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**BEFORE THE NATIONAL GREEN TRIBUNAL; WESTERN  
ZONE BENCH: PUNE**

APPEAL NO. 29/2025

**APPELLANT:** Sachin Dharamdas Khobragade

**VERSUS**

**RESPONDENTS:** State Environment Impact Assessment  
Authority and others

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Nagpur

Dated: 11/7/2025

**COUNSEL FOR RESPONDENT NO. 4**

**BEFORE THE NATIONAL GREEN TRIBUNAL; WESTERN**  
**ZONE BENCH: PUNE**

APPEAL NO. 29/2025

**APPELLANT:** Sachin Dharamdas Khobragade

**VERSUS**

**RESPONDENTS:** State Environment Impact Assessment  
Authority and others

**AFFIDAVIT IN REPLY ON BEHALF OF THE**  
**RESPONDENT NO. 4 NAGPUR MUNICIPAL**  
**CORPORATION**

I, Ganesh S/o Makaram Rathod, aged about 53 years,  
Occupation: Deputy Commissioner (Garden) / Tree Officer, Nagpur  
Municipal Corporation, Nagpur, having been duly authorized by the  
respondent no. 4, do hereby solemnly state as under:

1. That, I have perused the pleadings in Appeal No. 29/2025  
(WZ), so also Annexures thereto. The appellant / applicant has  
prayed to quash and set aside the environment clearance dated  
3/1/2025 granted to respondent no. 2 (Divisional Sports Complex



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Executive Committee, Nagpur) by respondent no. 1 (SEIAA, Maharashtra) on the ground that, though the construction consists of vegetation, however in suppression of the said fact, the environment clearance was sought and is granted.

2. I state and submit that, the Deputy Director of the respondent no. 2 by its application dated 11/6/2024 applied for permission to fell / transplant 357 number of trees which are obstructing the construction of Nagpur Sports Hub at Divisional Sports Complex, Mankapur, Nagpur.

3. I state and submit that, the application by the respondent no. 2 was processed in compliance with the provisions of the Maharashtra (Urban Areas) Protection and Preservation of Trees, Act, 1975 (hereinafter referred to as the **Act of 1975**) and after complying with the provisions of Section 8 of the Act of 1975, the Tree Authority allowed the application by decision dated 28/3/2025 with the condition to plant 5757 number of new trees, in leu of the permission to fell 140 Non-heritage, 29 Heritage trees, accordingly communication granting permission dated 23/4/2025 is served upon the respondent no. 2. The true copy of the decision by the Tree



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Authority dated 28/3/2025 as well as the permission order dated 23/4/2025 are collectively enclosed herewith as **Document R4-1**.

4. I state and submit that, PIL No. 12/2025 is pending before the Hon'ble Nagpur Bench of the Bombay High Court against the action of the respondent no. 2 to fell the trees etc. for carrying out the development of Nagpur Sports Hub at Divisional Sports Complex, Mankapur, Nagpur. The true copy of the Memo of the PIL No. 12/2025 dated 2/2/2025 is enclosed herewith as **Document R4-2**.

5. I state and submit that, the respondent no. 4 is not the contesting respondent in view of the prayers by the appellant in the present appeal and therefore the respondent no. 4 be deleted from the array of parties in the interest of justice.

Hence submitted.

Nagpur

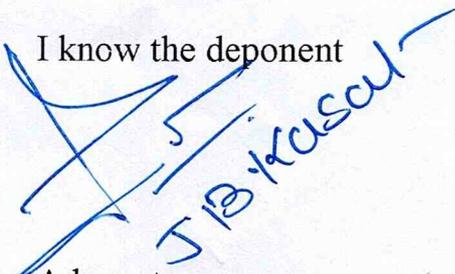
Dated: 11/7/2025

  
Deputy Commissioner  
Nagpur Municipal Corporation  
**DEPONENT**



VERIFICATION

Verified and signed at Nagpur on this 11<sup>th</sup> day of July, 2025,  
that the contents of the above affidavit from paragraph 1 – 5 are true  
and correct to the information received from the available office  
record.

I know the deponent  
  
Advocate

  
Deputy Commissioner  
Nagpur Corporation  
**DEPONENT**

**NOTARIAL REG**  
ENTRY No. 8275  
DATE 11/7/2025

**Mrs. S. R. MATTA**  
NOTARY  
NAGPUR DIST.  
(M.S. INDIA)  
Regn. No. 6776  
My Term Expires  
on 21-9-2028  
GOVT. OF INDIA

OWN BEFORE ME ON THIS 11<sup>th</sup>  
DAY OF July, 2025 AT NAGPUR BY  
SHRI / SMT. / Ku. Ganesh M. Rathod  
R/O NAGPUR WHO HAS BEEN IDENTIFIED BY  
SHRI / SMT. ....  
ADVOCATE, NAGPUR.

  
Mrs. S. R. MATTA  
Advocate  
915-B, Clarke Town, Nagpur

**NOTARY**  
MRS. S. R. MATTA  
DIST.  
NAGPUR (M.S.)  
REGD. NO.  
6776  
GOVT. OF INDIA

  
NOTARIAL OF INDIA

कार्यालय नागपूर महानगरपालिका, नागपूर  
(उद्यान व वृक्ष प्राधिकरण विभाग)

-: सभेचे इतिवृत्त :-

मा. प्रशासक तथा अध्यक्ष वृक्ष प्राधिकरण समिती, मनपा नागपूर यांच्या अध्यक्षतेखाली शुक्रवार दिनांक 28.03.2025 रोजी वेळ दुपारी 12.30 वाजता नविन प्रशासकीय इमारतीच्या सभागृहात संपन्न झालेल्या वृक्ष प्राधिकरण सभेचे इतिवृत्त.

या सभेस खालीलप्रमाणे अधिकारी उपस्थित आहेत.

- 1) श्रीमती. विजया बनकर, अति. आयुक्त (शहर).
- 2) श्री. गणेश राठोड, उपायुक्त (उद्यान) तथा वृक्ष अधिकारी
- 3) श्री. अमोल चौरपगार, वृक्ष संवर्धक

या सभेत खालील प्रमाणे नमूद विषयावर चर्चा होऊन निर्णय घेण्यात आले.

विषय क्र. 1

कार्यालयास दिनांक 10.10.2024 व 17.10.2024 ला प्राप्त अधीक्षक अभियंता, महाराष्ट्र-राज्य पायाभूत सुविधा विकास महामंडळ, प्रादेशिक कार्यालय, नागपूर यांनी सिव्हिल लाईन्स, नागपूर येथील जिल्हाधिकारी कार्यालय परिसरात विभागीय आयुक्त कार्यालय, जिल्हाधिकारी कार्यालय व इतर शासकीय कार्यालयाच्या नविन इमारतीच्या प्रस्तावित बांधकामात व खोदकामात अडथळा निर्माण करणाऱ्या विविध प्रजातीच्या झाडास कापणी करण्याची परवानगी मिळण्याकरीता विनंती केली आहे.

या प्रकरणी पाहणी करण्यात आली असता, सिव्हिल लाईन्स, नागपूर येथील जिल्हाधिकारी कार्यालय परिसरात विभागीय आयुक्त कार्यालय, जिल्हाधिकारी कार्यालय व इतर शासकीय कार्यालयाच्या नविन इमारतीचे बांधकाम प्रस्तावित असून या जागेवर असलेली पुरातन (हेरिटेज) अशोका-1, आंबा-2, कडूनिम-5, करंजी-1, गुलमोहर-3, चिचवा-2, जांभूळ-1, निलगिरी-1, परड-1, पेल्ट्राफार्म-1, सप्तपर्णी-1, रेनट्री-2 व नॉन हेरीटेज अशोका-4, कडूनिम-6, चिचवा-1, काटसावर-1, आडजात-1, सुबाभूळ-1, पेल्ट्राफार्म-5, सप्तपर्णी-1 व पिंपळ-1 (प्रत्यारोपण) अशी एकूण (21+21=42) 42 नग झाडे या प्रस्तावित नविन इमारतीच्या बांधकामात व खोदकामात अडथळा निर्माण करीत आहेत.

