

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,  
CHENNAI**

**O.A. NO. 236 of 2024 (SZ)**

**BETWEEN:**

Suo moto proceedings initiated  
Based on news item titled "Over  
2000 citizens oppose felling of  
33000 trees for Bengaluru Suburban  
Railway Project Report" appearing  
in the Hindustan Times  
dated 11.06.2024

...Petitioner

**AND:**

Bruhat Bengaluru Mahanagara Palike  
And others

...Respondents

**INDEX TO THE ADDITIONAL TYPED SET OF DOCUMENTS**

<b>1.</b>	<b>Annexure R-1:</b> Daily Orders passed in WP No.17841 of 2018 before the Hon'ble High Court Karnataka.	<b>1 - 56</b>
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CHENNAI

DATE: 18/03/2025



ADVOCATE FOR RESPONDENT NO.2

## Daily Orders for Case WP 17841/2018

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	DINESH MAHESHWARI (CJ) AND R DEVDAS	31/07/2018	List this matter before a Bench of which one of us (Justice R.Devdas) is not a member.
2	DINESH MAHESHWARI (CJ) AND S.G.PANDIT	10/09/2018	Learned Additional Government Advocate appearing for the respondent Nos.1 to 3 prays for and is granted two weeks time to complete his instructions. List this matter after two weeks, as prayed.
3	DINESH MAHESHWARI (CJ) AND S.SUJATHA	31/10/2018	Learned AGA submits that he has received the instructions in the matter and prays for three weeks time for filing response affidavit. List this matter on 28.11.2018, as prayed.
4	DINESH MAHESHWARI (CJ) AND S.SUJATHA	28/11/2018	Learned Additional Government Advocate prays for and is granted yet further time for filing his statement of objections. List this matter on 16.01.2019, as prayed.
5	L.NARAYANA SWAMY (AG.CJ) AND P.S.DINESH KUMAR	06/02/2019	Learned Additional Government Advocate appears for the respondent Nos.1 to 3. Office to show the names of Sri S.N.Prashanth Chandra, learned advocate for BBMP; Sri Harish N.N., learned advocate for BMRCL and Sri S.Sriranga, learned advocate for BESCO. At the request of learned AGA two weeks time is granted to file the report.
6	L.NARAYANA SWAMY (AG.CJ) AND P.S.DINESH KUMAR	28/03/2019	Shri Harish N.N., learned advocate submits that he had accepted notice on behalf of BMRCL at the instance of the Court and now, a Government Order has been passed authorizing the Government Advocate to appear in the matter and prays that his name may be deleted. Learned Additional Government Advocate submits that he shall appear for respondent No.5 BMRCL also. Office to delete the name of Shri Harish N.N. in the cause-list. As prayed for by learned advocates for the respondents, three weeks time is granted to file their statement of objections. List this matter on 18.04.2019.
7	L.NARAYANA SWAMY (AG.CJ) AND P.S.DINESH KUMAR	23/04/2019	The respondents are directed to constitute a Committee consisting of experts from the field of Environment, Science, Technology and concerned fields. The Expert Committee shall examine whether trees proposed to be felled could be saved by adopting any method. After exhausting all methods, if it is found that it is impossible to save any tree, only then it shall be permissible to cut the trees. It is expected of the Expert Committee to give its considered opinion to save the trees.
8	CHIEF JUSTICE AND H.T. NARENDRA PRASAD	24/06/2019	(1) Heard the learned counsel appearing for the petitioners and the learned Principal Government Advocate for the first, second and third respondents. We have also heard the learned counsel appearing for the fourth, fifth and sixth respondents. (2) To say the least, this petition depicts very sorry state of affairs, when it comes to implementation of the provisions of the Karnataka Preservation of Trees Act, 1976 (for short the said Act of 1976). The basic object of the said Act of 1976 is to make better provisions for preservation of the trees in the State. (3) There is a challenge to the constitutional validity of clause (vii) of sub-section (3) of Section 8 of the said Act of 1976, which merits consideration. Prima facie, it appears to us that as per the said provision, felling of more than 50 trees for public purpose as mentioned in clause (vii) can be mechanically allowed after issuing public notice without advertent to the tests, which are laid down in clause (i) to (v) of sub-section (3) of Section 8 of the said Act of 1976. As a challenge is made to the validity of a statutory provision, issue notice to the learned Advocate General of the State of Karnataka, returnable on 22nd July 2019. On the next date, the petition will be taken up for final disposal at least as far as this prayer is concerned. If for any reason, time is sought by the respondents, the Court will consider the prayer for passing appropriate interim relief as regards the offending provision. (4) Our attention is invited to the mandatory duties of the Tree Authority enumerated in Section 7 of the said Act of 1976. One of the mandatory duty is preservation of all trees within its jurisdiction. Another

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9	CHIEF JUSTICE AND MOHAMMAD NAWAZ	20/08/2019	<p>important duty is to carry out census of the existing trees. The objections filed by the Tree Authority do not indicate that such census has been conducted. There are other duties entrusted to the Tree Authority, such as Section 10 which provides that where any tree has fallen or destroyed due to force of nature or other natural causes, the Tree Authority has to step in and ensure that the tree or trees are planted in place of the trees so fallen or destroyed. (5) We direct the Tree Authority to file additional objections setting out whether any steps have been taken for carrying out census in terms of clause (b) of Section 7 of the said Act of 1976. The Tree Authority will set out the instances, if any, of the actions taken in accordance with Section 10 of the said Act of 1976. (6) Under the order of this court dated 22nd April 2019, the respondents were directed to constitute a Committee consisting of experts from the field of Environment, Science, Technology and concerned fields. The said order directs the Expert Committee to examine whether the trees proposed to be felled could be saved by adopting any method. It is further directed that after exhausting all methods, if it is found that it is impossible to save the trees, only then it shall be permissible to cut the trees. Though this order has been passed almost two months back, the same has not been implemented. (7) The learned Principal Government Advocate submitted that this order may be modified and permission may be granted to the Tree Officer to exercise the powers under Section 8 of the said Act of 1976. The said prayer can be considered only after the Tree Authority by filing additional objections satisfies the Court that the Tree Authority is functioning in terms of the provisions of the said Act of 1976 and that it is discharging its mandatory duties. Section 4 of the said Act of 1976 mandates that the Tree Authority shall meet at least once in three months. The objections filed by the Tree Authority indicate that compliance with the mandate of Section 4 of the said Act of 1976 is made only in default. (8) While issuing the aforesaid directions, we cannot avoid temptation of quoting the observations made by a Division Bench of the High Court Judicature at Bombay in Public Interest Litigation No.93 of 2009 dated 20th September 2013. The Division Bench has observed that the Tree Authority is not an Authority for the destruction of trees but for the preservation of the trees and enhancement of the fast depleting green cover. This observation is relevant inasmuch as according to the case made out by the petitioners, the green cover of Bengaluru has been reduced by drastic 78%. Though the learned Principal Government Advocate tried to dispute this contention, in the absence of census of trees, perhaps it may not be possible to dispute the correctness of the said contention. (9) Considering the object of the said Act of 1976, we hope and trust that none of the respondents will take this public interest litigation as an adversarial litigation. (10) This petition be listed for Preliminary Hearing on 29th July 2019. (11) Office to delete the name of Shri Sriranga, learned counsel from the cause list.</p> <p>Heard the learned counsel appearing for the petitioners, the learned AGA appearing for the first to third respondents, the learned counsel appearing for the fourth respondent and the learned counsel appearing for the fifth respondent. 2. Today, additional statement of objections has been filed on behalf of the first to third respondents which is verified by Sri R. Gokul, the Chief Conservator of Forest, Bengaluru. Rather than bringing on record the compliance with the provisions of the Karnataka Preservation of Trees Act, 1976 (for short "the said Act of 1976"), the said statement of objections brings on record non-compliance. Apart from the non-compliance, paragraph 7 of the additional statement of objections filed today shows that the first to third respondents intend to completely defy the order dated 22nd April 2019 passed by this Court. The order dated 22nd April 2019 reads thus: "The respondents are directed to constitute a Committee consisting of experts from the field of Environment, Science, Technology and concerned fields. The Expert Committee shall examine whether trees proposed to be felled could be saved by adopting any</p>

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			<p>method. After exhausting all methods, if it is found that it is impossible to save any tree, only then it shall be permissible to cut the trees. It is expected of the Expert Committee to give its considered opinion to save the trees. 3. The order dated 24th June 2019 shows that a prayer was made for modification of the order dated 22nd April 2019. The paragraph 7 of the said order which deals with the same, reads thus: (7) The learned Principal Government Advocate submitted that this order may be modified and permission may be granted to the Tree Officer to exercise the powers under Section 8 of the said Act of 1976. The said prayer can be considered only after the Tree Authority by filing additional objections satisfies the Court that the Tree Authority is functioning in terms of the provisions of the said Act of 1976 and that it is discharging its mandatory duties. Section 4 of the said Act of 1976 mandates that the Tree Authority shall meet at least once in three months. The objections filed by the Tree Authority indicate that compliance with the mandate of Section 4 of the said Act of 1976 is made only in default. 4. The order dated 24th June 2019 directs that the compliance with the provisions of the said Act shall be brought on record. In the additional statement of objections filed today on behalf of the first to third respondents, in paragraph 7, it is submitted that the Tree Authority and the Tree Officer are taking utmost care to implement the provisions under the said Act of 1976. It is pointed out that from May 2017 till July 2019, only six meetings of the Tree Authority have been held. Thus, the contention raised is that as the Tree Authority and Tree Officer are performing their duties diligently, it may not be necessary to constitute a Committee as per the order dated 22nd April 2019. 5. From the two statements of objections filed on record by the first to third respondents, it is apparent that there is hardly any implementation of the provisions of the said Act of 1976. For the last forty three years, the mandatory duty of the Tree Authority of carrying out census in terms of clause (b) of Section 7 has not been carried out. In the additional statement of objections tendered today, it is merely stated that there is a proposal received from the Institute of Wood Science and Technology to take up the work of census. However, there is no positive statement that the work of census will be commenced from a particular date and completed on a particular date. It is merely stated that certain amount is earmarked in the budget of Bruhath Bengaluru Mahanagara Palike (for short BBMP). 6. Section 4 of the said Act of 1976 provides that the meeting of the Tree Authority shall be held at least once in three months. The earlier statement of objections records that the Tree Authority has been constituted by a notification dated 18th August 2016. The additional objections tendered today shows that between 18th August 2016 till today, only six meetings of the Tree Authority have been held. Coming to the mandate of Section 4, at least 12 meetings ought to have been held till today. Now, there is an assurance to hold a meeting of the Tree Authority on third Saturday of every second month. As there is no tree census carried out, there is non-compliance with the Section 10 which mandates that trees must be planted in place of fallen or destroyed trees. In the absence of a tree census, perhaps this provision has not been complied with. Apart from conducting tree census, there are several mandatory duties assigned to the Tree Authority under Section 7. We see hardly any compliance made by the Tree Authority. Thus, we are constrained to observe that the Tree Authority has not performed its duties as per the mandate of the said Act of 1976. The failure of the concerned respondents to abide by the order dated 22nd April 2019 by appointing a Committee of experts is contemptuous. 7. Right to live in a pollution free environment is a fundamental right guaranteed by Article 21 of the Constitution of India. As a result of the failure of the Tree Authority to perform its duties, it can be said that the Authority is violating the rights of the citizens under Article 21 of the Constitution of India. Perhaps the order of the Court dated 22nd April 2019 is taken very causally by all concerned. If the said order is not complied with within a period of one week from today, suo motu action will be taken under the Contempt of Courts Act, 1971 against all concerned. 8. We reiterate what we have said earlier that</p>

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10	CHIEF JUSTICE AND MOHAMMAD	17/09/2019	<p>as of today, there is absolutely no material on record to show that the Tree Authority is functioning in terms of the mandate of the said Act of 1976. 9. The fourth respondent has filed a statement of objections. In paragraph 5 of the said objections it is pointed out that there is acute staff crunch in the forest wing of BBMP and in fact repeated requests have been made to the Forest Department to depute sufficient staff to manage all the zones of Bengaluru City as contemplated by Section 6 of the said Act of 1976. The Section 6 of the said Act of 1976 mandates that the Head of the Karnataka Forest Department may from time to time appoint such other officers and servants to assist the Tree Officer as he may consider necessary who shall be subordinate to the Tree Officer. Thus, there is an admission of the BBMP that the Tree Officer does not have sufficient assistance in view of the failure of the Head of the Karnataka Forest Department to exercise powers under Section 6 of the said Act of 1976. This statement made by the BBMP again reinforces the view categorically expressed by us that the Tree Authority and the Tree Officer are not in position to perform their duties under the said Act of 1976. We direct the Head of the Forest Department of the Government to look into the request made by the BBMP and to take immediate action in accordance with Section 6 of the said Act of 1976. 10. Now, coming to the challenge to the constitutional validity of clause (vii) of sub-section (3) of Section 8 of the said Act of 1976, the State Government has not responded to the apprehension expressed by the petitioner that when an application is made for felling more than 50 trees for public purpose mentioned therein after publishing notice and inviting objections, mechanically permissions may be granted. It is pointed out from the first statement of objections filed by the first to third respondents that the said provision is being misused. On plain reading of the said provision, permission for felling trees cannot be mechanically granted without making enquiry as contemplated on all aspects of sub-section (3) of Section 8. It is the duty of the Tree Officer to ensure that none of the Authorities circumvent the provision of clause (vii) by submitting a separate applications seeking permission for felling of less than 50 trees for the same projects for the public purpose. Whenever, the Tree Officer finds that such applications are made, he shall ensure that the concerned authorities are told to file a consolidated application so that requirement of giving public notice will come into picture. 11. The purport of the order dated 22nd April 2019 is very clear and it is obvious that the Tree Officer cannot grant permission for felling of trees and the expert Committee will have to look into the requests for grant of permission. However, we make it clear that if it is reported to the Tree Officer that due to the condition of a tree or trees, there is an imminent danger to life or property, notwithstanding the order dated 22nd April 2019, in case of such emergency, the Tree Officer is entitled to grant permission for felling of trees. However, if such power is exercised, the Tree Officer or Officers shall submit a report to this Court in writing setting out the details of the permission granted. 12. It is pointed out by the learned counsel appearing for the fifth respondent that in the light of the order dated 22nd April 2019, the work of metro rail will be affected as the expert Committee has not been constituted. For this, the fifth respondent has to blame the first to third respondents. 13. The memo filed by the fifth respondent on 20th August 2019 is taken on record. 14. We direct the third respondent to ensure that the work of conducting tree census as contemplated under clause (b) of Section 7 of the said Act of 1976 shall be commenced at the earliest and in any case it shall be commenced not later than two weeks from today. 15. The third respondent shall file an affidavit setting out the outer limit within which work of tree census in the city will be completed. 16. For reporting compliance about the constituting of a Committee of experts, the petition shall be listed under the caption of 'orders' on 29th August 2019.</p> <p>Office objections regarding statement of objections filed by the sixth respondent are dispensed with. Compliance with the directions</p>

