 of 2017

Vikrant Chandrahas Tawde .. Applicant  
Versus  
Rohit Manohar Joshi .. Respondents

WITH

CIVIL APPLICATION NO.56 of 2019  
IN  
PUBLIC INTEREST LITIGATION NO.119 of 2017

M/s.Peer Realty Pvt.Ltd .. Applicant  
Versus  
Rohit Manohar Joshi .. Respondent

WITH

*Tilak*

**CIVIL APPLICATION NO.62 of 2018  
IN  
PUBLIC INTEREST LITIGATION NO.119 of 2017**

Rohit Manohar Joshi .. Petitioner/  
Applicant  
Versus  
Tree Authority, Thane and ors .. Respondents

...

Mr. Ankit Kulkarni for the applicant in CAI No. 39/2019 and CAI No.62/2018.

Ms.Kranti L.C for the original petitioner.

Mr.Ram Apte, Sr. Advocate I/b J.G.Reddy for respondent nos.1 to 3.

Mr.Saket Mone with Vishesh Kalra, Sandeep Patil, Subit Chakrabarti i/b Vidhi Partners for respondent no.5.

Mr.Bhushan Deshmukh with Krishna Moorthy, Tanvi Shah and Yash Dhakad i/b Wadia Ghandy and Co. for respondent – Piramal Estate Pvt.Ltd.

Mr.Tejesh Dande with Pradeep Shingte, Bharat Gadhavi and Vishal Navale i/b Tejesh Dande and Associates for the applicant in CAI No. 56/2019.

**CORAM: PRADEEP NANDRAJOG, C.J.  
AND BHARATI DANGRE, J.**

**DATED : 21<sup>st</sup> August 2019**

**P.C:-**

1 There is multifariousness and inter mixing of different causes of action in the petition. In the Civil Applications, reliefs have been prayed for which go beyond the pleadings and the reliefs in the main petition.

*Tilak*

2 Learned counsel for the petitioner seeks leave of the Court to withdraw the Writ Petition and all Civil Applications right reserve to file separate petitions concerning : (i) challenge to the vires of parts of the Maharashtra Urban Areas Protection and Preservation of Trees Act, 1975 (ii) challenge to the nomination of members of the Tree Authority in different urban areas, which nominations are permissible under Section 3 of the Trees Act, 1975 and (iii) challenge to the decision taken by the Tree Authority, Thane.

3 Granting leave, the petition and applications are dismissed as not pressed.

**SMT. BHARATI DANGRE, J**

**CHIEF JUSTICE**

Tilak



// TRUE COPY //