या प्रकरणी वर्तमान पत्रात जाहिरात क्र. 778/PR अन्वये दिनांक 15.12.2024 ला जाहिरात प्रसिद्ध करून नागरिकांचे आक्षेप मागविण्यात आले असता प्रसिद्ध करण्यात आलेल्या

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जाहिरातीवर 192 नागरिकांचे आक्षेप प्राप्त झाले. त्यानुषंगाने दिनांक 30.01.2025 रोजी आक्षेपकर्त्यांची सुनावणी घेण्यात आली असून आक्षेपकर्त्यांनी खालीलप्रमाणे आक्षेप नोंदविले आहे.

1. या प्रस्तावित नविन इमारतीच्या बांधकामा करीता अनेक पुरातन वृक्ष तोडणार आहेत, त्यांचे जतन व संवर्धन होणे आवश्यक आहे.
2. या सारख्या मोठ्या प्रोजेक्ट च्या नकाशामध्ये वृक्षांची जागा नमूद करण्यात येत नाही.
3. परिसरात कोणतेही इमारतीचे बांधकामकरणे पूर्वी Environment Clearance घेणे आवश्यक असल्याने ह्याबाबत तपासणी करूनच परवानगी प्रदान करण्यात यावी.
4. ज्यावेळी महानगरपालिके कडे मोठ्या प्रकल्पाचे प्लान सादर करण्यात येते त्यावेळी सदर परिसरात किती वृक्ष आहेत, त्याचे साईड प्लान घेणे आवश्यक आहे.
5. तोडण्यात येणाऱ्या झाडाच्या मोबदल्यात पर्यायी वृक्ष लागवड संस्थेने करावी व त्याचे संगोपन करण्यात यावे, याबाबतचा नियोजन आराखडा याची माहिती द्यावी.

सदर ठिकाणच्या प्रस्तावित नवीन इमारतीच्या बांधकामात बाधित होणाऱ्या पुरातन (हेरीटेज) वृक्षास कापणी करण्याव्यतिरिक्त इतर पर्याय उपलब्ध आहे का? याबाबत जिल्हाधिकारी कार्यालय परिसरात मा. प्रशासक तथा अध्यक्ष वृक्ष प्राधिकरण समिती यांनी दिनांक 17.02.2025 रोजी श्रीमती. ए. एन. मेश्राम, कार्यकारी अभियंता, महाराष्ट्र-राज्य पायाभूत सुविधा विकास महामंडळ, प्रादेशिक कार्यालय, नागपूर व श्री. वेद प्रकाश पेरुनेडू, प्रकल्प सल्लागार M/s. Enia Design Pvt. Ltd. यांच्यासह प्रत्यक्ष स्थळ पाहणी दरम्यान बाधित होणाऱ्या एकूण 42 झाडांपैकी पुरातन (हेरीटेज) अशोका-1, आंबा-2, कडूनिम-4, करंजी-1, गुलमोहर-3, चिचवा-2, निलगिरी-1, पेल्ट्राफार्म-1 व नॉन हेरीटेज अशोका-4, कडूनिम-6, चिचवा-1, काटसावर-1, आडजात-1, सुबाभूळ-1, पेल्ट्राफार्म-5, सप्तपर्णी-1 व पिंपळ-1 अशी एकूण (15+21=36) 36 नग झाडे प्रत्यक्ष या बांधकामात व खोदकामात अडथळा निर्माण करीत असल्याचे आढळून आले.

करीता सिव्हिल लाईन्स, नागपूर येथील जिल्हाधिकारी कार्यालय परिसरात विभागीय आयुक्त कार्यालय, जिल्हाधिकारी कार्यालय व इतर शासकीय कार्यालयाच्या नविन इमारतीच्या प्रस्तावित बांधकामात व खोदकामात अडथळा निर्माण करणाऱ्या विविध प्रजातीच्या पुरातन (हेरीटेज) 15 व नॉन हेरीटेज 21 अश्या एकूण 36 नग झाडाच्या मोबदल्यात महाराष्ट्र शासन राजपत्र असाधारण भाग पाच, जुलै 5, 2021/आषाढ 14, शके 1943 अन्वये प्रकरण 6 मुख्य अधिनियमाच्या कलम 8 मधील पोट कलम (4) (ब) अन्वये कापणी करण्यात येणाऱ्या त्याच जातीचे किंवा इतर कोणत्याही मूळ जातीचे

कापणी करण्यात येणाऱ्या झाडाच्या अंदाजीत वयाइतक्या झाडाच्या संख्येइतकी किमान 6 फुट इतक्या उंचीची 1735 नग नविन झाडांची लागवड करून सात वर्षे देखभाल करणे या अटीचे पालनहोण्यास्तव अर्जदाराकडून डिपॉझिट रु. 17,35,000/- व प्रशासकीय शुल्क रु. 1,73,500/- असे एकूण रु.19,08,500/- रक्कम स्विकारण्याच्या अटीवर सदर ठिकाणी असलेली पुरातन (हेरीटेज) 15 व नॉन हेरीटेज 20 विविध प्रजातीची अशी एकूण 35 नग झाडास जमिनिपासून कापणी करण्याची व नॉन हेरीटेज एक पिंपळ झाडास प्रत्यारोपण करण्याची मंजूरी प्रदान करण्याच्या विषयावर सभेत सविस्तर चर्चा करण्यात आली.

चर्चे दरम्यान या ठिकाणच्या प्रस्तावित बांधकामाकरीता इतर आवश्यक परवानगी बाबत चर्चा करण्यात आली, त्यानुसार अर्जदाराने दिलेल्या पत्रानुसार बांधकामात बाधित होणाऱ्या एकूण 42 नग झाडांपैकी हेरीटेज 6 नग झाडे वाचवून तसा पर्यायी प्लान दिलेला आहे, सदर बांधकामाकरीता नगर रचना विभागाकडून तत्वतः परवानगी, Provisional Fire Safety approval Certificate प्राप्त आहे. महाराष्ट्र शासन राजपत्रामध्ये पुरातन इमारतीचे यादी मध्येसध्याची जिल्हाधिकारी इमारतीचा उल्लेख केलेला नाही त्यामुळे पुरातत्व समितीच्या (Heritage Committee) परवानगीची आवश्यकता नाही. प्रस्तावित इमारतीच्या Structural Stability साठी थर्ड पार्टी प्रुफ चेकिंग केली जात आहे. सदर प्रकल्प करीता Environmental Clearance पर्यावरणीय मंजूरी साठी लागणारे IOD प्रस्ताव सादर करण्यात आले आहे. करीता अर्जदाराद्वारे Environmental Clearance प्राप्त करण्याचे अधिन राहून या ठिकाणची तोडण्यात येणाऱ्या झाडाच्या मोबदल्यात पर्यायी वृक्ष लागवड 1735 नग झाडांची लागवड गोरेवाडा प्रकल्प, नागपूर येथील परिसरात करण्यात येणार आहे. त्याबाबतचे "ना हरकत" पत्र व वृक्ष लागवडीचा अहवाल सविस्तर नियोजन आराखडा एफडीसीएम, गोरेवाडा प्रकल्प, नागपूर यांनी पत्राद्वारे दिले आहे. विभागीय आयुक्त कार्यालय, जिल्हाधिकारी कार्यालय व इतर शासकीय कार्यालय एकत्रित या प्रस्तावित इमारतीमध्ये असल्याने नागरिकांना शासकीय योजना व सेवा एकाच ठिकाणी उपलब्ध होणार आहेत. सदर इमारतीचे बांधकाम नागरिकांच्या व कर्मचाऱ्यांच्या सुविधेचे/सोयीच्या दृष्टीने महत्वाचे असल्याने या करीता महसूल व वन विभाग, महाराष्ट्र शासन यांची प्रशासकीय मान्यता प्राप्त आहे. करीता आक्षेपकर्त्यांनी उपस्थित आक्षेप फेटाळून वरील अटी शर्ती अन्वये, वरील ठिकाणच्या विभागीय आयुक्त कार्यालय, जिल्हाधिकारी कार्यालय व इतर शासकीय कार्यालयाच्या एकत्रित नविन इमारतीच्या बांधकामात अडथळा निर्माण करणाऱ्या पुरातन (हेरीटेज) 15 व नॉन हेरीटेज 20 विविध प्रजातीची अशी एकूण 35 नग झाडास जमिनिपासून कापणी

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- करण्याची व नॉन हेरीटेज एक पिंपळ झाडास प्रत्यारोपण करण्याची या समितीने एकमताने अनुमती प्रदान केली.