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NAWAZ			<p>contained in paragraphs 14 and 15 of the order dated 20th August 2019 has not been reported. If the compliance is not reported within three weeks from today, an appropriate action will have to be initiated against the concerned respondents. As regards the procedure to be followed by the Expert Committee, the learned AGA has tendered across the bar a memo dated 13th September 2019 which records that though the Expert Committee has decided to meet on every third Tuesday in a given month, the Committee has not yet formulated its own procedure. Moreover, the Committee has sought secretarial assistance from the Bruhat Bengaluru Mahanagara Palike. The minutes of the meeting held on 12th September 2019 records that the Committee requires a Tree-scanner. To enable the Committee to act, the secretarial services shall be made available either by the State Government or by the BBMP to the Expert Committee. Moreover, both the respondents shall ensure that number of tree scanners are provided to the Committee to enable the Committee to discharge the duties. The learned counsel appearing for the petitioners has some grievance about the inclusion of the Assistant Conservator of Forests in the Committee. It is not necessary for us to immediately deal with the said objection as necessary call can be taken only after this Court observes day-to-day functioning of the Expert Committee. Time granted to the Expert Committee to formulate its own procedure and to place the same before the Court is extended till 10th October 2019. Time to report compliance of the directions issued is extended till then. Let the petition be listed on 10th October 2019.</p>
11	ABHAY SHREENIWAS OKA (CJ) AND S R.KRISHNA KUMAR	10/10/2019	<p>The learned AGA has tendered an affidavit of today's date of Chief Conservator of Forest, who is the Chairman of Tree Authority, Bengaluru Urban District. The Memorandum dated 3rd October 2019 issued by him is annexed to the affidavit. The learned counsel appearing for the BBMP states that an Agency has been appointed to carry out the work of tree census in terms of Clause (b) of Section 7 of the Karnataka Preservation of Trees Act, 1976 and by executing a memorandum with the said Agency, the work of actual tree census shall be commenced within a period of one month from today. We accept the said statement. The learned counsel appearing for the BBMP states that for procuring the scanners, necessary exemption has been sought from the State Government so that the scanners can be procured immediately. The Committee of Expert has not placed on record procedure adopted by it. We grant one month's time to the Committee to place the procedure on record. The BBMP shall report compliance with the assurance given to commence the tree census within a period of one month from today. The compliance shall be reported by filing an affidavit of the concerned Tree Officer. Non-compliance will be viewed seriously. For considering both the aspects, let the petition be listed on 13th November 2019. The memorandum dated 3rd October 2019 states that the Institute of Wood Science and Technology is the Agency appointed to conduct the tree census. It will be appropriate if the said agency is before the Court and therefore, we issue notice to the said Agency returnable on 13th November 2019. Address of the Agency shall be supplied by the learned counsel appearing for the BBMP. We direct the said Agency to produce a copy of the work order/agreement. The said Agency shall file statement of objections placing on record phase wise programme for completing the tree census and the manner in which the census will be carried out.</p>
12	ABHAY SHREENIWAS OKA (CJ) AND PRADEEP SINGH YERUR	13/11/2019	<p>Earlier orders passed by this Court from time to time note that the tree census in terms of clause (b) of Section 7 of the Karnataka Preservation of Trees Act, 1976 (for short 'the said Act of 1976') has not been carried out. Thus, one of the most important provisions of the said Act of 1976 has not been implemented for an inordinately long time of 43 years. Notwithstanding the directions issued by this Court right from the order dated 24th June 2019, even as of today, the tree census has not been commenced. In fact, the assurance given to the Court by the learned counsel appearing for the BBMP which is noted in the order dated 10th</p>

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13	ABHAY SHREENIWAS OKA (CJ) AND PRADEEP SINGH YERUR	28/11/2019	Let the matter be listed on 4th December, 2019.
14	ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR	20/01/2020	Perused the order dated 20th August 2019. This order issues a clear direction that the work of conducting the tree census as contemplated under clause (b) of Section 7 of the Karnataka Preservation of Trees Act, 1976 (for short 'the said Act of 1976') shall commence at the earliest and in any case it shall commence not later than two weeks from that day. Not only that the period fixed by this Court for commencing the tree census has expired long back, it is brought to our notice that between the Bruhat Bengaluru Mahanagara Palike (for short 'BBMP') and the Institute of Wood

October 2019 is that the work of tree census will actually commence within one month from 10th October 2019. 2. Today, the learned counsel appearing for the BBMP states that an exemption was sought from the State Government and grant of exemption has been delayed and therefore, even a memorandum of understanding has not been executed with the Expert Agency appointed to carry out tree census. The State Government is also a party to the petition and the State Government was all along represented when various orders were passed by this Court. In fact, the order dated 20th August 2019 containing the direction to commence the tree census within two weeks from that date was passed in the presence of the learned Additional Government Advocate and after hearing him. The order dated 24th June 2019 notes that the case of the petitioners is that green cover of Bengaluru city is reduced by drastic 78%. Notwithstanding the various orders of this Court, neither the State Government nor the BBMP is serious when it comes to implementation of the mandatory obligation to carry out tree census. As repeatedly stated by this Court, the work ought to have commenced 43 years back and even today, notwithstanding several orders passed by this Court, we see no possibility of actual census work being commenced in the near future. The aforesaid conduct shows that all the concerned authorities have no intention to implement the provisions of the said Act of 1976 and the authorities are least bothered about the compliance with the orders of this Court. 3. We make it clear that, if the work of actual tree census is not commenced within a period of two weeks from today, an action under the Contempt of Courts Act, 1971 will have to be initiated against all those who are responsible for not complying the directions of this Court to undertake the tree census immediately. The concerned officer of the BBMP shall file an affidavit within a period of two weeks from today setting out the names of the officers who are responsible for not complying with the direction and for not complying with the assurance given to this Court on 10th October 2019. If according to the BBMP, even the Officers of the State are responsible for delaying the grant of exemption, the names and designation of the State Officers shall be mentioned in the said affidavit, so that action under the Contempt of Courts Act, 1971 can be initiated even against the Officers responsible for breach. 4. Under the order dated 22nd April 2019, though belatedly in August, 2019 the Committee of Experts has been appointed, notwithstanding the directions of this Court, the Committee has not formulated the procedure which shall be adopted by it. The committee has been appointed by the State Government. We, therefore, direct the State Government to furnish the copies of all the orders passed in this petition concerning the committee of experts calling upon the committee to submit a report to this Court within a period of three weeks from today stating whether necessary infrastructure has been provided by the State Government by the members and stating as to why it is taking such a long time to formulate the procedure. If some of the members of the Committee are not interested in continuing as members of the said Committee, they shall say so in the report. For considering the compliance report by the BBMP and for reporting the compliance by the members of the Expert Committee, let the petition be listed on 28th November 2019.

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15	ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR	27/01/2020	<p>Science and Technology, a Memorandum of Understanding (for short 'MOU') has been executed on 25th November 2015 which provides for carrying out the work of tree census of the trees only along with the roads and the streets. That is not what is contemplated by clause of (b) of Section 7 of the said Act of 1976. It provides that the Tree Authority shall be responsible for carrying out a census of the existing trees and for obtaining, whenever considered necessary, declarations from all the owners and the occupants about the number of trees in their lands. Clause (b) does not contemplate the census of the existing trees confined only to the trees along with the roads and streets. Thus, both BBMP and the Institute of Wood Sciences and Technology, which is an autonomous institution of Ministry of Environment, Forests and Climate Change of Government of India are under an obligation to explain as to how the MOU has been executed. We direct the Commissioner of BBMP and the Conservator of Forests, who has signed the MOU on behalf of the said Institution to explain the default committed by them and to state on oath whether both the agencies are willing to modify the MOU. It is unfortunate that though the said Act of 1976 came into force long back, even as of today, the work of tree census in the City of Bengaluru has not commenced. Even the State will have to look into the default committed by BBMP. The affidavits of the Municipal Commissioner and the Conservator of the Forests shall be filed within two weeks from today. The procedure fixed by the Expert Committee shows that the Expert Committee has ignored the order dated 22nd April 2019 of the First Court under which the said Committee was directed to be appointed. It is the Committee which has to take a final call on the grant of permission to cut the trees. However, the procedure finalized by the Tree Authority permits the Tree Officer to take a decision. The State Government which has appointed the Committee must clarify the matter immediately. For considering this clarification, this petition shall be listed on 27th January 2020 under the caption of 'Orders'. For considering the affidavits as ordered to be filed earlier, the petition will be listed on 11th February 2020 under the caption of 'Orders'. We make it clear that if any decisions have been taken by the Experts Committee appointed under the orders of this Court recommending or permitting the cutting of trees, the same shall not be implemented until further orders.</p> <p>Heard the learned counsel appearing for the petitioners. 2. Under the order dated 22nd April, 2019, an Expert Committee has been appointed by the State Government. As the said Committee had not yet devised its own procedure, by an earlier order, the State Government was directed to bring the said fact to the notice of the Expert Committee and to place on record the procedure framed by the Expert Committee. Till today, the procedure devised by the Expert Committee is not placed on record. 3. The Bruhat Bengaluru Mahanagar Palike (BBMP) has filed an affidavit of Shri H.S.Rangaswamy, Deputy Conservator of Forests with BBMP. He has annexed a copy of the procedure/guidelines/parameters to be adopted by the Expert Committee as document no.1 and 2. There is no indication that the said procedure/guidelines/parameters has been formulated by the Committee itself. It has been signed by the Deputy Conservator of Forests who has no connection with the Special Committee whatsoever. The guidelines/parameters contain a very objectionable procedure and especially clause (5) which virtually provides that the Tree Officer can take a decision in accordance with the provisions of the Karnataka Preservation of Trees Act, 1976 (for short, "The said Act of 1976") after considering the report of the Expert Committee. 4. Thus, this procedure virtually gives a discretion to the Tree Officer to ignore the report of the Expert Committee and to take his own decision. In any case, these guidelines cannot be said to be the guidelines fixed by the Expert Committee. Therefore, the State Government will direct the Expert Committee to frame proper guidelines/parameters and place it before the Court under the signature of the members of the Committee. 5. Thus, as of today, the Expert Committee</p>

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			<p>appointed by this Court on 22nd April, 2019 is purportedly functioning without proper guidelines/procedure. That is the reason why by an order dated 20th January, 2020 we have directed that no decisions taken by the Expert Committee recommending or permitting cutting of trees shall be implemented till further orders of this Court. However, the learned counsel appearing for Bengaluru Metro Rail Corporation Limited (BMRCL) contends that the said Corporation has acted on the permissions granted by the Special Committee. However, it is seen that no such permission has been produced before the Court. Therefore, we make it clear that BMRCL will not act upon purported permissions granted by the Special Committee without seeking the leave of this Court. BBMP shall produce copies of permissions, if any, granted by the Special Committee to BMRCL on the next day. 6. Another shocking aspect has been brought to the notice of this Court by the learned counsel for the petitioners. In terms of the order dated 22nd April, 2019, a Special Committee was constituted by the State for Bengaluru Urban and Bengaluru Rural districts. Without seeking the leave of this Court, by an order dated 16th January, 2020, now the State Government has restricted the jurisdiction of the Committee to the limits of BBMP. The State Government ought not to have passed such an order without seeking the leave of this Court. Therefore, we direct the State Government to place on record the notifications constituting the Tree Authority for Bengaluru Urban and Bengaluru Rural districts in accordance with sub-section (1) of Section 3 of the said Act of 1976. As the State Government has unilaterally passed the order dated 16th January, 2020, the State Government must file an affidavit and explain the conduct of passing such an order without seeking the leave of this Court. 7. Prima facie, it appears to us that every authority is out to defy the orders of this Court. Let the matter be listed on 18th February, 2020 under the caption of 'Orders' for considering the compliance by the Expert Committee, BBMP and State Government.</p>
16	ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR	11/02/2020	<p>The learned counsel appearing for Bruhat Bengaluru Mahanagar Palike mentions the matter at 10.30 a.m. for an adjournment. As per his request, let the matter be listed on 18th February, 2020 for 'Orders.'</p>
17	ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR	18/02/2020	<p>The learned Additional Advocate General has produced various notifications issued by the State Government in exercise of the powers under sub-section (3) of Section 1 of the Karnataka Preservation of Trees Act, 1976 (for short 'the said Act'). One of the notifications is of 20th July 1976 which lays down that all the provisions of the said Ordinance shall come into force with effect from 21st July 1976 in the urban areas specified in Part A of the Schedule below the notification. Clause (1) of Part A is City of Bangalore Municipal Corporation (Now known as Bruhat Bengaluru Mahanagara Palike –BBMP). There is another notification of 31st October 1981 issued under sub-section (3) of Section 1 of the said Act by which, the provisions of Sections 7(c), 9, 10, 11, 13, 14 and 22 have been brought into force in the areas specified in Schedules I and II of the said Act situated in the Districts mentioned in Part A and the Taluks mentioned in Part B. Part A contains the name of Bangalore District. Thus, all the provisions of the said Act are not applicable to Bangalore District. But, all the provisions are applicable to entire BBMP limits. 2. Today, the State has filed an affidavit of Sri R.Gokul, Chief Conservator of Forest, Bengaluru Territorial Circle in which the State has explained the reasons for issuing the Corrigendum on 16th January 2020 directing that the Committee constituted under the orders of the Court will have jurisdiction only with respect to BBMP limits. In view of the notifications referred above, at this stage, we do not find any fault with the Corrigendum issued on 16th January 2020. The learned Additional Advocate General has also tendered the procedure/guidelines/parameters adopted by the Expert Committee. A copy of the same be supplied to the learned counsel appearing for the petitioners so that the petitioners can be heard on this aspect. 3. One of the main issues is the failure of the Tree Authority to even commence</p>