## विषय क्र. 2

कार्यालयास दिनांक 11.06.2024 ला प्राप्त श्री. शेखर पाटील, उपसंचालक, क्रीयेसू तथा सदस्य सचिव, विभागीय क्रीडा संकुल कार्यकारी समिती, नागपूर यांनी विभागीय क्रीडा संकुल, कोराडी रोड, मानकापूर, नागपूर येथील जागेवर प्रस्तावित स्पोर्ट्स हबच्या बांधकामात अडथळा निर्माण करणाऱ्या विविध प्रजातीच्या झाडास कापणी करण्याची परवानगी मिळण्याकरीता विनंती केली आहे.

या प्रकरणी पाहणी केली असता, विभागीय क्रीडा संकुल, मानकापूर, कोराडी रोड, नागपूर येथील परिसरात Archery Ground, Softball, Tennis Court, Kabaddi, अंतर्गत रस्ता निर्मितीचे काम तसेच Sport University, Sport School, Hostels, Canteen, Pavilion व Multi Sport Arena इमारतीचे बांधकाम प्रस्तावित असून या जागेवर असलेली पुरातन (हेरीटेज) आंबा-12, उंबर-1, कडूनिम-18, करंजी-3, चिंच-3, चिचबिलाई-4, चिचवा-4, जांभूळ-1, पेल्ट्राफार्म-1, बाभूळ-1, रिठा-1, रेनट्री-2, सप्तपर्णी-4, सिसम-1, सुबाभूळ-1 व हिवर-1 एकूण 58 नग व नॉन हेरीटेज कडूनिम-49, करंजी-10, चिचबिलाई-4, चिचवा-2, बाभूळ-1, सप्तपर्णी-1, सिसम-7, सुबाभूळ-91, हिवर-6, आडजात-7, केशिया-8, बेल-1, बॉटलब्रस-1, महारुख-2 शेमली-1 व सागवन-116 अशी एकूण (58+307=365) 365 नग झाडे या बांधकामात अडथळा निर्माण करीत आहेत.

या प्रकरणी वर्तमान पत्रात जाहिरात क्र. 800/PR अन्वये दिनांक 24.12.2024 ला जाहिरात प्रसिद्ध करून नागरिकांचे आक्षेप मागविण्यात आले असता प्रसिद्ध करण्यात आलेल्या जाहिरातीवर 134 नागरिकांचे आक्षेप प्राप्त झाले. त्यानुषंगाने दिनांक 30.01.2025 रोजी आक्षेपकर्त्यांची सुनावणी घेण्यात आली असून आक्षेपकर्त्यांनी खालीलप्रमाणे आक्षेप नोंदविले आहे.

1. विभागीय क्रीडा संकुल, मानकापूर येथील परिसरातील वृक्षांवर मार्किंग करण्यात आली नाही, त्या सर्व वृक्षांवर तत्काळ मार्किंग करण्यात यावी.
2. अर्जदाराने सादर केलेले Environmental Clearance Certificate चुकीच्या पद्धतीने घेतलेले आहे.
3. तोडण्यात येणाऱ्या झाडाच्या मोबदल्यात पर्यायी वृक्ष लागवड संस्थेने करावी व त्याचे संगोपन करण्यात यावे, याबाबतचा नियोजन आराखडा याची माहिती द्यावी.

सदर ठिकाणच्या प्रस्तावित नवीन इमारतीच्या बांधकामात बाधित होणाऱ्या पुरातन (हेरीटेज) वृक्षास कापणी करण्याव्यतिरिक्त इतर पर्याय उपलब्ध आहे का? याबाबत सदर परिसरात मा. प्रशासक तथा अध्यक्ष वृक्ष प्राधिकरण समिती यांनी दिनांक 03.03.2025 रोजी श्री. शेखर पाटील, उपसंचालक क्रीयेसू तथा सदस्य सचिव विभागीय क्रीडा संकुल कार्यकारी समिती, नागपूर, श्री. प्रशांत शंकरपुरे उपविभागीय अभियंता, व श्री. महेंद्र उके, कनिष्ठ अभियंता सार्वजनिक बांधकाम (इमारत) उपविभाग, नागपूर व प्रकल्प सल्लागार M/s. Transstadia Technologies Pvt. Ltd. यांच्यासह प्रत्यक्ष पाहणी करण्यात आली व परिसरातील मोठे झाडे वाचविण्याचे निर्देश देण्यात आले.

त्यानुसार अर्जदाराने कार्यालयास दिलेल्या दिनांक 12.03.2025 च्या पत्रान्वये सदर परिसरात प्रस्तावित स्पोर्ट हब अंतर्भूत असलेले Archery Ground, Softball, TennisCourt, Kabaddi, Sport University, Hostels, Canteen, Pavilion इत्यादी मैदानाचे व इमारतीचे बांधकामात पुरातन (हेरीटेज) बाभूळ-1, सिसम-2, चिंच-1, पेल्ट्राफार्म-1, कडूनिम-7, रिठा-1, आंबा-4, जांभूळ-1, उंबर-1, सिंधी-1, सुबाभूळ-3, हिवर-1 व आडजात-5 अशी एकूण 29 व नॉन हेरीटेज सागवन-40, कडूनिम-7, सुबाभूळ-13, बॉटल ब्रस-1, पाम-3, चिंच-1, चिचबिलाई-2, केशिया-2, बाभूळ-3, सिसम-41, सिंधी-1, सुरु-8, आडजात-17 व बेल-1 अशी एकूण (29+140=169) 169 नग झाडे अडथळा निर्माण करीत आहेत.

विभागीय क्रीडा संकुल, कोराडी रोड, मानकापूर, नागपूर येथील जागेवर प्रस्तावित स्पोर्ट्स हबच्या बांधकामात अडथळा निर्माण करणाऱ्या पुरातन (हेरीटेज) 29 व नॉन हेरीटेज 140 अश्या एकूण 169 नग झाडांच्या मोबदल्यात महाराष्ट्र शासन राजपत्र असाधारण भाग पाच, जुलै 5, 2021/आषाढ 14, शके 1943 अन्वये प्रकरण 6 मुख्य अधिनियमाच्या कलम 8 मधील पोट कलम (4) (ब) अन्वये कापणी करण्यात येणाऱ्या त्याच जातीचे किंवा इतर कोणत्याही मूळ जातीचे कापणी करण्यात येणाऱ्या झाडांच्या अंदाजीत वयाइतक्या झाडांच्या संख्येइतकी किमान 6 फुट इतक्या उंचीची 5757 नग नविन झाडांची लागवड करून सात वर्षे देखभाल करणे या अटीचे पालनहोण्यास्तव अर्जदाराकडून डिपॉझिट रु. 79,01,000/- व प्रशासकीय शुल्क रु. 7,90,100/- असे एकूण रु.86,91,100/- रक्कम स्विकारण्याच्या अटीवर सदर ठिकाणी असलेली विविध प्रजातीची पुरातन (हेरीटेज) 29 व नॉन हेरीटेज 140 नग अशी एकूण 169 नग झाडास जमिनिपासून कापणी करण्याची मंजूरी प्रदान प्रश्नावर सभेत साधक बाधक चर्चा करण्यात आली. चर्चे मध्ये अर्जदार श्री. शेखर पाटील क्रीयेसू ह्यांनी मा. प्रशासक तथा अध्यक्ष वृक्ष प्राधिकरण समिती म.न.पा. ह्यांना सुचित केले की, अर्जदार ह्यांचे द्वारे मूळ नकाशानुसार बाधित होणाऱ्या 365 झाडांच्या कापणीचा प्रस्ताव देण्यात आला आहे. मात्र