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			<p>the work of carrying out a census as provided in Clause (b) of Section 7 of the said Act. As pointed out earlier, Section 7 became applicable to the limits of BBMP on 21st July 1976 by virtue of the notification dated 20th July 1976. Though the said notification is issued under the Ordinance, notwithstanding the repeal of the Ordinance, by virtue of sub-section (2) of Section 29 of the said Act, the said notification will continue to remain in force as if it is issued under the provisions of the said Act. According to us, the duty of the Tree Authority to carry out a census of the existing trees is the most important provision of the said Act and the implementation of many of the provisions of the said Act largely depends on the implementation of the said provision. Unfortunately, the mandatory duty of the Tree Authority of carrying out tree census has not been performed for almost 44 years.</p> <p>4. Way back on 24th June 2019, this Court noted that the provision regarding tree census has not been complied with. Thereafter, there is an order passed on 20th August 2019 noticing the complete failure to implement the said provision of carrying out tree census. Under the said order, a direction was issued to the third respondent to ensure that the work of conducting tree census is commenced not later than two weeks from that day. Thereafter, a number of orders have been passed by this Court inviting the attention of the Tree Authority to its failure to not only implement the directions of this Court, but to implement the mandatory duty under clause (b) of Section 7 of the said Act. Even as of today, the tree census has not been commenced by the third respondent. Sri R. Gokul who is the Chairman of the third respondent (Tree Authority) for the last 1½ years is present in Court. But, he is not able to state whether the tree census can commence immediately from tomorrow.</p> <p>5. BBMP attempted to execute an agreement with an agency of the Central Government to carry out tree census. However, notwithstanding payment of a substantial amount to the said agency, no steps have been taken. Thus, there is a flagrant violation of the direction issued by this Court to the Tree Authority in paragraph 14 of the order dated 20th August 2019.</p> <p>6. From the affidavit of the Commissioner of BBMP which is tendered today, it is apparent that he accepts that tree census as contemplated by Clause (b) of Section 7 of the said Act cannot remain confined only to the trees along the roads and streets. However, he has reiterated that BBMP has decided to conduct census of the trees which are by the side of the road.</p> <p>7. As the tree census has not been carried out for the last 44 years, there is no proper implementation of the said Act. In absence of record of tree census, it is impossible for the Tree Authority to find out whether any tree has been felled or destroyed without the permission of the Tree Authority. Thus, there is no option but to initiate suo motu proceedings against the members of the Tree Authority for committing civil contempt by deliberate breach of the order dated 20th August 2019.</p> <p>8. The learned Additional Advocate General, on instructions of the Chairman of the Tree Authority, submits that under Section 27 of the said Act, directions have been issued to the Tree Officer who is a part of the Tree Authority to conduct tree census. However, the mandatory obligation to carry out tree census is of the Tree Authority. Under Section 27, directions can be issued to the Tree Officer regarding discharge of his functions. Even assuming that a lawful direction is issued to the Tree Officer to conduct the tree census, the Tree Authority continues to be statutorily responsible for carrying out the tree census. Moreover, the direction issued to conduct tree census under the order dated 20th August 2019 is against the Tree Authority.</p> <p>9. We, therefore, direct the third respondent to furnish before this Court a list of all the members of the Tree Authority who have functioned as members from 20th August 2019 till today. The list must incorporate the names of the members of the Tree Authority and their addresses. The list shall be filed along with an affidavit of the Chairman of the Tree Authority within a period of one week from today. After the list is made available, this Court will consider of initiating suo motu proceedings for committing contempt of Court against the members of the Tree Authority.</p> <p>10. The learned counsel appearing for</p>

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			<p>the fifth respondent made a grievance that due to the interim orders of this Court, the fifth respondent is unable to fell trees though there is a recommendation of the Special Committee in their favour. Though by the order dated 27th January 2020, we directed BBMP to produce the copies of the permissions/recommendations made by the Special Committee, the same have not been placed on record. Even the fifth respondent could have placed the said permissions/recommendations on record. We permit the fifth respondent to file an application seeking modification of the interim orders of this Court. Along with the application, the copies of the recommendations/permissions issued by the Special Committee shall also be placed on record. 11. Let this petition be listed on 4th March 2020 under the caption of 'orders'. If an application is filed by the fifth respondent, the same shall be also listed on that date. Order on I.A.No.1/2020 12. Heard the learned counsel appearing for the applicant. Though the applicant cannot be impleaded as a party, we permit intervention of the applicant considering the averments made in the application. Accordingly, the application is disposed of. We also permit the intervener to file his affidavit on record.</p>
18	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	04/03/2020	<p>Order on I.A.No.2/2020 This is an application filed by the fifth respondent for modification of the orders passed by this Court dated 20th January 2020 and 27th January 2020 and to permit the fifth respondent to act on the decisions of the Expert Committee. 2. It is the contention of the fifth respondent that the Tree Authority has permitted removal of trees in some cases and transplanted trees in other cases. Our attention is invited to the minutes of the meeting of the Special Committee. In terms of the order of this Court dated 22nd April 2019, the Special Committee has been constituted by the State Government. In view of the said order, the Special Committee will have to recommend the decisions to be taken on the applications made by the persons who desire to fell trees in accordance with sub-section (2) of Section 8 of the Karnataka Preservation of Trees Act, 1976 (for short 'the said Act'). 3. Perusal of the minutes of the meeting which have been relied by the fifth respondent shows that perhaps, the Expert Committee was under an impression that as the applications for felling of trees are being made for facilitating construction of Metro Rail, it is not necessary for the Special Committee to go into the question whether some of the trees in respect of which the applications were made can be saved. The object of the said Act as can be seen from the preamble is to make a better provision for preservation of trees and for preventing indiscriminate felling of large number of trees. The main object is to preserve the trees by regulating felling of trees and planting of adequate number of trees to restore the ecological balance. Therefore, it follows that the object of the Act is to save the trees and not to casually permit felling or transplanted trees. 4. When an application under sub-section (2) of Section 8 is made not on the grounds specified in Clause (i) to (iii) and (v) of sub-section (3) of Section 8 of the said Act, firstly, an effort should be made to save maximum number of trees. 5. In the present case, the permission is sought for felling or transplanted trees for the purpose of the work of Metro Rail. Therefore, the first endeavour which ought to have been made by the Special Committee is to find out whether the work of Metro Rail as per the alignment already finalized can be carried out without felling any or some of the trees. However, we find from the minutes of the meeting and the site visit observations that the said exercise was not undertaken by the Special Committee. 6. In view of what is observed above, the learned counsel appearing for the fifth respondent states that the fifth respondent has no objection if all the applications made by the fifth respondent are ordered to be reconsidered by the Special Committee. The said suggestion is reasonable and deserves to be accepted. 7. Accordingly, we pass the following order on I.A.No.2/2020: (i) We direct the fifth respondent to submit to the Special Committee a compilation of all the applications so far made by it for seeking permission under sub-section (2) of Section 8 of the said Act along with supporting documents which will</p>

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19	ABHAY SHREENIWAS OKA (CJ) AND E.S.INDIRESH	10/06/2020	<p>include alignment of various parts of Metro Railway; (ii) The applications shall be considered afresh by the Special Committee; (iii) As observed earlier, the first consideration should be whether some of the trees can be saved while allowing construction of Metro Rail in accordance with the alignment which is already finalized; (iv) We are sure that the Special Committee shall keep it in mind the very object of enactment of the said Act; (v) We direct the Special Committee to examine all the applications as expeditiously as possible and submit the minutes of the meeting recording its recommendations to the concerned Tree Officer; (vi) Needless to add that the minutes of the meeting of the Special Committee must reflect application of mind by the members of the Special Committee to the question whether it is possible to save some of the trees. In terms of the recommendations as reflected from the minutes of the meeting, the concerned Tree Officer shall pass necessary orders in terms of Section 8 of the said Act; (vii) The copies of the minutes of the meeting of the Special Committee dealing with the applications made by the fifth respondent and the orders passed by the Tree Officer on the said applications shall be uploaded in its entirety on the official website of BBMP. The intimation of the fact that the documents have been uploaded on the website shall be given to all the concerned parties to the petition within 24 hours from the time at which the information is uploaded. If the petitioners have any objection, they can always file an appropriate applications before this Court for seeking necessary relief. The orders passed by the Tree Officer shall not be acted upon for a period of 15 days from the date on which the same are uploaded on the website of BBMP; (viii) At this stage the fifth respondent submits that a direction may be issued to the Special Committee to seek the assistance of the fifth respondent whenever it is necessary. If any clarification is required, the Special Committee is bound to seek the same from the fifth respondent; (ix) The Expert Committee shall complete the said exercise as expeditiously as possible but within a maximum period of one month from today; (x) Accordingly, the application is disposed of with the above directions. 8. We have perused the affidavit of Sri R. Gokul who is the Chairman of the Tree Authority and Chief Conservator of Forest, Bengaluru Territorial Circle, Bengaluru. In paragraph 12 of the affidavit, it is stated that the Tree Officer in-charge of BBMP has conducted census of 4859 trees. The learned Additional Advocate General produced the reports submitted by the Tree Officer showing the details of census of 4859 trees and the copies of the same be provided to the petitioners. 9. Though the members of the Tree Authority are prima facie in contempt due to non-compliance of the orders of this Court, only in view of the statement made on oath in paragraph 12 of the affidavit today, for the time being, we are not issuing any notice of contempt to the members of the Tree Authority. Whether notices of contempt are to be issued or not is an issue which shall be decided after considering the progress made in the conduct of tree census. The progress made in the tree census shall be placed on record by the Chairman of the Tree Authority in the form of an affidavit which shall be filed on or before 16th April 2020. 10. For considering the report, the petition shall be listed on 17th April 2020 under the caption of 'direction'.</p> <p>Pursuant to the order dated 4th March, 2020, the Expert Committee has done a fresh exercise in the meeting held on 28th April, 2020. After having perused the minutes of the meeting, prima facie, we are of the view that the special committee has done the job very casually. The Special Committee has not even adverted to the observations made in the order dated 4th March, 2020. Moreover, there is no application of mind which can be gathered from the minutes. There is no application of mind on the question whether a particular type of tree will survive at the place where it is proposed to be translocated. 2. We are informed by the learned Senior Counsel appearing for the Bangalore Metro Rail Corporation Limited (for short "BMRCL") that a substantial work of cutting of the trees and re-location of the trees has been completed. 3. Even the order passed by the</p>

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			<p>Tree Officer on 21st May, 2020 shows non-application of mind. This Court has observed that functioning of the Tree Authority is to save a maximum number of trees. Under the orders of this Court, the Expert Committee is appointed which is doing the job of the Tree Authority. 4. Considering the prima facie finding recorded above, we direct that no further steps shall be taken on the basis of the order dated 21st May, 2020 passed by the Tree Officer. However, we make it clear that as far as the translocated trees are concerned, BMRCL will continue to take care as provided in condition No.(i) in order dated 21st May, 2020. 5. We direct the Tree Officer to file an affidavit after visiting the sites whether BMRCL has complied with the conditions incorporated in the said order. He will state the names of the experienced personnel appointed for supervising translocation and for maintenance of the translocated trees. He will also state whether the work of translocation was undertaken under the technical supervision of the Forest Wing of Bruhat Bengaluru Mahanagara Palike. Such an affidavit shall be filed by the Tree Officer by 19th June, 2020. 6. It will be the responsibility of the Tree Officer to ensure that no further felling or translocation of trees is done on the basis of the order dated 21st May, 2020 till further orders are passed. In the affidavit, the Tree Officer will also state the present status of translocated trees. 7. Let petition be listed for orders along with Interim Applications on 25th June, 2020 at 10.30 a.m.</p>
20	ABHAY SHREENIWAS OKA (CJ) AND R. NATARAJ	25/06/2020	<p>The learned Additional Advocate General has tendered a brief report on the methodology adopted to assess the applications for felling of trees as per the Karnataka Preservation of Trees Act, 1976 and in particular with reference to procedure followed for grant of permission to the Bangalore Metro Rail Corporation Limited (for short 'BMRCL') applications. 2. We again reiterate what we have said on the last date. There is no application of mind by the Expert Committee on the question whether a particular type of tree will survive at the place where it is proposed to be translocated. Even the report which is tendered today along with the memo does not answer this question. 3. As the learned Senior Counsel appearing for BMRCL states that 55 more trees are required to be translocated and four trees are required to be cut as per the order of the Tree Officer, the prima facie finding which we have recorded in the first paragraph of the order dated 10th June 2020 will have to be again reiterated by saying that no material is placed on record to show that the Expert Committee applied its mind to the question whether a particular tree will survive at the place where it is sought to be translocated. There are different types of trees. The Expert Committee was dealing with grown up trees which were in existence for years and therefore, it was necessary for the Expert Committee to apply its mind on the issue whether the trees will survive at the place where they were sought to be translocated. The object of the provisions of the Karnataka Preservation of Trees Act, 1976 is to preserve the trees. Even if permission can be lawfully granted for cutting or translocation of trees, the Authority concerned must apply its mind in what manner the trees can be best translocated. The translocation of trees is also a method of saving the trees. 4. The allegation of the petitioners is that after the intimation was given to BMRCL that the matter is fixed on 10th June 2020 before this Court, BMRCL acted hastily and even during night, trees were cut. 5. The submission of the learned Senior Counsel appearing for BMRCL is that the petitioners never moved any application restraining BMRCL from acting upon the permission granted by the Tree Officer. 6. In the light of the prima facie finding that there was no application of mind on the part of the Expert Committee on the question whether a particular type of tree will survive at the place where it is proposed to be translocated, it will be appropriate if both the State Government and BMRCL agree to appoint an Expert Agency of some repute which can still go into the question in what manner the trees which are already uprooted and which are allegedly translocated can be saved. The Expert Agency can also look into the question whether all 59 trees which are required to be removed by BMRCL can be successfully translocated at appropriate places where trees will</p>