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अध्यक्ष वृक्ष प्राधिकरण समिती ह्यांचे मौका पाहणी मध्ये देण्यात आलेल्या सुचने प्रमाणे इमारतीच्या पर्यायी नकाशा (Alternate Plan) तयार करण्यात आला असून ह्यामुळे पूर्वी प्रस्तावित केलेल्या 365 झाडाऐवजी फक्त 169 झाडेच बाधित होत असल्याने 196 झाडे कापणीपासून वाचविण्यात येत असल्याने सदर सुधारित प्रस्तावास यथाशीघ्र मंजूरी प्रदान करण्याची विनंती केली तसेच ह्यापूर्वी विभागाद्वारे प्राप्त करण्यात आलेल्या Environmental Clearance मध्ये 103 झाडांना कापण्यास परवानगी प्राप्त असून उर्वरीत 66 झाडे कापण्याबाबत सुधारित Environmental Clearance प्राप्त करण्याकरीता सुधारीत प्रस्ताव सादर करण्यात येईल असे सुचविले तसेच सदर 169 वृक्ष कापणी करण्याचे परवानगीस्तव पर्यायी 2086 झाडे नागपूर स्पोर्ट्स हब परिसरात लावण्यात येणार तसेच नागपूर महानगरपालिका क्षेत्रात 8470 झाडे लावण्यात येणार असल्याचे व ह्याबाबत सार्वजनिक बांधकाम विभागातर्फे निविदा बोलावण्यात आली असून लवकरच कार्यादेश देण्यात येणार असल्याचे कार्यकारी अभियंता, सार्वजनिक बांधकाम ह्यांनी आपले दिनांक 11.03.2025 चे पत्रानुसार कळविले असल्याचे सूचित केले. उक्त बाबी विचारात घेता मा. प्रशासक तथा अध्यक्ष वृक्ष प्राधिकरण समिती ह्यांनी अर्जदार संस्थेच्या सुधारीत प्रस्तावानुसार 365 ऐवजी फक्त 169 झाडांचीच कापणी होणार असल्याने सदर बाब अर्जदाराद्वारे वरील प्रमाणे 169 झाडांच्या कापणी बाबत सुधारीत Environmental Clearance प्राप्त करण्याचे अधीन राहून अर्जदाराने कार्यालयात दिलेल्या पत्रान्वये, या सदर ठिकाणच्या मैदान निर्मितीकरीता, इमारतीच्या बांधकामाकरीता नगर रचना विभागाकडून तत्त्वतः परवानगी प्राप्त असून अग्निशामक विभागाची परवानगी व Environmental Clearance सादर केलेले आहे. सदर ठिकाणच्या संपूर्ण परिसरात असलेल्या झाडांची गणना केली असून परिसरात असलेल्या संपूर्ण 1168 नग झाडांपैकी बांधकामात बाधित होणाऱ्या व तोडण्यात येणाऱ्या झाडांवर नंबरिंग करण्यात आली आहे. तोडण्यात येणाऱ्या 169 नग झाडांच्या मोबदल्यात पर्यायी वृक्ष लागवड या परिसरात मोकळ्या जागेवर व परिसरात सभोवती व म.न.पा क्षेत्रात करण्यात येणार असून त्याबाबतचे नियोजन आराखडा प्राप्त आहे. विदर्भातील खेळाडू, प्रशिक्षक यांना आंतरराष्ट्रीय दर्जाच्या क्रीडा सुविधा उपलब्ध व्हाव्यात व तेथे आंतरराष्ट्रीय व राष्ट्रीय स्तरावरील क्रीडास्पर्धा आयोजित करता याव्यात, या दृष्टीने या ठिकाणी वरीलकामे प्रस्तावित असल्याने आक्षेप कर्त्यांनी उपस्थित केलेले आक्षेप अस्विकार करून विभागीय क्रीडा संकुल मानकापूर येथील जागेवर प्रस्तावित स्पोर्ट हब अंतर्भूत असलेले Archery Ground, Softball, Tennis Court, Kabaddi, Sport University, Hostels, Canteen, Pavilion इत्यादी मैदानाचे व इमारतीचे बांधकामात अडथळा निर्माण करणाऱ्या पुरातन (हेरीटेज) बाभूळ-1, सिसम-2, चिंच-1, पेल्ट्राफार्म-1, कडूनिम-7, रिठा-1, आंबा-4, जांभूळ-1, उंबर-1, सिंधी-1, सुबाभूळ-3, हिवर-1 व आडजात-

5 अशी एकूण 29 व नॉन हेरीटेज सागवन-40, कडूनिम-7, सुबाभूळ-13, बॉटल ब्रस-1, पाम-3, चिंच-1, चिचबिलाई-2, केशिया-2, बाभूळ-3, सिसम-41, सिंधी-1, सुरु-8, आडजात-17 व बेल-1 अशी एकूण (29+140=169) 169 नग झाडासवरील अटी शर्ती अन्वये जमिनीपासून कापणी करण्याची वृक्ष प्राधिकरण समितीने एकमताने अनुमती प्रदान केली.

### विषय क्र. 3

कार्यालयास दिनांक 13.11.2024 ला प्राप्त श्री. गोपालचंद्र गुप्ता यांनी नझुल भूखंड क्र. 1249,1250, 1251/1, मौजा-लेन्द्रा, राहाटे कॉलोनी, नागपूर या जागेवर प्रस्तावित नविन इमारतीच्या बांधकामात अडथळा निर्माण करणाऱ्या एक आंबा, एक बेल व एक शेवगा अश्या एकूण तीन नग झाडास कापणी करण्याची परवानगी मिळण्याकरीता विनंती केली आहे.

या प्रकरणी पाहणी करण्यात आली असता, नझुल भूखंड क्र. 1249,1250, 1251/1, मौजा-लेन्द्रा, राहाटे कॉलोनी, नागपूर या जागेवर नविन इमारतीचे बांधकाम प्रस्तावित असून या जागेवर असलेली पुरातन (हेरीटेज) आंबा-1, बेल-1 व नॉन हेरीटेज शेवगा-1 अशी एकूण (2+1=3) 3 नग झाडे प्रस्तावित नविन इमारतीच्या बांधकामात व खोदकामात अडथळा निर्माण करित आहेत.

या प्रकरणी वर्तमान पत्रात जाहिरात क्र. 857/PR अन्वये दिनांक 10.01.2025 ला जाहिरात प्रसिद्ध करून नागरिकांचे आक्षेप मागविण्यात आले असता दिलेल्या मुदतीत एकही आक्षेप कार्यालयास प्राप्त नाही.

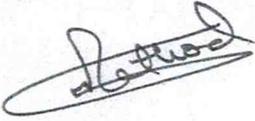
या प्रकरणी अर्जदारास नझुल भूखंड क्र. 1249,1250, 1251/1, मौजा-लेन्द्रा, राहाटे कॉलोनी, नागपूर या जागेवर प्रस्तावित नविन इमारतीच्या बांधकामात अडथळा निर्माण करणाऱ्या पुरातन (हेरीटेज) आंबा-1, बेल-1 व नॉन हेरीटेज शेवगा-1 अश्या एकूण (2+1=3) 3 नग झाडाच्या मोबदल्यात नविन सावलीची 167 नग झाडांची लागवड करण्याबाबत पत्र देण्यात आले आहे. अर्जदाराने पर्यायी वृक्ष लागवड महाराष्ट्र राज्य पशुवैद्यक परिषद, सिव्हिल लाईन्स, नागपूर या परिसरात केली आहे.

नझुल भूखंड क्र. 1249,1250, 1251/1, मौजा-लेन्द्रा, राहाटे कॉलोनी, नागपूर या जागेवर प्रस्तावित नविन इमारतीच्या बांधकामात अडथळा निर्माण करणाऱ्या पुरातन (हेरीटेज) आंबा-1, बेल-1 व नॉन हेरीटेज शेवगा-1 अश्या एकूण (2+1=3) 3 नग झाडाच्या मोबदल्यात महाराष्ट्र शासन राजपत्र असाधारण भाग पाच, जुलै 5, 2021/आषाढ 14, शके 1943 अन्वये प्रकरण 6 मुख्य अधिनियमाच्या कलम 8 मधील पोट कलम (4) (ब) अन्वये कापणी करण्यात येणाऱ्या त्याच



जमतीचे किंवा इतर कोणत्याही मूळ जातीचे कापणी करण्यात येणाऱ्या झाडाच्या अंदाजीत वयाइतक्या झाडाच्या संख्येइतकी किमान 6 फुट इतक्या उंचीची 167 नग नविन झाडांची लागवड करून सात वर्षे देखभाल करणे या अटीचे पालन होण्यास्तव अर्जदाराकडून डिपॉझिट रु. 1,67,000/- व प्रशासकीय शुल्क रु. 16,700/- असे एकूण रु.1,83,700/- रक्कम स्विकारण्याच्या अटीवर सदर ठिकाणी असलेली पुरातन (हेरिटेज) आंबा-1, बेल-1 व नॉन हेरीटेज शेवगा-1 अश्या एकूण (2+1=3) 3 नग झाडास जमिनिपासून कापणी करण्याची मंजूरी प्रदान करण्याच्या प्रश्नावर सभेत साधक बाधक चर्चा करण्यात आली.

चर्चे दरम्यान अर्जदाराकडून तोडण्यात येणाऱ्या झाडाच्या मोबदल्यात ज्या ठिकाणी पर्यायी वृक्ष लागवड करण्यात आली आहे, त्या संबंधित विभागाकडून/अधिकाऱ्याकडून अहवाल घेण्यात यावे. नगर रचना विभागाकडून बांधकामाचा नकाशा मंजूर झाल्यानंतरच हि समिती झाडे तोडण्याची परवानगी बाबतचा निर्णय पुढील वृक्ष प्राधिकरण समितीच्या सभेत घेण्यात येईल असे निर्देश देण्यात आले आहे.



उपायुक्त (उद्यान)

तथा

वृक्ष अधिकारी

नागपूर महानगरपालिका, नागपूर



प्रशासक

तथा

अध्यक्ष, वृक्ष प्राधिकरण

नागपूर महानगरपालिका, नागपूर



कार्यालय नागपूर महानगरपालिका, नागपूर

(उद्यान व वृक्ष प्राधिकरण विभाग)

छत्रपती शिवाजी महाराज प्रशासकीय इमारत, 6 वा माळा,  
महानगरपालिका मार्ग, सिव्हील लाईन्स, नागपूर-400001

Email-gardendepnt.nmc@gmail.com



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क्रमांक :- NMC/OWL/GRDN/2025-26/539/TA/3 वि.  
प्रति,

दिनांक :- 23/04/2025

श्री. शेखर पाटील,  
उपसंचालक, क्रीडुसे तथा सदस्य सचिव,  
विभागीय क्रीडा संकुल कार्यकारी समिती, नागपूर  
विभागीय क्रीडा संकुल कोराडी रोड,  
मानकापूर, नागपूर

विषय :- विभागीय क्रीडा संकुल, मानकापूर, नागपूर येथील परिसरात नागपूर स्पोर्ट्स हबच्या बांधकामात अडथळा निर्माण  
करण्या विविध प्रजातीच्या झाडास कापणी/प्रत्यारोपण करण्याबाबत.

संदर्भ :- 1) आपले कार्यालयीन पत्र जा. क्र./विक्रीसं/झाडे.तोड.परवानगी/2024-25/75 दिनांक 10.06.2024 चे या कार्यालयास  
प्राप्त दिनांक 11.06.2024 चे पत्र.  
2) आपले कार्यालयीन पत्र जा. क्र./विक्रीसं/झाडे.तोड.परवानगी/2024-25/235 दिनांक 11.03.2025 चे या कार्यालयास  
प्राप्त दिनांक 12.03.2025 चे पत्र.

वरील पत्रान्वये मोक्यावर जाऊन झाडाची/ झाडांची पाहणी करून झाडाच्या/झाडांच्या स्थितीचे निरीक्षण केले  
असता -

मा. प्रशासक तथा अध्यक्ष, वृक्ष प्राधिकरण समिती, म.न.पा. नागपूर यांनी दिनांक 28.03.2025 रोजीच्या सभेत  
दिलेल्या मंजूरी अन्वये, आपणास खालील झाडे कापणी करण्यास खालील अटीवर परवानगी देण्यात येते.

विभागीय क्रीडा संकुल, कोराडी रोड, मानकापूर, नागपूर येथील जागेवर प्रस्तावित स्पोर्ट्स हबच्या बांधकामात अडथळा  
निर्माण करणाऱ्या पुरातन (हेरीटेज) बाभूळ-1, सिसम-2, चिंच-1, पेल्ट्राफार्म-1, कडूनिम-7, रिठा-1, आंबा-4, जांभूळ-1,  
उंबर-1, सिंधी-1, सुबाभूळ-3, हिवर-1 व आडजात-5 अशी एकूण 29 व नॉन हेरीटेज सागवन-40, कडूनिम-7, सुबाभूळ-  
13, बॉटल ब्रस-1, पाम-3, चिंच-1, चिचबिलाई-2, केशिया-2, बाभूळ-3, सिसम-41, सिंधी-1, सुरु-8, आडजात-17 व  
बेल-1 अशी एकूण (29+140=169) 169 नग झाडास जमिनीपासून कापणी करण्याची आपणास परवानगी देण्यात येत  
आहे.

1. आपणास परवानगी पत्राल उल्लेखलेल्या झाडाव्यतिरिक्त इतर प्रजातीची झाडे / झाडांच्या फांद्या छाटणी/कापणी करण्याची  
परवानगी नाकारण्यात येत आहे.
2. आपणास झाड/झाडे/झाडांच्या कापणी /फांद्या स्वखर्चाने व स्वतःच्या जबाबदारीवर कापणी/छाटणी कराव्या लागतील.  
झाड/झाडे/ कापणी करतांना रहदारीला अडथळा होणार नाही याची काळजी घ्यावी लागेल.
3. तोडण्यात येणाऱ्या 169 नग झाडाऐवजी महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै 16, 2021/आषाढ 25  
शके 1943 अन्वये प्रकरण 6 मुख्य अधिनियमाच्या कलम 8 मधील पोट-कलम (4) (ब) अन्वये तोडण्यात येणाऱ्या  
त्याच जातीची किंवा इतर कोणत्याही मूळ जातीची तोडण्यात येणाऱ्या झाडाच्या अंदाजित केलेल्या वयाइतक्या झाडाच्या  
संख्येइतकी किमान सहा फुट इतक्या उंचीची 5757 नग नविन झाडांची लागवड करावी. पोट-कलम (5अ) अन्वये लागवड  
करण्यात येणारी झाडे आपणास कमीत कमी सात वर्षांच्या कालावधी करिता जगवावी लागेल. या कालावधीत झाडे न  
जगल्यास तितक्याच संख्येतील झाडांची लागवड करून त्याची हानीपूर्ती (भरपाई) करण्यात यावी. तसेच लागवड  
करण्यात आलेल्या झाडाचा फोटोसह अहवाल दर सहा महिन्यात कार्यालयास सादर करावा.
4. सदर परवानगी पत्रानुसार व नमूद केलेल्या अटीनुसार झाड/झाडे/झाडांच्या फांद्या छाटणी/कापणी कराव्या लागतील  
अन्यथा महाराष्ट्र (शहरी क्षेत्र) वृक्षजतन (सुधारित) अधिनियम 1975 अन्वये आपल्यावर कार्यवाही करण्यात येईल.
5. वृक्ष तोडण्याची परवानगी दिल्यापासून 15 दिवसानंतरच वृक्ष तोडण्यात यावे.
6. वृक्ष प्रत्यारोपण (Transplant) करण्याकरिता तांत्रिक सल्ला आवश्यक असल्यास उद्यान व वृक्ष प्राधिकरण विभाग,  
म.न.पा. नागपूर ला संपर्क साधावा.
7. परवानगी देऊनही झाडास कापणी किंवा झाडाच्या फांद्या न कापणी केल्यास झाड किंवा झाडाची फांदी पडून जीव व  
वित्तहानी झाल्यास सर्वस्वी जबाबदारी आपली राहिल. कृपया याची नोंद घ्यावी.
9. तोडण्यात येणाऱ्या 169 नग झाडाच्या मोबदल्यात पर्यायी नविन सावलीची 5757 नग वृक्ष म.न.पा. हद्दीत लागवड करून  
छायाचित्रासह नियोजन आराखडा 30 दिवसांच्या आत या कार्यालयात सादर करावे.

टिप :- अ) झाडे तोडण्याकरिता महानगरपालिकेचे अधिकृत ठेकेदार नसून कोणत्याही ठेकेदारास झाडे तोडण्याचा परवाना दिलेला  
नाही.

Received  
Nagpur  
2024/04/25

वृक्ष संचालक

नागपूर महानगरपालिका, नागपूर

प्रतिलिपी :- वनपरिक्षेत्र सेमिनरी हिल्स, नागपूर यांना माहितीकरिता सादर.



**IN THE HIGH COURT OF JUDICATURE OF**  
**MUMBAI; BENCH AT NAGPUR.**

**PUBLIC INTEREST LITIGATION NO. \_\_\_\_\_/2025**

In the matter of Article 226 of the Constitution of India;

**AND**

In the matter of Maharashtra (Urban Areas) Protection and  
Preservation of Trees Act 1975

**AND**

Environment (Protection) Act 1986.