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21	ABHAY SHREENIWAS OKA (CJ) AND R. NATARAJ	02/07/2020	<p>survive and grow. It is not in dispute that some of the translocated trees have not survived. It is in this context, we expect the State Government and BMRCL to respond. We hope and trust that they are interested in saving the trees. 7. BMRCL will also file an affidavit of a responsible Officer setting out the time and date on which BMRCL became aware of the fact that objections have been filed by the petitioners to the report of the Expert Committee and setting out how many trees were cut or translocated after receiving the intimation. The Officer will also state whether the work of cutting of trees or translocation was done in the night. 8. The learned Senior Counsel appearing for BMRCL states that BMRCL will respond on 2nd July 2020. 9. Accordingly, we direct that this petition be listed on 2nd July 2020 in the morning session.</p>
			<p>It appears from the material placed on record that as per the order of the Tree Officer of 21st May 2020, number of trees have been either uprooted or translocated or felled by the Bengaluru Metro Rail Corporation Limited (BMRCL). Whether BMRCL could have done that after receiving notice of the date fixed by this Court, is another issue. However, as per the order of the Tree Officer, fifty five more trees are required to be translocated and four trees are required to be cut. On the last date, we had suggested to the learned counsel representing the parties that in view of a prima facie finding recorded in paragraph No.1 of the order dated 10th June 2020 and the finding recorded in paragraph No.3 of the order dated 25th June 2020, it will be appropriate if an expert agency is appointed firstly, to examine whether the trees which were required to be translocated and which BMRCL claims to have been translocated, have been properly translocated at the appropriate places. Secondly, it is necessary to examine issue whether the places chosen for translocation were proper and whether the trees which are translocated will survive and will grow. 2. Another issue is whether any of the fifty nine trees can be still saved considering the alignment of the project of Metro Rail implemented by BMRCL. If none of the fifty nine trees can be saved, the expert agency will have to apply its mind to the question in what manner the trees can be translocated and the places at which the trees can be scientifically translocated, where there is a good chance of the trees surviving and growing. 3. The State Government by filing a memo has suggested the names of the two agencies. The learned counsel appearing for the petitioners and the learned senior counsel appearing for BMRCL state that any of the two agencies can be appointed by the Court. 4. We therefore pass the following: ORDER (i) We appoint the Department of Forestry, GKVK University of Agricultural Sciences, Bengaluru as an expert agency to look into the following aspects and submit its detailed opinion: (a) Whether the trees which have been already translocated in terms of the order dated 21st May 2020 passed by the Tree Officer have been properly and scientifically translocated. If according to the opinion of the expert agency, the translocation has not been done in a scientific manner, the expert agency will suggest solutions and methods for saving the trees which have already been translocated; (b) The aforesaid agency will examine the question whether any of the remaining fifty nine trees can be saved while constructing Metro Rail as per its existing alignment; (c) If none or any of the fifty nine trees can be saved, the expert agency will suggest the manner in which and the places at which the trees can be successfully translocated; (ii) As the issue is of saving the trees which are already translocated and also the issue concerns commencement of further work of Metro Rail, the Department of Forestry, GKVK, University of Agricultural Sciences, Bengaluru, will expedite the work and will ensure that a detailed report is submitted to the Court within a maximum period of three weeks from the date on which this order is communicated to the said agency by any of the parties; (iii) The charges payable to the agency shall be borne and paid by BMRCL; (iv) It will be open for the petitioners and BMRCL to serve a copy of this order along with the copies of all the relevant documents including the recommendations of the Expert Committee</p>

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			<p>appointed by this Court, a copy of the order of the Tree Officer, a copy of the objections raised by the petitioners. The document shall be supplied by e-mail or physically to the agency appointed as above; (v) The expert agency need not wait till service of a certified copy of this order and it shall act upon communication of the order along with the other documents made by BMRCL or the petitioners so that the work can be commenced and completed at the earliest. The expert agency shall look into the exercise done by the Committee of experts as well as the objections raised by the petitioners to the recommendations of the Committee of Experts; (vi) On service of the order of this Court, GKVK, University of Agricultural Sciences, Bengaluru shall form a Committee of its own experts to complete the assignment under the orders of the Court; (vii) Let the petition be listed on 27th July 2020 for considering the report of the agency appointed under this Order; (viii) The concerned respondents shall also place on record, the compliance made with the earlier direction issued by this Court from time to time; (ix) By 25th of July 2020, BBMP and others shall place on record the steps taken by them to implement the earlier orders from time to time. ORDER ON I.A.NOs.3 OF 2020 AND 4 OF 2020 5. I.A.Nos.3 of 2020 and 4 of 2020 are for amendment of the petition for impleading Karnataka Road Development Corporation Limited as a party respondent. To avoid multiplicity of proceedings, both the applications are allowed. 6. Though we are granting time of six weeks to physically amend the petition, the amended copy shall be submitted within a period of two weeks from today. The learned counsel appearing for the petitioners will serve the amended copies to all the concerned parties. 7. Issue notice to the added respondent (seventh respondent) Karnataka Road Development Corporation Limited on the writ petition as well as on I.A.No.5 of 2020. The said notice is also made returnable on 27th July 2020. In addition to notice through Court, the learned advocate for the petitioners shall serve a complete copy of the petition along with a copy of I.A.No.5 of 2020 along with an ordinary copy of this order on the official e-mail ID of the added seventh respondent.</p>
22	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	27/07/2020	<p>The learned counsel appearing for the petitioners submits that he has no objection if the report submitted by the University of Agricultural Sciences, Bengaluru is accepted and acted upon. The learned Senior Counsel appearing for the fifth respondent – Bengaluru Metro Rail Corporation Limited states that he will file an affidavit of the competent officer recording an undertaking to abide by the recommendations made by the University of Agricultural Sciences, Bengaluru. The learned AGA represents the added respondent (Karnataka Road Development Corporation Limited). He states that objections to I.A.No.5/2020 will be filed within a period of two weeks from today. List the petition on 29th July 2020. In the meanwhile, the concerned respondents will place on record the progress made in the work of tree census.</p>
23	ARAVIND KUMAR AND M.I.ARUN	29/07/2020	<p>Learned counsel appearing for petitioners submits that he has already stated before this court on 27.07.2020 that petitioners have no objection if the report submitted by the University of Agricultural Sciences, Bengaluru is accepted and same is acted upon and he would reiterate the same. This Court by order dated 27.07.2020 had directed the fifth respondent to file an affidavit of the competent officer recording an undertaking to abide by the recommendations made by the University of Agricultural Sciences, Bengaluru. Pursuant to the said direction an affidavit dated 27.07.2020 has been filed by the Deputy Chief Engineer, (Underground/Environment) BMRCL, Bengaluru, whereunder in paragraph 3, fifth respondent has categorically undertaken to comply with the recommendations of the Committee in its entirety made in its report dated 24.07.2020. Learned Senior counsel would also submit that in view of said undertaking they may be permitted to proceed with the project, for which the counsel appearing for petitioners has no objection subject to implementing of report dated 24.07.2020 by the petitioner. Learned Additional Advocate General has brought to our notice memo dated 28.07.2020 filed him whereunder</p>

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			direction issued by this Court on 27.07.2020 to place on record the progress made in the work of Tree Census has been carried out and appended to said memo as Annexure-R1. Said memo along with Annexure is placed on record. Copy of the memo filed by the Government Advocate shall be served on the learned counsel appearing for petitioners, if not already served. Learned Advocates appearing for parties would submit that there is no prohibition or embargo preventing the BMRCL to proceed with the project. Their submission is placed on record. Re-list this matter on 20.08.2020.
24	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	20/08/2020	Soft copies of the petition and all the documents concerning the tree census shall be supplied to the learned counsel for the petitioners, so that, he can address on the issue. The reply filed by the seventh respondent on IA.5 of 2020 is taken on record. Let I.A. No.5 of 2020 be listed on 3rd September 2020. Now it is a matter to record that the Expert Committee appointed by the State Government under the orders of this Court is not performing the duties satisfactorily and due to the default on the part of Expert Committee, four trees could have been unnecessarily felled for the work of Metro Railway. Therefore, we direct the State Government to consider of reconstituting the Committee by including few experts in the field.
25	ABHAY SHREENIWAS OKA (CJ) AND HEMANT CHANDANGOUDAR	03/09/2020	Today, we have heard the learned counsel appearing for the parties on I.A. No.5 of 2020. The learned Additional Advocate General who appears for the Karnataka Road Development Corporation Limited (KRDCL) states that due to various reasons, from 8th August, 2020, the activity of felling the trees has not been continued. He states that KRDCL has no objection if, as in the case of Metro Rail, the University of Agricultural Sciences, GKVK, Bengaluru, is appointed as the expert agency which will ascertain how many trees, if any, can be saved while constructing the road as per the alignment already fixed. The Committee will also go into the question of translocation of the trees which are required to be felled for construction of the road. The learned Additional Advocate General states that the work on certain stretches is required to be undertaken immediately and therefore, after consulting the said University, he will place before the Court the manner in which the work will be undertaken by the University. Our attention is invited to a memo filed by the Additional Advocate General dated 1st September, 2020 which brings on record the present status of tree census. Along with the memo, an order dated 31st August, 2020 has been placed on record by which the State Government has reconstituted the Committee of Experts by incorporating the names of the Professor and Head of Department of Forestry and Environment Sciences, University of Agricultural Sciences, GKVK, Bengaluru and an Associate Professor of the same Department of the same University. Let the petition be listed on 8th September, 2020.
26	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	08/09/2020	In I.A.No.5 of 2020, the seventh respondent has filed a memo in terms of the order of this Court dated 3rd September 2020. 2. We have perused the letter dated 5th September 2020 addressed by the seventh respondent to the Registrar, University of Agricultural Sciences, GKVK, Bengaluru. The letter quotes the order dated 3rd September 2020 of this Court. Packagewise abstract of tree details have been annexed with the said letter. A copy of a notification dated 07th September 2020 issued by the University of Agricultural Sciences, Bengaluru is also annexed, which records that the University has constituted committee of six experts to look into all the aspects indicated in the order dated 3rd September 2020 of this Court. 3. We, therefore, appoint the committee of experts constituted under the aforesaid order dated 7th September 2020 for the purposes of carrying out the work which is referred in the order dated 3rd September 2020. The work will be carried out in stages/phases as provided in clause (3) of the memo filed by the seventh respondent on 7th September 2020. 4. The seventh respondent will communicate this order to the said University and the expert committee appointed by the University will immediately act upon the same. 5. The learned counsel appearing for

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			the petitioners submitted that there may be some discrepancy in the data submitted by the seventh respondent to the committee of experts constituted by the said University. 6. The petitioners are free to submit a representation in that behalf to the seventh respondent. The said representation shall be forwarded by the seventh respondent to the committee of experts. 7. Our attention is invited to order dated 20th August 2020. Learned Senior Counsel appearing for fifth respondent – Bangalore Metro Rail Corporation Limited stated that the four trees referred therein were to be translocated. The observation made in order dated 20th August 2020 means that four trees were saved in the entire exercise. For considering the reports which may be submitted by the committee, the petition shall be listed on 18th September 2020 under the caption of 'orders'.
27	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	18/09/2020	The learned Additional Advocate General representing the seventh respondent states that the University of Agricultural Sciences, GKVK, Bengaluru will submit some of the reports by the first week of October 2020. The copies of the reports be supplied in advance to all the parties. Let the petition be listed under the caption of 'orders' on 6th October 2020.
28	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	06/10/2020	So far, the University of Agricultural Sciences, GKVK, Bengaluru, has not submitted any report. For the time being, we adjourn this petition till 22nd October, 2020. In the meanwhile, we direct the Tree Authority to upload the reports of the tree census on the website of the Bruhat Bengaluru Mahanagara Palike (BBMP). The learned counsel appearing for the petitioners submits that geo tagging is not being done while carrying out the tree census. The learned counsel appearing for BBMP states, on instructions, that in fact, geo tagging is being done. The tree officer will file a specific memo to that effect before the next date.
29	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	22/10/2020	The University of Agricultural Sciences, GKVK, Bengaluru has not submitted the report. The learned Additional Government Advocate states that they would take some more time. The learned counsel appearing for the petitioners pointed out that geo tagging has not been done in respect of all trees as is clear from the data provided in the website. The learned counsel appearing for the BBMP states that he has advised the concerned officers to ensure that geo tagging of each and every tree is done. 2. About the tree census, the petitioners are free to file an affidavit incorporating any suggestion they want to make in this regard. 3. The learned counsel appearing for the petitioners pointed out that a memorandum has been uploaded on 17th October 2020 which indicates that BMRCL has been granted permission to cut 39 trees and to translocate 29 trees. The learned counsel appearing for the petitioners submits that he is filing an application raising an objection to grant the said permission. 4. If such an application is made, the same shall be listed on 4th November 2020. We make it clear that on the basis of the said memorandum dated 17th October 2020, BMRCL shall not carry out the work of cutting/translocation of trees till the next date. The learned counsel appearing for the petitioners will ensure that copies of the application are served well in advance to BMRCL and other parties so that before the next date, they can respond to the application. 5. We direct all the concerned respondents including the State Government to file the statement of objections to I.A.No.7/2020. The statement of objections shall be filed by 13th November 2020. For hearing I.A.No.7/2020, the petition be listed on 17th November 2020.
30	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	04/11/2020	Heard the learned Counsel appearing for the petitioner, the learned Senior Counsel appearing for fifth respondent and the learned Additional Advocate General for respondents 1 to 3 on IA-8/2020. Perused the official memorandum dated 17th October 2020 and the accompanying annexures thereto. As per the official memorandum, permission has been granted to fell certain trees in different locations and to translocate certain trees to enable construction of Metro Railway by the fifth respondent. The official memorandum has been issued by the Tree Officer of Bruhat

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			<p>Bengaluru Mahanagara Palike (for short, 'BBMP') on the basis of the proceedings of the Tree Expert Committee meeting held on 14th October 2020. The first question is, whether the procedure provided in clause (vii) of sub-section (3) of Section 8 of the Karnataka Preservation of Trees Act, 1976 (for short, 'Act of 1976') has been followed as the Tree Officer has dealt with felling of more than fifty trees. The learned Senior Counsel representing the fifth respondent states that the said procedure was followed and fifth respondent will place on record necessary material in this regard. When the said material is placed on record, even the third respondent will have to take a stand on the question whether the official memorandum dated 17th October 2020 relates to the trees mentioned in the public notice or different set of trees. We have perused the charts appended to the minutes of the meeting of the Tree Expert Committee. They are separate charts containing description of the trees which are recommended for felling. The said charts are at page nos.35, 39, 42, 45 &amp; 48. Except for the chart at page no.45, the remarks or reasons given by the committee are more or less identical. Though the description of the trees recommended for felling has been separately given, there are no reasons recorded separately in respect of each tree. The same general reasons have been recorded in the remarks column by the Expert Committee. The remarks appear to be a cutting and pasting job. This Court has repeatedly observed that the object of enacting the Act of 1976 is to safeguard and preserve the trees. Even if one tree is permitted to be felled, it has a very serious consequences. It is lost permanently and its replacement is not possible in near future. As a result of non-implementation of the provisions of the said Act of 1976 and the failure to conduct tree census, it is quite possible that even after coming into force of the said Act of 1976, number of trees must have been felled illegally. There has been a loss of green cover of Bengaluru during last few decades. In a given case, felling of a single tree would have adverse effect on the environment and ecology. All concerned must remember that once a tree is felled, it is permanently lost. As the Tree Authority was not doing its job, this Court appointed a committee of experts. When the committee of experts have been appointed and re-constituted, in normal course, this Court would not interfere with the assessment made by the committee of experts, provided this Court is satisfied with the correctness of the decision making process. In the facts of this case, common reasons have been assigned by the committee of experts for recommending felling of different types of trees at different locations. We are, therefore, of the view that a fresh exercise is required to be undertaken by the committee of experts as regards the trees which are permitted to be felled under the official memorandum dated 17th October 2020. If all the authorities satisfy the Court that the said official memorandum deals with the trees in respect of which a public notice was already published and the objections, if any, received from the public were placed before the committee of experts, the concerned respondents can be permitted to act upon the recommendations made only for translocation of trees. To enable the fifth respondent to place on record the material to show that public notice was published in accordance with clause (vii) of sub-section (3) of Section 8 of the Act of 1976, and that the objections received were placed before the committee of experts, we adjourn this petition till 18th November 2020. Till further orders are passed on this application, the official memorandum dated 17th October 2020 shall not be acted upon. The committee of experts in the minutes of the meeting dated 14th October 2020 seems to have relied upon the twenty point working procedure. After the said working procedure was evolved, the committee of experts has been re-constituted. Therefore, it will be appropriate that the committee of experts has a re-look at the twenty point procedure. We have already made it very clear that in normal course, this Court would not interfere with the assessment made by the experts. However, to ensure that an occasion for this Court to interfere with the opinion rendered by the expert committee does not arise, it is desirable that the committee lays down appropriate</p>

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31	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	18/11/2020	<p>procedure so that proper reasons in brief are recorded in respect of every individual tree. While we make the above observations, we also make it clear that whatever we have observed is no reflection on the expertise and the standing of the members of the committee of experts. The observations are only as regards the decision making process as reflected from the documents. We direct the concerned respondents to file a reply to IA-9/2020 within a period of two weeks from today. List the petition under the caption of 'Orders' on 18th November 2020. If the reply to IA-9/2020 is filed within one week, even the said application will be considered on 18th November 2020. Needless to add that as regards the trees which are the subject matter of IA-9/2020, no action of felling or translocation shall be taken.</p> <p>ORDER ON IA NOs. 8 AND 9 OF 2020 We have perused the memorandum filed on record by the Committee of Experts laying down the procedure, which will be followed by the Tree Officer and Tree Expert Committee ('TEC' for short). The procedure to be followed has been set out in detail. We have suggested few modifications to the procedure by the TEC. 2. The first modification is in Clause (vi). The details and documents which are required to be furnished along with the application under sub-section (2) of Section 8 of the Karnataka Preservation of Trees Act of 1976 ( for short, 'Trees Act') have been set out therein. However, suitable modifications will have to be made with a view to ensure that, by making multiple applications for felling of Trees on the same property in relation to the same project, the provision of Clause (vii) of sub-section (3) of Section 8 of the Trees Act is not circumvented. 3. The second suggestion is as regards stage No.2. Whenever a public notice is published, it must be incorporated in the public notice that a copy of the application filed under sub-section (2) of Section 8 along with the documents submitted with the application will be available on a particular Website. Unless the members of the public are made aware about the description of the trees sought to be felled, they will not be able to effectively file objections. 4. Lastly, for the sake of transparency, the Tree Officer must ensure that immediately after a permission is granted in accordance with Section 8, irrespective of the fact whether the provision of Clause (vii) of sub-section (3) of Section 8 is applicable, the details of the permission granted are immediately uploaded on a specific Website. 5. Learned counsel for petitioner is free to make suggestions in writing for modification of the procedure which will be considered by the TEC along with the aforesaid suggestions which we have incorporated in this order. 6. We have perused the memo dated 12th November, 2020 filed by the learned counsel appearing for the fifth respondent enclosing therewith the copies of the public notice published on 17th May 2019. We have perused the public notice. The public notice does not give the details such as description of the land and description of trees which are proposed to be felled. It is not even stated that the details will be available for inspection in a particular office or at a particular Website. The object of giving a public notice under Clause-(vii) of sub-section (3) of Section 8 of the trees Act is that, when an application is received for felling more than 50 trees, the members of the public are able to raise objections to the proposal. Question of raising objections will arise only when members of the public are made aware of all the details about the trees proposed to be felled. We may add here that, even a proposal for translocation of trees will have to be treated as proposal for felling of the trees. We direct learned counsel appearing for the BBMP to take instructions as regards the public notices published in relation to four different permissions, which are the subject matter of IA No.8/2020 and IA No.9/2020. He must ascertain whether the description of trees was incorporated in the notice. 7. If public notices are defective in the sense that, by the notices, members of the public are not informed about the particulars of the land and particulars of the trees, which are proposed to be felled, the Tree Officer will have to follow the entire procedure from the stage of publication of notices. 8. Non-compliance of Clause (vii) of sub-</p>

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			section (3) of Section 8 of the Trees Act will go to the root of the matter. Hence, we direct that no action shall be taken for felling/translocation of trees on the basis of the permissions, which are the subject matter of IA Nos. 8 and 9 of 2020. List the petition on 23rd November, 2020.
32	ABHAY SHREENIWAS OKA (CJ) AND ASHOK S.KINAGI	23/11/2020	Let the petition be heard by the regular Bench. To be listed on 27th November 2020.
33	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	27/11/2020	We direct both the Tree Officers for Bengaluru Urban Area to file affidavits on record setting out the manner in which they propose to publish the notices where sub-section (3) of Section 8 of the Karnataka Preservation of Trees Act, 1976, is applicable. The Tree Officers will also place on record the manner in which the notices which are a part of the memo tendered by the petitioners, have been published. The said officers shall also place on record the progress made in the tree census. Compliance shall be made on 8th December, 2020. The Tree Officers are directed to process the applications which are the subject matter of the notices produced by the petitioners along with a memo filed today. However, any decision taken thereon shall not be implemented without the leave of the Court. Let the petition be listed on 9th December, 2020.
34	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	09/12/2020	1. We have perused the affidavit of Shri Ravishankar S.S., S/o Shri Siddalingaiah who is one of the Tree Officers designated for Bengaluru Urban Division. As regards the applications seeking permission for felling of trees made by the Bengaluru Metro Rail Corporation Limited (for short "BMRCL"), the Officer has stated that the procedure for considering the applications has started from publication of the public notices. He has stated that so far 31,644 number of trees have been covered by the tree census within his jurisdiction. 2. Shri H.S.Ranganathaswamy, Tree Officer of the Bruhat Bengaluru Mahanagara Palike (for short "BBMP") has also filed an affidavit setting out the procedure which is followed for dealing with the application made by BMRCL. He has also produced on record copies of the public notices published in the newspapers. He has stated that in the tree census, so far 14,144 trees have been enumerated and the details are available on the website of BBMP. 3. As observed in the order dated 27th November 2020 further process on the applications made by BMRCL will continue. The learned Additional Advocate General states that approximately it will take the time of three weeks to complete the process. The process can continue and even the final orders can be passed. However, the same shall not be implemented without the leave of the Court as directed under the order dated 27th November 2020. The orders, if any, passed shall be placed on record on or before 4th January 2021. For considering the issue of grant of leave to implement the said orders, the petition shall be listed on 5th January 2021. 4. Our attention is invited to I.A.No.10 of 2020. It is an application filed by BMRCL (the fifth respondent). Reliance is placed on sub-section (7) of Section 8 of the Karnataka Preservation of Trees Act, 1976 (for short "the said Act of 1976") which provides that nothing in Section 8 of the said Act of 1976 shall apply to the type of trees mentioned in sub-section (7). Thus, the contention is that as regards the trees mentioned in sub-section (7) of Section 8 of the said Act of 1976, the restriction on felling of the trees imposed by Section 8 of the said Act of 1976 will not apply. 5. In the I.A, it is stated that about 872 trees which are covered by the application made by BMRCL are of the category falling in sub-section (7) of Section 8 of the said Act of 1976. It is, therefore prayed that the order dated 27th November 2020 be modified and the fifth respondent – BMRCL be permitted to proceed with the removal of 872 trees. 6. It is true that in relation to the trees mentioned in sub-section (7) of Section 8, the restrictions imposed by Section 8 of the said Act of 1976 will not apply. However, a perusal of the definition of "Tree" in clause (g) of Section 2 of the said Act of 1976 shows that all the trees mentioned in sub-section (7) of Section 8 are not excluded from the definition of "Tree". Prima facie, the trees mentioned in sub-section (7) of

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			<p>Section 8 of the said Act of 1976 continue to be covered by the definition under clause (g) of sub-section 2, unless, the same fall in one of the exceptions carved out in clause (g) itself. Therefore, the other provisions of the Act of 1976 will continue to apply to the trees mentioned in sub-section (7) of Section 8 of the said Act of 1976. In fact, under Section 7 of the said Act of 1976, it is the duty of the Tree Authority to preserve all the trees within its jurisdiction. 7. Even if we proceed to accept the contentions raised in the application based on sub-section (7) of Section 8 of the said Act of 1976, we must note here that BMRCL is constituted by the State Government and the Central Government and it is in that sense a public sector undertaking. Surely, it will be a State within the meaning of Article 12 of the Constitution of India. 8. It is well settled now that doctrine of public trust is applicable to India. Under the said doctrine, it is the duty of the State and the Public Authorities to take all possible steps to protect the environment. Even precautionary principle is applicable. If the public trust doctrine is applied, it becomes obvious that the State Government or BMRCL will have to act as Trustees of trees. It is true that the principle of sustainable development is also well recognized. In the circumstances, merely because Section 8 of the said Act of 1976 may not be applicable to 872 trees, the State Government or BMRCL cannot mechanically remove or fell 872 trees. They will have to apply their mind to the question of saving the maximum number of trees while carrying out the work of development of the Metro Rail Project. Needless to add that even for doing that exercise, both the State Government and BMRCL will have to take the assistance of the experts in the field. Therefore, both the State Government and the fifth respondent will have to make their stand clear whether they are willing to leave the issue of felling or translocation of 872 trees to the Committee of Experts which is already appointed. 9. The State Government will file the statement of objections to I.A.No.10 of 2020 within a period of one week from today. Even the petitioner is free to file the statement of objections. 10. Let the I.A. be listed on 21st December 2020.</p>
35	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	21/12/2020	<p>IA-10/2020: The learned Counsel appearing for the applicant-Bengaluru Metro Rail Corporation Limited (BMRCL) seeks time to make a statement in terms of what is observed in paragraph 8 of the order dated 9th December 2020. The statement will have to be made on oath. Similarly, the State Government must also make a statement on oath. Our attention is invited to a memo filed by the petitioner enclosing therewith the affidavit of Mr. Vijay Nishanth. The learned Counsel appearing for the Bruhat Bengaluru Mahanagara Palike (BBMP) states that the BBMP has not issued any permission to the National Military Memorial Trust to fell trees in the National Military Memorial Park. In view of the statement, the petitioners will have to initiate appropriate proceedings. However, it is necessary for the BBMP to issue a statement in writing to the National Military Memorial Trust making it clear that the BBMP has not granted any permission. Along with the statement in writing, the BBMP shall forward a copy of the order dated 9th December 2020 passed by this Court to the National Military Memorial Trust. List the petition under the caption of 'Orders' on 5th January 2021.</p>
36	ABHAY SHREENIWAS OKA (CJ) AND SATISH CHANDRA SHARMA	05/01/2021	<p>1. In terms of the observations made by this Court in paragraph 8 of the order dated 9th December 2020, both the State Government and Bengaluru Metro Rail Corporation Limited (BMRCL) have filed affidavits. The stand taken by both the parties will have to be decided in the context of public trust doctrine and other constitutional principles. For hearing the parties on the said issue, we direct that the petition shall be listed on 15th January 2021 at 2.30 p.m. 2. Our attention is invited to the order dated 3rd September 2020. The learned Additional Advocate General pointed out that the University of Agricultural Sciences, GKVK, Bengaluru (for short, "the said University") has not submitted a report. It will be appropriate if the said University submits a report as expeditiously as possible and preferably within a period of three weeks from today. The Karnataka Road</p>

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			<p>Development Corporation Limited shall communicate this order to the said University. We direct the said University to act upon the said order. 3. We direct the Registrar (Judicial) to forward a copy of this order to the said University. ORDER ON I.A NOS.1 AND 2 OF 2021 4. I.A Nos.1 and 2 of 2021 have been filed by the petitioners for inviting the attention of the Court to the act of felling of the trees by the proposed eighth respondent in one of the parks in the City. Therefore, impleadment of the proposed eighth respondent as well as impleadment of the Bengaluru Development Authority which is proposed ninth respondent will have to be permitted in view of the averments made in the affidavit filed in support of the application. Accordingly, I.A No.2 of 2021 is allowed. Amended copy shall be filed by the petitioners within a period of one week from today. For physically carrying out the amendment, we grant time of eight weeks. 5. Notice be issued to the added respondents, returnable on 8th February 2021. If the added respondents are represented by a standing counsel, liberty is granted to serve the standing counsel. 6. We have perused the averments made in the affidavit filed in support of I.A No.1 of 2021. 7. The issue concerns National War Memorial and a garden in which National War Memorial is located. It is pointed out that an application was made by the added eighth respondent seeking permission for felling of approximately 120 trees. Accordingly, a public notice was published by the fourth respondent inviting objections. It is pointed out that though no permission was granted for felling of the trees, the added eighth respondent has indulged in cutting of the trees. Therefore, a case is made out for grant of injunction as prayed for in this application. 8. Accordingly, there will be ad-interim injunction as prayed for in I.A No.1 of 2021.</p>
37	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	15/01/2021	<p>The learned Senior Counsel appearing for the applicant (Bengaluru Metro Rail Corporation Limited) in I.A.No.10/2020 seeks time after arguing the application for sometime. Let the petition be listed on 22nd January 2021.</p>
38	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	22/01/2021	<p>ORDER ON I.A No.10 OF 2020 We have perused the application made by the fifth respondent. It is pointed out that applications were made under Section 8 of the Karnataka Preservation of Trees act, 1976 (for short, (the said Act”) seeking permission for felling of 2,017 trees. The said applications will have to be considered by the Committee appointed as per the order of this Court dated 22nd April, 2019, the constitution of which was modified by an order dated 3rd September, 2020. 2. In the application, it is pointed out that out of 1,740 trees in respect of which the applications were made, 872 trees which are more particularly described in Annexure-R5(k) are covered by sub-section (7) of Section 8 of the said Act and therefore, the restrictions imposed by sub-section (1) of Section 8 of the said Act will not apply to the said trees. 3. The learned senior counsel for the fifth respondent submits that without prejudice to the contention of the fifth respondent that in relation to the said 872 trees, a permission for felling is not required in accordance with Section 8 of the said Act, with a view to avoid delay in the implementation of the Metro Rail Project, the fifth respondent has no objection if the applications are decided by the Committee appointed by this Court. He submits that a direction may be issued to the said Committee to consider whether any of the 872 trees can be saved, taking into consideration the alignment of the Metro Railway. He submitted that the Committee be directed to consider the case limited to 872 trees and submit its opinion directly to the Court. He submits that in the case of the said 872 trees, it is not necessary to follow the procedure contemplated by Section 8 of the said Act. 4. The learned counsel appearing for the petitioner has no objection for adopting the said course. 5. We, therefore, direct the fifth respondent to submit an application to the Expert Committee which is reconstituted as per the order of this Court dated 3rd September, 2020, giving details of 872 trees which are the subject matter of this interlocutory application. The Committee, after</p>