**AND**

In the matter of infringement of the fundamental rights, guaranteed  
under article 21 of the Constitution of India.

**BETWEEN**

**PETITIONER** : 1. Ms. Preeti Wasudeo Patel aged about 38  
years. Occu: Programming head in a  
radio channel.

R/o Patel Timber market ,

Ghat Road, Nagpur

Mobile No: 9518920682

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2. Mr. Kunal Purushottam Tambulkar aged about 25 years..Occupation : Architect

R/o Mahajanwadi , Wanadongri

Hingna ,Nagpur

Mobile No: 8421791774

3. Dinesh Keashao Shinde aged about 59 years. Occupation :Environmentalist ,Retired from MSEB as Dy.Manager

R/o 106 Paradise Apartment ,Mankapur  
Nagpur

Mobile: 8554995769

4. Yash Vikram Netke aged about 25 years.

Occupation: Environmentalist , Civil  
Engineer.

R/o 60, Ravindra Nagar , Ranapratap ,  
Nagpur

Mobile No: 9689603301

**// VERSUS //**

- Respondents** :1. Nagpur Municipal Corporation , Civil Lines ,Nagpur , thru its Tree Authority and Administrator
2. Department Of Sports , Government Of Maharashtra Divisional Sports Complex, Mankapur nagpur thru The Dy. Director Sports ,
3. Maharashtra State Infrastructure Development Corporation , , A1/A2 Forest Officers Colony ,Forest Colony , Civil Lines, Nagpur thru its Chairman

**PUBLIC INTEREST LITIGATION AS PER RULE 4 (1) (e) OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010 & PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.**

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TO,

THE HON'BLE CHIEF JUSTICE AND OTHER HON'BLE  
JUDGES OF THE HIGH COURT OF JUDICATURE AT  
BOMBAY.

HUMBLE PETITION OF THE  
PETITIONERS ABOVE NAMED:

MOST RESPECTFULLY SHOWETH AS UNDER :-

1. The petitioners are citizens of Nagpur and have a sense of attachment to the city and its environment.

a) Petitioner No.1 is an environmentalist , and is in private service.

b) Petitioner No 2 is a green architect and environmentalist. He focuses on green architecture.

c) The petitioner No. 3 is a social worker and environmentalist. He retired from Maharashtra State Electricity Board as Dy. Manager (H.R.)

d) Petitioner No. 4 is a civil engineer and an environmentalist

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The photo identification of the petitioners is appended at  
**Annexure I**

2. a) The respondent No 1 is The Tree Authority constituted Sec.3 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 (Hereinafter 'The Tree Act') for the protection of trees in Nagpur city.

b) The respondent No.2 is The Dy. Director Sports entrusted with the administration and proposed development of the Nagpur sports hub in the premises of the Divisional sports complex Mankapur, Nagpur by the Government Of Maharashtra

c) The Respondent No.3 is Maharashtra State Infrastructure Development Corporation, is an undertaking of Government Of Maharashtra under the aegis of the Public Works Department having its Head Office at Nagpur. It has been established to develop physical infrastructure sectors.

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**FACTS:**

3. The petitioners welcome the decision of the state to create additional and modern infrastructure suited to the requirements of present times but, at the same time also also aver that the same may be carried out as per the various well laid out laws, thereby causing the least damage to the environment.

4. The Tree Authority has been empowered by Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 (herein after 'The Tree Act') to preserve and protect the trees and thereby the environment. The constitution and duties of the Tree Authority are contained in the act. The Tree Authority is normally a committee. The intention of the legislation is to engage the collective wisdom of the committee constituted as Tree Authority.

The Tree Act is attached as **ANNEXURE II** .

The amendment to the Tree Act is attached as **ANNEXURE III**

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APPLICATIONS FOR TREE FELLING

5. The garden department of the Nagpur Municipal Corporation of Tree Authority has sought objections to the tree felling applications for the following projects:

a) Application by Dean Indira Gandhi Medical College and Hospital for Felling of 13 Non heritage trees at Indira Gandhi Medical College and Hospital ,Nagpur premises for mortuary.  
Advt.742PR Date 05.12.24

b) Application by Dean Government Medical College and Superspeciality Hospital for Felling of 67 Non heritage trees and 07 Heritage trees at Government Medical College and Superspeciality Hospital, Nagpur premises for construction Of new building C-Wing.  
Advt.742PR Date 05.12.24

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(193)

c) Application by Executive Engineer , D.P.D.C. Section, Nagpur Municipal Corporation ,Nagpur for felling of 1 heritage tree ( of 188 years age) at City Survey no. 2467 , Thakkargram , Panchpaoli , Nagpur. , for construction of E-Library. Advt.821PR Date 30.12.24 \*

d) Application by Superintending Engineer , Maharashtra State Infrastructure development Corporation for felling 21 heritage and 21 Non-heritage trees at collectorate premises for new Divisional commissioner and Collector Office. Advt.778PR Date 13.12.24

e) Application by Dy. Director ( Sports) , Government Of Maharashtra for Felling of 307 Non heritage trees and 58 Heritage trees at Divisional Sports Complex Nagpur premises for Nagpur Sports Hub. Advt.800PR Date 23.12.24

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f) The Application by Dean Indira Gandhi Medical College and Hospital for Felling of 26 Heritage and 103 Non heritage trees at Indira Gandhi Medical College and Hospital ,Nagpur premises for Nursing College , Girls Hostel and multilevel parking etc. Advt.845PR Date 09.01.24

g) The application by project manager , National Highway Authority of India for Felling of 26 Heritage and 103 Non heritage trees for Indora Chowk to Dighori Chowk flyover. Advt.900PR Date 21.01.24

h) The application by Executive Engineer, Maharashtra State electricity Distribution Company Ltd., Mahalgi nagar for Felling of 02 Heritage and 131 Non heritage trees for installing 50MVA transformer. Advt.907PR Date 22.01.24

i) The application by Addl. Executive Engineer, Maharashtra State electricity Distribution Company Ltd., Mahalgi nagar Chowk for Felling of 05 Heritage and 56 Non heritage trees for installing 33/11 KV transformer. Advt.907PR Date 22.01.24

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j) The application by Dean , Government Ayurvedic College and Hospital for felling 28 Heritage and 392 Non heritage trees for New hospital and college.

The copies of the notices calling for objections are appended as **Annexure IV** .

Citizens filed objections to free felling applications and some of them are appended as **Annexure V**

INDISCREPANCIES

4. The public hearing on the objections filed against tree felling on the applications mentioned in para 3(a) ,3(b) and 3(c),3(d), 3(e)building and 3(f) above have been conducted. On enquiry and at the hearing and it was found that :

i) The applications were not accompanied with 'to scale' master plans depicting the position of trees to be cut. Sec 8(2) requires that the application shall be accompanied with a site plan, indicating the position of the trees to be felled and the reasons thereof. The applications are thus incomplete.

ii) The applications were not accompanied with alternative plans wherever required under Sec.8(2) of the Tree Act. Thereby making the applications incomplete.

iii) Tree census required under Sec.7 (b) of the tree Act was last conducted in 2011 whereas the Sec.7 (b) requires it to be done every five years. There is no census of the trees in the premises. How many trees would be finally cut cannot be ascertained.

iv) No plan for compensatory plantation is available , nor is a place available for compensatory plantation. The Tree Authority has to ensure compensatory plantation as per 7(j) of The Tree Act.

v) The approved building plan is not submitted with proforma 'C' of the application. Proforma -C is appended as **Annexure VI**

vi) At the Divisional Sports Complex they have not covered trees in areas in the vicinity of the trees marked. There is an ancient Banyan tree which has not been marked. How a building can be constructed without harming it is a matter of intrigue!

There are over 1200 trees in that area .

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vii) It was also observed that work has already commenced at locations in areas mentioned in para:

3a ) Indira Gandhi Medical College for mortuary

3c) Thakkargram Panchpaoli for E-Library.

3e) Divisional Sports hub for Nagpur Sports Hub.

The photos of the commenced work are appended as **Annexure VII**

The applications being processed are incomplete.

It is a regular practice by the Tree Authority to not issue any speaking order on the objections and hearings. This defeats the principles of Natural Justice. Without order on the objections and hearings the entire process becomes worthless.

Therefore the calling of objections and subsequent public hearing has become a formal procedure without any sincere approach or intentions.