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			<p>examining the alignment of Metro Railway in the concerned area and after making a site visit, shall examine the following aspects: (i) Whether the trees set out in the application which may be filed by the fifth respondent are covered by sub-section (7) of Section of the said Act; (ii) Whether all the trees which are covered by sub-section (7) of Section 8 of the said Act, or any of them can be saved, after taking into consideration the proposed alignment of Metro Railway; (iii) Whether the trees which are required to be felled and which cannot be saved for facilitating construction of Metro Railway can be trans-located and if so, in what manner the same can be trans-located; (iv) Needless to say that the Committee will be entitled to make an inspection of the site where these 872 trees are located; 6. The committee will submit its report to this Court by 15th February, 2021. 7. We clarify that in relation to the said 872 trees, it will not be necessary to follow the procedure of publishing notice and inviting objections, etc. Needless to add that while submitting its report, the Committee will try to ensure that without obstructing the work of Metro Rail Project, maximum number of trees are either saved or trans-located. 8. List this petition on 17th February, 2021 when submissions will be heard. By the said date, the concerned respondents will place on record the present status of the Tree Census. 9. The fifth respondent will forward an ordinary copy of this order to the concerned Tree Officer who shall submit the same to the Committee. The Committee will act upon the ordinary copy of this order.</p>
39	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	08/02/2021	None appears for the eighth respondent though notice is served as per the earlier order. Let the petition be listed on 17th February 2021.
40	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	17/02/2021	The learned Additional Advocate General appearing for the Karnataka Road Development Corporation Limited (for short, "KRDCL") pointed out that the University of Agricultural Sciences, GKVK, Bengaluru (for short, "the said University") has submitted a detailed report. He states that KRDCL be permitted to make a representation to the said University pointing out certain errors/ discrepancies and requesting the said University to reconsider some of its recommendations. We, accordingly, permit KRDCL to make such a representation to the said University. If such a representation is made, the said University will consider the same after having interaction with the Officers of KRDCL within a period of three weeks from today. It is pointed out that the Committee of Experts appointed needs time of 3 weeks to consider the case related to 872 trees. Accordingly, we grant time of 3 weeks. We have perused the memo dated 16th February 2021 recording that till date, census of 59,057 trees has been carried out and the data is web hosted on the Bruhat Bengaluru Mahanagara Palike (BBMP) website. The learned Additional Advocate General states that very shortly a mobile application will be launched. List the petition on 16th March 2021.
41	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	16/03/2021	The State Government has placed on record the copy of the memorandum dated 2nd March 2021 issued by the Tree Officer, Bengaluru Urban Division dealing with an application of fifth respondent - BMRCL seeking permission for felling of 91 trees. A memo has been filed by the fifth respondent placing on record the same office memorandum of the Tree Officer dated 2nd March 2021. Along with a memo, fifth respondent has also placed on record a report of Tree Expert Committee dated 13th March 2021 about 872 allegedly exempted trees in respect of which a prayer was made by BMRCL for felling. A memo dated 16th March 2021 is filed by the counsel for the seventh respondent placing on record the report on the reassessment submitted by the Committee constituted by this Court under order dated 17th February 2021. This report is in respect of Package-I as stated by the learned counsel appearing for seventh respondent. For this package, the seventh respondent intended to fell/cut 1026 trees. The Expert Committee has recommended the retention of 242 trees, translocation of 361 trees and felling of 381 trees. The fifth respondent and

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			<p>the seventh respondent will have to place on record the manner in which the trees as recommended would be translocated. If the said respondents are going to appoint agencies for translocation of the trees, the copies of the agreements entered into with the agencies along with the undertakings of the agencies shall also be placed on record. The said respondents must undertake to take care of the transplanted trees after the contractual period is over. I.A.No.4 of 2021 has been filed by the petitioners for incorporating a challenge to the provisions of Sub-Section 7 of Section 8 of the Karnataka (Preservation of the Trees) Act, 1976. To avoid multiplicity of proceedings, we allow the amendment. Amended copy of the petition without annexures shall be filed within a period of two weeks from today. For physically carrying out amendment, we grant time of eight weeks. For considering the affidavits, which may be filed by fifth and seventh respondents, the petition shall be listed on 25th March 2021. Office Memorandum dated 1st March 2021 issued by the Tree Officer of the Bruhat Bengaluru Mahanagara Palike, is also produced along with the same memo dated 15th March 2021 by the fifth respondent-BMRCL. Even this report will be considered on 25th March 2021.</p>
42	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	25/03/2021	<p>Firstly, we deal with the official memorandum dated 2nd March 2021 issued by the Tree Officer and the Deputy Conservator of Forests, Bengaluru Urban District. By the said official memorandum, a permission has been granted to the fifth respondent - Bengaluru Metro Rail Corporation Limited (BMRCL) to remove 52 trees by way of translocation. A permission has been also granted to remove 39 trees by way of felling. The said official memorandum also records that the other 28 trees in the project area shall be retained as no permission was sought for felling or translocation of the same. There are conditions imposed in the order of the Tree Officer which is a part of the said official memorandum. 2. An affidavit has been filed by Shri B.C.Nataraja, the Chief Engineer of BMRCL. The statements made in the said affidavit from paragraph 3 onwards are taken on record and accepted as the undertakings of BMRCL. The undertaking given by the Proprietor of M/s. TMRH Plantations to BMRCL is annexed to the said affidavit as Annexure-R5P. A copy of the Agreement entered into by and between BMRCL and M/s. TMRH Plantations of 22nd March 2021 is also placed on record. 3. Some concern is expressed by the learned counsel appearing for the petitioners regarding compliance with the conditions incorporated in the official memorandum dated 2nd March 2021 and in particular, the conditions 'B' and 'C'. The apprehension that translocation and felling of trees will be done without compliance with the condition 'B' can be taken care of by directing that BMRCL will act upon the said order only after a plan for compensatory plantation is submitted to the Tree Officer. It will be appropriate if the Tree Officer uploads all the documents concerning compliance with the conditions 'B', 'C' and 'D' on the website of the Forest Department. 4. In view of what is stated in paragraph 7 of the affidavit dated 24th March 2021 of Shri B.C.Nataraja, the Tree Officer will have to verify the conditions of the translocated trees after expiry of the contractual period of three years and if it is found necessary, to issue a direction to BMRCL to take care of the translocated trees even after the expiry period of three years. 5. Therefore, as regards the official memorandum dated 2nd March 2021 bearing No.A9/Tree Cutting/ BMRCL/CR-154/2020-21, we pass the following directions: We permit the fifth respondent - BMRCL to act upon the order contained in the said official memorandum subject to the following directions. (i) The work of translocation of 52 trees and removal of 39 trees shall be undertaken only after a plan for compensatory plantation in terms of condition 'B' of the said order is submitted to the Tree Officer; (ii) 28 trees in the project area for which permission for felling or translocation is not sought shall be retained on the site without causing any damage to the said trees; (iii) The Tree Officer shall ensure that all the documents reporting compliance with the conditions and in particular, the conditions 'A' to 'D' submitted to BMRCL are uploaded on the website of the Forest Department; (iv) After</p>

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43	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	05/04/2021	<p>completion of 36 months (contractual period of maintenance), the Tree Officer shall immediately visit the translocated 52 trees. After assessing the condition of the translocated trees, if the Tree Officer is of the view that it is necessary to take care of the said 52 trees or some of them, he shall issue necessary directions in writing to the fifth respondent-BMRCL. After receiving such directions, BMRCL will be under an obligation to comply with the assurance recorded in paragraph 7 of the affidavit dated 24th March 2021 of Shri B.C.Nataraja; (v) We make it clear that it is the duty of the Tree Officer to frequently visit the location of the translocated trees with a view to ascertain whether the agency appointed by BMRCL is taking proper care of the translocated trees during the contractual period of 36 months. 6. Now, coming to the official memorandum dated 1st March 2021 bearing No.DCF/BBMP/PR-1791/2020-21, a permission has been granted by the Tree Officer and the Deputy Conservator of Forests of the Bruhat Bengaluru Mahanagara Palike (BBMP) to fell 13 trees. However, permission to fell 2 trees has been denied. 7. In view of the undertaking given by Shri B.C.Nataraja by way of an affidavit dated 24th March 2021 on behalf of BMRCL, we permit BMRCL to act upon the said order of permitting felling of 13 trees subject to compliance with the following directions: (i) Permission for felling of trees shall be acted upon only after a plan for compensatory plantation is submitted by BMRCL; (ii) The documents furnished by BMRCL reporting compliance with the conditions imposed in the said official memorandum dated 1st March 2021 shall be uploaded on the website of BBMP; 8. As regards Tree Expert Committee (TEC) report dated 13th March 2021 on 872 allegedly exempted trees, the learned Senior Counsel appearing for BMRCL states that necessary affidavit will be filed within a period of one week from today. 9. As regards reassessment report of the Committee constituted as per the orders of this Court dated 3rd September 2020 and 17th February 2021 produced along with the memo dated 16th March 2021, the learned counsel appearing for the seventh respondent states that the Committee has not set out the locations for translocation of 361 trees. He states that within a period of two weeks, the Committee is expected to submit a report in this behalf. He further states that report of the Committee as regards the remaining five packages is also shortly expected to be received. He states that he will place on record the said reports along with necessary affidavits within a period of two weeks from today. 10. The affidavit dated 25th March 2021 filed by Shri B.C.Nataraja is taken on record. 11. For considering the affidavit which may be filed by the fifth respondent-BMRCL, the petition shall be listed on 5th April 2021.</p> <p>The fifth respondent – BMRCL claimed that 872 trees were exempted. The said submission has been recorded while dealing with I.A.No.10/2020 filed by BMRCL as noted in the order dated 22nd January 2021. An application was made in respect of 1740 trees by the fifth respondent – BMRCL under Section 8 of the Karnataka Preservation of Trees Act, 1976 (for short, 'the said Act'). By way of I.A.No.10/2020, it was claimed that 872 trees out of 1740 trees were covered by sub-Section (7) of Section 8 of the said Act and therefore, the restrictions imposed by sub-Section (1) of Section 8 did not apply. Therefore, a direction was issued on the basis of the said representation made by the fifth respondent that reconstituted Tree Expert Committee shall examine the prayer for felling of 872 trees in the light of what is directed under Clause (5) of the order dated 22nd January 2021. Accordingly, a report was submitted by the Tree Expert Committee in relation to 872 trees. The report is of 13th March 2021. The report indicates that the claim of BMRCL that all the 872 trees were governed under sub-Section (7) of Section 8 of the said Act was not correct and 32 trees will not fall in the exempted category under sub-Section (7) of Section 8 of the said Act. There is an Official Memorandum dated 23rd March 2021 issued by the Deputy Conservator of Forest, who is a Tree Officer of BBMP. Under the said Official Memorandum, permission has been granted for translocation of 58 trees. It appears that there is an overlap in the list of</p>

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			872 trees submitted by fifth respondent-BMRCL and 212 trees covered by the memorandum dated 23rd March 2021. There is no clear statement made in the affidavit of BMRCL that as regards 32 trees which were found not to be exempted, the procedure under Section 8 will be followed. We therefore grant time to BMRCL to file clear affidavits explaining all the factual aspects. Such affidavits shall be filed during the course of the week and the petition shall be listed on 16th April 2021. At this stage, the learned counsel appearing for BMRCL states that memo (total two) were filed by BMRCL on 3rd April 2021. He seeks permission to withdraw the same and to file fresh ones. If the annexures to the memo (total two) which have been permitted to be withdrawn are uploaded on any website, necessary corrections shall be carried out.
44	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	16/04/2021	W.P No.17841/2018 c/w W.P No.6129/2021 List the petitions on 22nd April 2021, on the request made by the learned counsel for BMRCL.
45	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	22/04/2021	Perused the affidavit of Shri B.C.Nataraja, Chief Engineer of Bengaluru tion Limited (BMRCL). The learned senior counsel appearing for BMRCL, on instructions, states that as regards translocation of 18 trees, BMRCL will seek an opinion of the Tree Expert Committee (TEC) and will not touch the said 18 trees for the time being. As per the TEC report dated 18th March, 2021, a recommendation was made to permit felling of 800 trees out of 872 trees which were claimed to be exempted trees. 2. Now, the present affidavit makes it clear that for the time being, 32 trees which are not exempted out of the 872 trees will not be touched by BMRCL and out of 800 trees permitted to be felled, BMRCL will fell only 768 trees while retaining 54 trees as per the said report of TEC. The learned senior counsel for BMRCL states that as regards 18 trees which are permitted to be translocated, a recommendation will be sought from TEC about the places where the trees can be translocated. 3. In view of the statement made by the learned senior counsel appearing for BMRCL, for the time being, 18 trees (which have to be relocated) shall not be touched. We permit the felling of 768 trees subject to all terms and conditions to be complied with. The assurances in the aforesaid affidavit are accepted as the undertakings of BMRCL. 4. As regards the Official Memorandum dated 23rd March, 2021, the learned senior counsel appearing for BMRCL states that he will submit a report of TEC specifying the proposed locations of 58 trees to be translocated. Hence, for the time being, the said 58 trees shall be retained. 5. As regards the Official Memorandum dated 26th March, 2021, an affidavit has been filed by BMRCL on 8th April, 2021 of Shri B.C.Nataraja, Chief Engineer, BMRCL. There are assurances given in the said affidavit and in particular, from paragraph nos.5 to 10. The assurances are accepted as undertakings of BMRCL. Accordingly, we permit BMRCL to implement the Official Memorandum dated 26th March, 2021 subject to compliance with the undertakings and the terms and conditions in the said Official Memorandum. ORDER IN W.P. NO.6129 OF 2021 6. Heard the learned counsel appearing for the petitioner. The learned counsel appearing for the third and fourth respondents seek time. 7. List the petitions on 11th June, 2021. In the meanwhile, we direct that hereafter, no further steps shall be taken for the felling of trees on the basis of Annexure-B.
46	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	11/06/2021	1. The learned Senior counsel appearing for the BMRCL invited our attention to Paragraph 4 of the order dated 22nd April 2021. He pointed out that now TEC has submitted a report which produced along with the affidavit dated 10th June 2021 giving details about the places where 58 trees should be translocated. However, we find that in the agreement dated 30th March 2021 executed by and between the BMRCL and the contractor, there is no clause included that a translocation will be at the sites mentioned in the aforesaid report. Moreover, it is necessary to have a clear undertaking by the BMRCL to act in terms of the said report. The learned Senior counsel appearing for the BMRCL states that BMRCL will execute

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47	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	22/06/2021	<p>necessary agreement and will file necessary undertaking. 2. The learned Senior Counsel appearing for BMRCL also invited our attention to the Official Memorandum dated 8th April 2021 issued by the Tree Officer and the Deputy Conservator of Forests, Bengaluru Urban Division. A copy thereof be supplied to the learned Additional Government Advocate. Apart from the contention of the learned counsel appearing for the petitioner that the trees subject matter of the said official memorandum are not falling within the Bengaluru Urban Division, it is pointed out that specific locations where the specific trees should be translocated have not been mentioned in the said Memorandum. 3. In many such orders, we have noticed that the Tree Officer while permitting translocation of certain trees are omitting to mention the locations where the trees should be translocated. We propose to issue guidelines on this aspect on the next date. 4. Our attention is also invited to the Official Memorandum dated 18th May 2021 of the Tree Officer and the Deputy Conservator of Forests, Bengaluru Urban Division. The order recommends removal of 39 trees by way of translocation. It is mentioned that the translocation shall be carried out at the Corps of Military Police (CMP) Centre and School (vacant spaces). Even a broad location where a particular translocated tree should be planted is not mentioned. Even the recommendation of TEC is silent about it. Even on this aspect, we will hear the parties on 22nd June 2021 when the petitions will be listed. 5. We have also perused the Official Memorandum dated 18th May 2021, which was subsequently modified. It is pointed out by the learned counsel for the petitioner that the afforestation is proposed in Bengaluru Rural District which is in another district where the provisions of the Karnataka Preservation of Trees Act, 1976 are not applicable. The learned Senior counsel for the BMRCL will satisfy the Court whether while submitting the above afforestation plan, BMRCL had explored the possibility of having compensatory afforestation in the nearby area or atleast within the jurisdiction of the same Tree Officer. Even on this aspect, we will hear the parties on the next date. 6. In the compliance memo filed by the State Government dated 10th February 2021, it is stated that due to pandemic, much progress could not be made in the census work. It is stated that the Tree Officer (Urban) has carried out census of 61,967 trees and the Tree Officer (BBMP) has carried out the census of 18,144 trees. The tree census ought to have been carried out several decades ago. As now the situation created by the second wave of Covid-19 is improving, earnest efforts will have to be made by both the Tree Officers to complete the work of tree census as expeditiously as possible. 7. List the petitions on 22nd June 2021.</p> <p>Under an Office Memorandum dated 8th April 2021, a permission was granted to Bengaluru Metro Rail Corporation Limited (BMRCL) to remove fifteen trees by way of felling and eighteen trees by way of translocation. However, we find that the Tree Expert Committee (for short, 'TEC') has not applied its mind to the issue of specific locations where eighteen trees should be properly translocated. Prima-facie, we are of the view that as far as possible, translocation should be proposed at the same site where the trees are located today or if that is not possible, at any nearby suitable place. It is ultimately for TEC to specify the specific locations where the trees should be translocated while permitting felling of the trees by way of translocation. The TEC may take the assistance of the applicant as well as the Tree Officer. But, the ultimate decision of finalizing the location will be of TEC. The same is the case with the Official Memorandum dated 18th May 2021 where translocation of thirty nine trees has been proposed. As regards the Office Memorandum dated 23rd March 2021, which proposes translocation of fifty eight trees, the TEC has not done the exercise of specifying the exact location. 2. We direct TEC to specify the exact locations where the trees which are proposed to be translocated, should be translocated. While TEC does the same exercise, it must keep it in mind the principles laid down in sub-section (5) of Section 8 of the Karnataka Preservation of Trees Act, 1976 (for short, "the said Act of 1976"). It is</p>

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48	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	29/06/2021	<p>obvious that the translocation cannot be proposed at a place where the said Act of 1976 is not applicable. 3. This exercise shall be undertaken by the TEC at the earliest. 4. Specific guidelines will have to be laid down as regards the functioning of TEC. While doing so, the issue regarding the place of compensatory afforestation will also have to be dealt with. Prima-facie, the principles laid down in sub-section (5) of Section 8 of the said Act of 1976 will also apply to the afforestation. 5. We direct the learned counsel for the petitioners to file on record a memo annexing thereto copies of the relevant orders passed by this Court from time to time as well as the orders passed by the State Government concerning appointment of TEC and subsequent modifications thereto. For that purpose, the petition shall be listed on 29th June 2021.</p> <p>ORDER IN WP NO. 17841/2018 c/w WP NO. 6129/2021 In W.P.No.17841/2018: Official Memorandum dated 8th April 2021 (39 Trees)</p> <p>1. We have perused the affidavit of Sri.B.C.Nataraja S/o B.Chandrappa, Chief Engineer of the Bengaluru Metro Rail Corporation Limited (for short, "BMRCL"). A report dated 25th June 2021 of the Tree Expert Committee (TEC) is placed on record. This report is concerns the Official Memorandum dated 8th April 2021 issued by the Tree Officer permitting felling of 15 trees, translocation of 18 trees and directing retention of 6 trees. By the said report, now TEC has incorporated the location and other details of 18 trees to be translocated. BMRCL has also placed on record the Supplementary Agreement dated 26th June 2021 executed with M/ s.Indus Herbs, a contractor, who has been entrusted the work of transplanting 18 trees. The locations as suggested by TEC have been incorporated in the said agreement. Therefore, a permission deserves to be granted to BMRCL to commence the work of translocation of 18 trees as per the modified report dated 25th June 2021 submitted by TEC and in terms of the Supplementary Agreement dated 26th June 2021. 2. However, the location of the compensatory afforestation in terms of the Official Memorandum is not placed on record. The learned Senior counsel appearing for BMRCL states that necessary details will be placed on record within a period of one week from today. 3. We accept the undertaking given by BMRCL in its earlier affidavit and permit BMRCL to commence the work of translocation of 18 trees as per the Official Memorandum dated 8th April 2021. We direct BMRCL to give notice of the date and time of translocation of each tree. The Tree Officer or any officer nominated by him shall remain present at the time of translocation. BMRCL will submit quarterly reports as regards the work of maintenance and protection of the trees translocated. After quarterly reports are submitted, the Tree Officer shall visit the locations of translocated trees for necessary verification and within 15 days of receiving each quarterly report, he shall submit a report to this Court. Official Memorandum dated 18th May 2021 (343 Trees) 4. We have perused the separate affidavit filed by the same Chief Engineer. The said affidavit relates to the Official Memorandum dated 18th May 2021, under which, a permission has been granted to felling of 276 trees, a direction has been issued for translocation of 39 trees and a direction has been issued to retain 28 trees. Along with the affidavit, a report dated 25th June 2021 of TEC has been submitted. The locations where these 39 trees should be translocated have been set out in the said report. On the basis of the same, a Supplementary Agreement dated 26th June 2021 has been executed by BMRCL in favour of M/s.Indus Herbs. In the said agreement, the locations where 39 trees have to be translocated have been incorporated. 5. However, the location where compensatory afforestation will be made is not pointed out by BMRCL. The learned Senior counsel states that within one week, necessary details will be filed on record. 6. Hence, we permit BMRCL to commence the work of translocation of 39 trees on the basis of the Official Memorandum dated 18th May 2021 as modified by the report dated 25th June 2021. 7. The undertakings given by BMRCL in the earlier affidavit are accepted. BMRCL will submit quarterly reports as regards the work of maintenance and</p>

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49	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	06/07/2021	<p>protection of trees translocated. After quarterly reports are submitted, the Tree Officer shall visit the locations of translocated trees for necessary verification and within 15 days of receiving each quarterly report, he shall submit a report to this Court Official Memorandum dated 23rd March 2021 (212 tress) 8. The Chief Engineer has filed another affidavit placing on record TEC report dated 25th June 2021 in relation to the Official Memorandum dated 23rd March 2021 under which it is provided for translocation of 58 trees, retention of 5 trees and felling of 149 trees. In the said report, the locations of the proposed translocation of 58 trees have been incorporated. BMRCL has also placed on record a Supplementary Agreement dated 26th June 2021 executed in favour of M/s.Asian Landscape, contractors appointed to carry out the work of translocation at the places incorporated in the said agreement which are in terms of the report of TEC. 9. However, BMRCL has not given the details of the afforestation plan. The learned senior counsel states that afforestation plan will be placed on record within a period of one week from today. 10. We permit BMRCL to commence the activity of translocation of 58 trees on the basis of the Official Memorandum dated 23rd March 2021. We accept the undertakings given earlier by BMRCL. BMRCL will submit quarterly reports as regards the work of maintenance and protection of trees translocated. After quarterly reports are submitted, the Tree Officer shall visit the location of translocated trees for necessary verification and within 15 days of receiving each quarterly report, he shall submit a report to this Court. OTHER ISSUES 11. Our attention is invited to a memorandum of procedure submitted in December 2020 by TEC. List the petition on 6th July 2021 for examining the afforestation plans which may be filed on record by BMRCL and for hearing the parties on issuing further guidelines to the Tree Expert Committee. 12. The learned Additional Advocate General who appears for the Karnataka Road Development Corporation Limited submitted that it may be necessary to issue certain directions to the University of Agricultural Sciences, GKVK, Bangalore. The Karnataka Road Development Corporation Limited will request the concerned official of the University to appear through video conference on 6th July 2021 at 11.40 p.m., when this petition will be listed. It will be appropriate if KRDCCL submits a note to the University indicating the directions which the said Corporation wants this Court to issue. In W.P No.6129/2021: 13. We direct the third to fifth respondents to place on record the report of TEC which is referred in the Official Memorandum dated 18th December 2020. The fifth respondent will also disclose how many proposals have been submitted by them for felling of trees for the same project. Necessary documents shall be placed on record within a period of one week from today. 14. List the petitions on 6th July 2021.</p> <p>WP NO. 17841/2018 Connected Cases: WP NO. 6129/2021 IN W.P.No.17841/2018: Dr.C.Nagarajaiah, the Chairman of the Committee appointed as per the order dated 3rd September 2020 of the University of Agricultural Sciences, GKVK, Bengaluru is present. He states that the only thing which remains to be done is the approval of the sites for translocation of trees. For that purpose, the soil analysis report is awaited. He states that within fifteen days, the entire work will be completed and a report will be submitted to the Karnataka Road Development Corporation Limited. The presence of Dr.C.Nagarajaiah is not required on the next date. We have perused all the three affidavits filed by BMRCL. The Tree Officers will have to verify the proposals submitted by BMRCL for afforestation. As can be seen from the provisions of sub-section (5) of Section 8 the Karnataka Preservation of Trees Act, 1976, as far as possible, afforestation has to be made on the same site. If it is not possible, it has to be at any other suitable place. If afforestation if not possible at the same site, an endeavor will have to be made to find out a suitable place within the vicinity of the site of trees which are permitted to be felled. We direct the Tree Officer to examine the proposals of BMRCL and submit reports to this Court, to enable this Court to pass appropriate order. For considering the</p>