Citizens have filed objections on the above findings with the Municipal Commissioner. Copy of the objection and representation is appended at **Annexure VIII**

COURT ORDERS

5. The principal bench of this court in In Deepak Balkrishna Vahikar And Another vs The State Of Maharashtra And Others on 20th September, 2013 in an order authored by Justice D. Y. Chandrachud held at para 11

11. *Section 8(4) provides for a deeming permission. But it is equally well settled that where a statutory provision stipulates that an application would be deemed to be granted after a stipulated period, it must, be complete in all respects and must comply with the law. The legislature could not possibly have intended a deeming provision to apply even though a legal obligation is not fulfilled.*

Thus we see that its settled law that applications for tree felling should be complete in all respects. The order deals

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comprehensively with issues relating to the Tree Act. Copy of the order is attached at **ANNEXURE IX**

6. Recently the Honourable Supreme Court in its order in reference to Delhi Preservation Of Trees Act 1994 in Writ Petition (Civil) 4677/1985 M.C.Mehta Vs. Union Of India and others on 19-12-2024 held:

*2. After having perused the provisions of the 1994 Act, we must state here that the object of the 1994 Act is to preserve the trees and not to permit cutting or felling of the trees. Considering the object of the 1994 Act, it is evident that permission for felling or cutting of the trees can be granted only by way of an exception and not in a routine manner. The provisions of the 1994 Act reiterate the public trust doctrine, which enjoins the State to protect the natural resources, including the trees. On a conjoint reading of Articles 21, 48A and 51A(g) of the Constitution of India, it is apparent that the State is mandated to protect and improve the natural environment and safeguard the environment. Trees are a vital part of our environment. The precautionary principle requires the governments to anticipate, prevent, and remedy or eradicate the causes of environmental degradation, including acting sternly against the violators.*

*Illegal felling of even one fully grown tree hurts the environment and several human beings.*

**AND in Para 11**

**TREE CENSUS**

*11. The most vital obligation of the Tree Authority under Section 7(b) of the 1994 Act is to carry out the census of the existing trees and obtain, whenever necessary, declarations from all owners or occupants about the number of trees in their lands. Though the 1994 Act is 30 years old, unfortunately, this important duty has not been performed by the Tree Authority. We must highlight the importance of carrying out the census of the existing trees. Unless the data of existing trees is available, it will be impossible for any of the Authorities to ascertain whether anyone has engaged in illegal tree 15 felling or cutting. Therefore, we direct the Tree Authority constituted under the 1994 Act to immediately undertake the census of the existing trees in terms of clause (b) of Section 7 of the 1994 Act. The Tree Authority shall appoint the Forest Research Institute (FRI), Kaulagarh Road, PO. I.P.E. 248195, Dehradun, Uttarakhand, as an Authority to carry out census in terms of clause (b) of Section 7 of the 1994 Act.*

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Thus it is settled law that the tree act is for conserving trees and tree census is a must. Copy of the order attached at **ANNEXURE X**

#### RTI APPLICATIONS

9. Citizens have filed applications under Right To Information Act to gather details on the projects .

A citizen had to file an appeal under RTI Act. as no information was provided to him in prescribed time.

Copy of RTI applications and appeals are annexed as **Annexure XI**

#### STIPULATED CONDITION

10            Sec.19 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 directs that no development permission be given except with the approval of and subject to the

conditions imposed by the tree officer in regard to the preservation or plantation of trees on such land.

Yet it is seen that permissions are granted by town planning department as 'temporary permissions' or 'in-principle permissions' and construction commences on these temporary/ in-principle permissions.

Copies of such temporary and in principle permissions granted are appended at **Annexure XII**

#### PAST EXPERIENCE

11. It is pertinent to mention here that tree felling permissions were granted for 711 trees on applications from the Dean , Government Medical College and hospital . Approximately 18500 trees were to be planted as compensatory plantation but not a single tree has been planted for compensatory plantation. The Chart showing the details is annexed as **ANNEXURE XIII**

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ENVIRONMENTAL CLEARANCE

12. Projects of the magnitude envisaged for the Collectorate and Divisional Sports Complex Mankapur require Environmental Clearance under The Environment (Protection) Act, 1986. The preamble to the act reads as:

*THE ENVIRONMENT (PROTECTION) ACT, 1986*

*No. 29 OF 1986 [23rd May, 1986.]*

*An Act to provide for the protection and improvement of environment and for matters connected there with:*

*WHEREAS the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;*

*AND*

*WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and*

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*improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;*

*BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-*

13. The Environment (Protection) Act, 1986 is the nations commitment to the International community.

Article 253 of The Constitution of India enables the parliament to make laws to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

The S.O. under The Environment (Protection) Act, 1986 mandates that :

*the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing*

(18)

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*capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.*

Thus wherever The Environment (Protection) Act, 1986 is applicable no construction work can be commenced without prior environmental clearance .

FALSE DATA SUBMISSION AND DISPARITY IN TREE FIGURES

14. On 03-01-2025 the Nagpur sports Hub ( Divisional Sports Complex) project was granted an Environmental Clearance. A study of the relevant documents brings forth the following ;

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i) The Project Proponent ( read Dy. Director Sports) in Application for ToR ( Category A ,B1 and B2 violation ) / EC ( category B2) Form1-Part B under Physical Changes- declares to a query at para 3.2

'3.2 Whether any clearance of existing vegetation due to project activity? - 'No'

This when the premises has a dense urban forest.

ii) The environmental clearance certificate mentions in project details at item 30 that only 103 trees are to be cut and 254 to be transplanted.

iii) The project proponent has made an application to the Tree Authority to cut a total of 365 trees.

The above facts point to a misrepresentation on the part of the project proponent. It is now clear that the environmental clearance has been obtained by fraudulent means. The application form in Form1-part B and the Environmental Clearance Certificate are annexed as **Annexure XIV**

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There is disparity in the number of trees allowed to be felled in the environment clearance certificate and the application made to the Tree Authority

ISSUES AT DIVISIONAL SPORTS COMPLEX, MANKAPUR

15 The state has a right to decide on development activities, but also has a duty to protect the environment and the interest of the backwards and marginalised and ensure social justice.

16. The Mankapur Stadium development plan available in public domain (annexed as ANNEXURE XV) speaks of unwarranted construction. There is an intention to build :

- i) A Four Star Hotel. This is an absolute waste of space and money
- ii) Retail Outlets. A sports hub is no place for retail outlets

iii) A Cafeteria . The players hostel mess has enough space alongside for such activity.

iv) A convention centre in Block-C. There are already many convention centres in the city which are lying underutilised. The area where the convention centre is planned is the only available area where one can play without paying a fee.

The Divisional Sports Complex was initially government land adjacent to the mental hospital. The state constructed an indoor stadium and called it a Divisional Sports Complex. At that time lots of space was available for the local population to take up sporting activities. Perhaps this is the reason the local authority never thought of providing any sports area in their development plans. The area around the sports complex is predominantly populated with people of backward community and marginalised community. At present besides this space sports activity in every area is chargeable. The Divisional Sports Complex collects money from clubs and coaches who in turn allow people to use the facilities under their aegis for a fee.

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The only area where a common man can take up sporting activities for free is the area where the unwarranted convention centre and retail outlet are planned. The state has a right to decide on development , but also has a duty to provide for the backward and marginalised persons of the society .

iv) An enclosed arena known as the Block-A Multi Sports Arena is proposed where olympic standard swimming pool and table tennis venue is reportedly planned. The area is apparently a closed area. Enclosing would increase the carbon footprint , and also the running and maintainence cost. Olympic standard swimming pools happen in open and in a smaller area . Table Tennis facility is already available in the indoor stadium.If planned rationally very few trees would be required to be cut.

v) The place where tennis, kabaddi and volleyball courts are proposed have huge trees and they can be saved by little alignment.

vi) Block -D is proposed Sports School , Block-E is Sports University and Block-F is Hostel. These three buildings are

proposed in a place which is an urban forest. The highest number of trees are proposed to be cut here. The petitioners submit that such institutions are not required in a sports hub. Such institutions can come up in areas devoid of trees, like the area in vicinity of IIT and Maharashtra National Law University, Village Waranga, Borkhedi, Nagpur where the area is almost barren. These institutions can also be located in the area meant for the four star hotel, this would save many heritage trees.

vii) The green cover shall provide some solace to players in their gruelling schedules. World class athletes cannot develop in just cement and concrete environments.

viii) Citizens had suggested changes but it appears that the administration is not interested to entertain suggestions. Copy of the representation signed by 107 signatories is attached as **Annexure XVI**

ix) The place where the sports school, university and the hostel are planned is an urban forest. It has a dense growth of trees and every

2.6

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tree has not been marked for felling thus pulling down the count of trees which the agencies would actually try to cut .

An urban forest is a boon for city dwellers as they provide a range of environmental benefits like improving air quality by removing pollutants, regulating temperatures through shade and evapotranspiration , managing stormwater runoff, enhancing biodiversity, creating recreational spaces, and positively impacting mental health by providing access to nature within urban areas, essentially contributing to a healthier and more sustainable city environment.

Urban forests enhance biodiversity by providing habitats for wildlife and supporting local biodiversity.

Photographs of the urban forest are attached at attached as

**Annexure XVII**

Because of the Koradi and Khaparkheda power plants pollution in and around Manakpur is already very high. Moreover another capacity expansion of 1320 megawatts is coming up at Koradi.

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17. The area where the sports school , sports university and hostel is planned is marked for a sports complex , playground , stadium, club etc. in the development plan of Nagpur. The plan in public domain shows that the area would be used to build a convention centre and , club and retail outlets are planned here. The construction of convention centre , retail outlets , sports school ,sports university and hostel would be thus unauthorised. Photo of relevant part of Development Plan is appended as **Annexure XVIII**

The Nagpur Bench of The High Court of Judicature at Bombay Honourable in its order on PIL40/2013 dated 21-01-2015 has directed

*'The order dated 07.05.2014 is modified as under:*

*By way of interim relief, we direct that until further orders are passed in the matter, the respondents shall not regularize any unauthorized construction on the lands which are reserved in the Development Plan for playgrounds or open space."*

*Stand over to 04.02.2015'*

(73)

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A copy of the court order is appended as **Annexure XIX**

18. The petitioners propose to provide an alternative plan for the Mankapur Sports Hub, which would require a lesser number of trees to be felled.

#### ISSUES AT COLLECTORATE

19. There is a proposal to build two towers at the collectorate of 13 floors each, to have an auditorium for 500 persons and the offices of Nagpur Tahsil , The District Collector , and The Divisional Commissioner . It is not necessary to have the office of Divisional Commissioner and Tahsil in the same complex as the collectorate. The two towers can be integrated into one and many trees can be saved. The Collector office has a large area on the rear side where the proposed construction of the 13 floor twin towers and the joining bridges can take place without causing much damage to the trees. But in an effort to showcase development the construction is planned on the front side by demolishing the Setu building and the Tahsil office.

A communication from the Executive Engineer MSIDC to the Garden Superintendent annexed as **AnnexureXX** speaks of the inability to change the design owing to heritage structure issues in the premises. However it does not indicate the grade of the heritage structure. It appears that the premises would be airconditioned and thereby the proposed building shall have a large carbon footprint. Available representation of the proposed development at collectorate appended at **AnnexureXXI**.

A single tower with only essential offices of the collectorate would suffice.

20. The contractor for the proposed development at the collectorate has already parked himself at the collectorate premises. The geotagged photos are attached as **Annexure XXII**

#### RELEVANT FACTS

21. Nagpur is in the list of non-attainment cities and has failed to meet the PM10 targets. It has just achieved 5% reduction in PM10

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levels. PM10 are very small particles of pollutants which have a diameter of 10 micrometers (0.01mm) or smaller. News article in The Hitavada annexed at **Annexure XXIII**

24. The India State Of Forest report of 2023 has stated that the decrease in forest cover of Nagpur District is 3.2%. This is for the entire district. Specific reduction in the cities forest cover would be certainly more. The page no 175 of the report carrying the table is attached at **Annexure XXIV**

25 The decrease in green cover was studied by remote sensing and the study shows a drastic fall in green cover from 1999 to 2018. The relevant page of the report is annexed as **Annexure XXV**

26. Citizens associations made representations to authorities on issues of tree felling and environment.

Copy of representation attached as **Annexure XXVI**

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Therefore the petitioners constrained to file the present public interest litigation on the following grounds amongst others :-

**GROUND S**

27. The petition is being filed on the following grounds

A] The Tree Authority is bound to entertain only complete applications for tree felling.

B] The tree authority is bound to conduct tree census every five years.

C] The tree authority has to ensure compensatory plantation.

D] The Nagpur Municipal Corporation cannot give development permission till all conditions stipulated by tree authority are met as per sec 19 of the tree act.

E] Whenever a large number of trees are to be felled the application for tree felling should be accompanied with alternative plan as per sec.8(2) of the tree act.

F] The application for environmental clearance should be truthful.

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28. The petition is a standard Public Interest Litigation as per the Bombay High Court PIL Rule 2010 filed in public law interest.

29. That the petitioners declare that they have not been involved in any other civil, revenue or criminal litigation in any capacity before any Court or Tribunal. Petitioners further declare that the present petition is being filed by way of Public Interest Litigation and the petitioners do not have any personal interest in the matter. The petition is being filed in the interest of public at large. Petitioners further declare that the entire litigation costs, including the advocate's fees and other charges are being borne by the petitioners, after conducting the thorough research in the matter. Petitioners further undertake that petitioners shall comply with the requirement that during the course of hearing of this petition, this Hon'ble Court may require any security to be furnished towards costs or any other charges. Petitioners further declare that petitioners have personally verified the facts pleaded in the petition and declare the source of information from the members of public.

30. The petitioners have no alternate remedy than to approach this Hon'ble Court by invoking the Public Interest Jurisdiction of this Hon'ble Court.

31. The petitioners have not approached either before this Hon'ble Court or the Hon'ble Apex Court in the present subject matter.

32. The petitioners crave leaves of this Hon'ble Court to supply translation of vernacular documents as and when directed by this Hon'ble Court.

33. The petitioners have not received any caveat of notice in the matter till filing of the present public interest litigation.

Hence this public interest litigation.

**PRAYER :**

The petitioners humbly pray that this Honourable Court :

1. Directs the Tree Authority to call for objections and conduct hearings on all the applications for tree felling after

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- a) The master plan to scale is submitted depicting the exact position of the trees
- b) The alternative plan of development of every site wherever applicable is available in public domain.
- c) A place and scheme for compensatory plantation is notified.
- d) A tree census is carried out of the trees in the premises with numbering of all trees in the premises.

2. Suspend the environmental clearance granted to the Divisional Sports Complex , Mankapur ,Nagpur.

3. Direct Nagpur Municipal Corporation to not give any development permission ( even temporary) till all conditions laid by the tree authority are met.

4. Set up a court monitored committee for reconsidering the layout plan of the

a) The District Collectorate

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b) The Divisional Sports Complex , Mankapur

5. Direct the Dy. Director Sports , Divisional Sports Complex ,Mankapur, Nagpur to not construct:

a) A Four Star Hotel,

b) A convention centre,

c) Retail Outlets,

d) A Club and

e) A Cafeteria

at Divisional Sports Complex , Mankapur ,Nagpur.

6. In the interim direct all respondents to ensure that status quo be maintained at all premises for which tree felling applications have been received till the tree authority carries out the provisions of the Tree Act.

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7. Any order that this court considers appropriate.

**FOR THIS ACT OF KINDNESS AND  
JUSTICE THE PETITIONER SHALL BE  
DUTY BOUND AND SHALL EVER PRAY.**

Nagpur

Date: \_\_/01/2025

**PETITIONERS**

1. Preeti W. Patel

2. Kunal P Tambulkar

3. Dinesh K. Shinde

4. Yash V. Netke

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**SOLEMN AFFIRMATION**

I, Dinesh Keshao Shinde, Aged about 59 yrs, Occ. Paradise Apartment Mankapur, Nagpur, petitioner no.3 herein for myself and on behalf of other petitioners, do hereby take oath and state as under:-

I affirm and say that the instant petition has been drafted by our counsel as per our instructions and the contents of paragraph no.1 to 33 of the present Public Interest Litigation thereof are true and correct according to my personal knowledge and believed by me to be true and the same are read over and explained to me in vernacular.

Hence, verified and signed on this \_\_\_\_\_  
January, 2025 at Nagpur.

I know and identify the deponent.

**DEPONENT**

**MRINALL CHAKRAVORTY**

**ADVOCATE**