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			said reports, let the petition be listed on 13th July 2021. IN W.P.NO.6129/2021: The learned counsel appearing for the third to fifth respondents seeks time to report compliance of the earlier order. As per his request, even this petition will be considered on 13th July 2021.
50	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	13/07/2021	List the petitions on 15th July 2021.
51	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	15/07/2021	<p>W.P.No.17841/2018 1. In terms of our earlier order, BMRCL had submitted two proposals for afforestation to the Tree Officer and the Deputy Conservator of Forests, Bangalore Urban Division. The first proposal is in respect of the Official Memorandum dated 8th April 2021 under which a permission was granted to fell 15 trees and to translocate 18 trees. In this case, the proposal is to plant 330 trees by way of compensatory plantation. A proposed tree list containing 33 categories of trees is a part of the said proposal. However, the proposal is vague inasmuch as how many trees of each category constituting total 330 trees will be planted is not mentioned. The second proposal for compensatory plantation is in respect of Official Memorandum dated 18th May 2021, under which, a permission was granted to BMRCL to fell 276 trees and to translocate 39 trees. The proposal is for plantation of 3150 trees. Even in this case, in the proposal, a list of 33 categories of plants is incorporated. But, it is not stated how many trees of each category will be planted for constituting 3150 trees. There is a common report filed by the Tree Officer on these two proposals. Even in the said report, the Tree Officer has not dealt with the issue as to how many trees of each category will be planted. Infact, he should have called upon BMRCL to give a detailed proposal mentioning the number of each category of trees, which they propose to plant so that the Tree Officer could have made a better assessment. The Tree Officer has relied upon the soil testing report. 2. Infact, it was the duty of the Tree Officer to call upon BMRCL to give particulars of number of trees of each category they were proposing to plant. Therefore, this Court would have been justified in directing re-doing the exercise by the Tree Officer. However, the learned Senior counsel appearing for BMRCL states that the work of metro railway has been delayed and therefore, there is a need to implement both the Official Memoranda by felling and translocating the trees. He, therefore, accepted the suggestion of the Court to plant total 4,000 trees instead of 3,500 trees as mentioned in the report of the Tree Officer. 3. This Court has already permitted translocation of trees in terms of Official Memoranda of 8th April 2021 and 18th May 2021. In view of the assurance given by BMRCL that on the basis of proposals for compensatory plantation in respect of both the Official Memoranda, instead of planting 3,480 trees, they will plant 4,000 trees, we propose to permit BMRCL to cut or fell trees as permitted under both the Official Memoranda. As the proposal submitted by BMRCL is very vague, we propose to direct the Tree Officer to lay down how many trees of each of 33 categories constituting total 4000 trees shall be planted by the BMRCL. 4. Accordingly, we permit the BMRCL to act upon the Official Memoranda dated 8th April 2021 and 18th May 2021 by felling trees as permitted subject to condition of making compensatory plantation of total 4,000 trees at the locations suggested in both the proposals. As the proposed tree list for compensatory plantation is submitted by the BMRCL, we direct the Tree Officer and the Deputy Conservator of Forests, Bangalore Urban Division to specify number of trees of each category which shall be planted by BMRCL for constituting total 4,000 trees. 5. Though we are permitting felling of trees based on the aforesaid Official Memoranda, we must record our disapproval to the manner in which the Tree Officer and the Deputy Conservator of Forests, Bangalore has conducted himself. He ought to have called upon BMRCL to give break up of number of trees of each species which they were proposing to plant and thereafter, he should have applied his mind whether the site for plantation suggested by BMRCL is suitable for growth of the</p>

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			<p>particular trees. We hope and trust that hereafter even BMRCL while submitting a plan for compensatory plantation shall provide all material details so that the Tree Officer can carry out a proper exercise. 6. The Tree Officer had also submitted a report in respect of the proposed compensatory plantation in relation to the Official Memorandum dated 23rd March 2021. However, in the report of the Tree Officer, he has not referred to the soil testing report. The learned Senior counsel appearing for BMRCL submitted that soil testing was done and a report was provided to the Tree Officer. He seeks time to produce the said report. Accordingly, we permit BMRCL to produce a copy of the said report. After considering the soil testing report, the Tree Officer shall submit a fresh report to the Court within a period of one week from today. 7. For considering the same, let the petition be listed on 29th July 2021 at 11.40 a.m. W.P.No.6129/2021: 8. The proceedings of the TEC dated 26th May 2020 refer to the Field Inspection Report. We direct the learned counsel appearing for the third, fourth and fifth respondents to place on record the said Field Inspection Report. 9. List along with the connected petition.</p>
52	ABHAY SHREENIWAS OKA (CJ) AND N S SANJAY GOWDA	29/07/2021	<p>ORDER IN WP No.17841/2018 Perused the affidavit filed by Sri.B.C.Nataraja, the Chief Engineer of Bengaluru Metro Rail Corporation Ltd., (for short 'BMRCL'). In Paragraph 7 of the affidavit, it is pointed out that the statement recorded of BMRCL in Paragraph 6 of the order dated 15th July, 2021 that soil testing report was provided to the Tree Officer was incorrect and therefore, Sri.B.C.Nataraja has tendered an apology. We accept the apology. From the said affidavit, it appears that after considering the soil testing report, the Tree Officer has submitted a report dated 27th July 2021. He has noted the locations where two thousand and seventy tress will be planted by BMRCL by way of compensation. He has also set out the techniques which should be used while planting the trees. On Pages 20 and 21 of the affidavit, a list of tree species of various categories proposed to be planted by way of compensatory plantation has been annexed. This report is in respect of the Official Memorandum dated 23rd March, 2021 under which BMRCL was permitted to fell one hundred and forty nine trees and translocate 58 trees. After considering the soil testing report, now the proposal of BMRCL for compensatory plantation of two thousand and seventy trees has been approved by the Tree Officer. In view of the said report, we permit the BMRCL to fell or cut one hundred and forty nine trees as per the official memorandum dated 23rd March 2021 subject to making compensatory plantation as per the aforesaid report of the Tree Officer. We direct the Tree Officer to place on record the compliance with the direction contained in Paragraph 4 of the order dated 15th July, 2021 before the next date.</p>
53	SATISH CHANDRA SHARMA AND SACHIN SHANKAR MAGADUM	30/08/2021	<p>Learned counsel for the petitioner prays for two weeks' time to file objections to the memos filed by the State Government. He is granted two weeks' time. Learned Additional Advocate General also prays for two weeks' time to file a compliance report keeping in view the earlier order dated 15.07.2021 as well as the order dated 29.07.2021. He is also granted two weeks' time to do the needful. List on 20.09.2021. Office is directed to de-link W.P.No.6129/2021 from this petition.</p>
54	SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN SHANKAR MAGADUM	20/09/2021	<p>An affidavit has been filed by the Chief Engineer of Bangalore Metro Rail Corporation Limited and it has been stated that as per the order passed by this Court on 18.11.2020, 27.11.2020, 9.12.2020, the Tree Officer and Deputy Conservator of Forests, Bengaluru Urban Division, Bengaluru and the Tree Expert Committee have completed processing of the application submitted by the BMRCL and has granted permission subject to certain terms and conditions on 26.8.2021. In the light of the aforesaid, after hearing the learned counsel for the parties, approval is granted to Official Memorandum dated 26.8.2021 subject to the terms and conditions mentioned in the Official Memorandum and the BMRCL shall be free to proceed ahead in the matter. It is needless to mention that the BMRCL shall also at the same time continue with afforestation as per the memorandum issued by the Tree Officer and in compliance with the orders</p>

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55	SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN SHANKAR MAGADUM	07/10/2021	<p>passed by this Court. Similarly, an approval is accorded on similar terms of another Official Memorandum dated 26.8.2021 which has been filed before this Court along with the Memo dated 13.9.2021 again issued by the Tree Officer. The last memo has been filed on 17.9.2021. On similar lines, an approval is also accorded to the Official Memorandum dated 8.9.2021 passed by the Tree Officer subject to the terms and conditions mentioned in the order passed by this Court today as well as the order passed by the Tree Officer. A detailed and exhaustive report has been filed by the University of Agricultural Sciences (GKVK), Bengaluru, Department of Forestry and Environmental Science. The University has done exhaustive survey and has submitted a report. The report submitted by the University is accepted and the 7th respondent is permitted to proceed ahead in the light of the report submitted by the University of Agricultural Sciences(GKVK), Bengaluru. It has also been submitted by Sri.Dhyan Chinnappa, learned Senior Counsel that for translocation of trees tender has been issued. If the contracts are finalized, let a copy be handed over to the learned counsel appearing for the petitioner in the matter for objections, if any. List the matter on 19.11.2021.</p> <p>ORDER ON IA.8/2021 I.A.No.8/2021 has been filed by the learned counsel for the petitioners and it has been stated that the Speaker of the Karnataka Legislative Assembly has held a press meeting announcing that a decision has been taken to have a 'Constitution Club' at Balabrooie Guest House and the Chief Secretary has been directed to take further action to construct the Club in question similar to the Constitution Club in New Delhi.</p> <p>2. Learned counsel for the petitioners has argued before this Court that the Balabrooie Guest House is a historical building constructed in 1850s on a 14 acre campus by Mark Cubbon, who was serving as the Commissioner of the then Mysore State and he wanted to build a structure resembling to those in his hometown on an island in the Irish Sea. He has stated that the Guest House in question is the 'biggest water tower' in Bengaluru Township and as the century-old trees have roots spread over across 40 feet, the trees can absorb huge quantity of rain water. It has been further stated that many dignitaries like Sir M.Visvesvaraya, Sri Mahatma Gandhi, Sri Rabindranath Tagore, Prime Ministers, Chief Ministers have stayed in the Guest House in question; The Balabrooie Guest House is having more than 200 years old trees and the area adjoining to Balabrooie Guest house i.e., Chief Secretary's Residence, National Gallery of Modern Art and Ministers' Quarters are also having 100-200 years old trees. He has stated that the Guest House in question is of historical importance and its structure cannot be changed in the manner and method it is projected to be changed as per the Newspaper reports. He also states that no felling of trees should take place in the matter as they are very old trees and earlier, felling of trees has already taken place while widening of Sanky Tank Road and therefore, the respondents be restrained from felling of trees for construction of "Constitution Club" in Balabrooie Guest House and also in and around the Guest House in question.</p> <p>3. Learned Additional Advocate General Sri Dhyan Chinnappa has vehemently argued before this Court that no decision has been taken so far in the matter and no felling of trees has taken place.</p> <p>4. This Court has carefully gone through the material brought on record and the material brought on record prima facie reflects that there is a move to establish a 'Constitution Club' in the Balabrooie Guest House campus. As the building in question is of great historical importance, the Archeological Survey of India has to be impleaded as one of the respondents in the present case.</p> <p>5. Accordingly, the petitioners are granted seven days time to implead the Archeological Survey of India. Let a notice be issued to the Archeological Survey of India.</p> <p>6. We are aware of the scope of the present petition filed as a Public Interest Litigation(PIL). However, in the peculiar facts and circumstances of the case, we are enlarging the scope of the present PIL as the Balabrooie Guest House and its adjoining areas are having 150-200 years old trees.</p> <p>7. The Bruhat Bengaluru Mahanagara Palike (BBMP) is</p>

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			<p>directed to carry out tree census of the entire area in question. After carrying out tree census, the BBMP shall file a detailed and an exhaustive report within a period of four weeks. 8. Till the next date of hearing, the parties shall maintain status-quo in respect of the structure in question and other adjoining areas mentioned above. 9. The building shall not be allotted to any other organisation until further orders and no felling / trimming of trees, cutting of shrubs shall take place without the leave of this Court in respect of the entire areas referred to in the present order. 10. The Horticulture Department is also directed to ensure that the trees are protected, which are in existence and the Horticulture Department shall also file a detailed and an exhaustive report in the matter in respect of the existing green cover in the entire area which have been referred to in this order. 11. The learned counsel for the petitioners is directed to communicate this order to the learned counsel for the BBMP today itself and a complete set of documents along with the application filed today to the learned Standing Counsel for the Archeological Survey of India. 12. As we have already permitted the Archeological Survey of India to be impleaded as a party to this proceedings, only a formal application has to be filed in the matter. List the matter on 19.11.2021.</p>
56	RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR MAGADUM	08/12/2021	List on 23.12.2021.
57	RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR MAGADUM	23/12/2021	<p>ORDER ON I.A.NOS.10, 11 &amp; 12 OF 2021 Heard Shri Pradeep Nayak, learned counsel for the petitioners, Shri Udaya Holla, learned Senior Counsel for respondent No.5, Shri Dhyan Chinnappa, learned Senior Counsel for respondent No.7, Shri N.K.Ramesh, learned counsel for respondent No.4 as well as learned Additional Government Advocate for respondent Nos.1 and 2. 2. Learned counsel for the petitioners informs that he has filed three applications i.e., I.A.Nos.10/2021, 11/2021 and 12/2021. At the very outset, he made a statement that he does not want to press I.A.No.12/2021. As such, I.A.No.12/2021 is rejected as not pressed. 3. Learned counsel for the petitioners submits that I.A.No.10 is with respect to 27 heritage trees which are coming in the way of laying of road by the respondent No.7/Karnataka Road Development Corporation Limited (KRDCL). It is submitted that this Court had appointed an expert committee i.e., the University of Agricultural Sciences, GKVK, Bengaluru, which has submitted its report and the said report has been approved by the Court. However, the petitioners had approached the Hon'ble Apex Court challenging the order of this Court dated 20.09.2021 and the SLP preferred by the petitioners was disposed of with liberty to the petitioners to raise the concern which they have raised in the SLP before the Division Bench of the High Court and the High Court was requested to consider the submissions of the petitioners and pass appropriate orders. The submission is that the KRDCL shall be directed to change the alignment of the road in order to save these trees as the importance of these trees is very high and there is severe environmental impact due to cutting of these trees. 4. Learned counsel for the respondent No.7, on the other hand, submits that the alignment of the road cannot be changed as it will have devastating effect. Moreover, in case alignment of the road is changed, then again fresh assessment with respect to the affected trees would have to be made and it also involves fresh acquisition of land as well as the redoing of the entire exercise before starting of the road construction projects. It is submitted that the University of Agricultural Sciences, GKVK, who is the expert body has assessed the impact of these trees and has suggested that out of the 27 trees, 9 can be translocated and only 18 trees shall be cut. Accordingly, they are ready to translocate the 9 suggested trees and also ready to plant any number of trees in place of cutting of 18 trees which may be suggested by the expert body. It is submitted that because of the pendency of the litigation of the instant writ petition, the project has been delayed and no work has been carried out. The cost has</p>

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			<p>been escalated and the petitioners shall be asked to bear the escalation of cost. 5. We have considered the submissions made by the learned counsel for the parties and gone through the records. 6. It is only because of these 27 trees which have come in the way of laying down of road by the respondent No.7 that the entire project has now been held up. As per the report submitted by the expert body, out of these 27 trees, 9 trees can be translocated for which the respondent No.7 is ready to translocate those 9 trees which have been identified by the expert body/ University of Agricultural Sciences, GKVK. Those 9 trees as such may be saved by translocation and therefore, we do not find any difficulty in directing the respondent No.7 to translocate those 9 trees at a suitable place and make all possible efforts to save those 9 trees. 7. So far as cutting of remaining 18 trees is concerned, we are of the considered view that we are not the expert body to give any opinion as to whether these trees shall be cut or not. The expert body appointed by the Court i.e., University of Agricultural Sciences, GKVK, has already given its opinion that it is necessary to cut these 18 trees which are coming in the way of laying of the road. As such, we feel that the respondent No.7 shall be allowed to cut those 18 trees and start the project at once and complete it in a time bound manner so that no further delay is caused. We direct accordingly. 8. However, so far as these 18 trees are concerned, the respondents shall plant excess number of trees at suitable places as may be suggested by the expert body i.e., University of Agricultural Sciences, GKVK, which may assess the environmental impact of cutting of those 18 trees and submit its report to the respondent No.7. The respondent No.7 shall, therefore, start the project and complete the laying of the roads, etc., at the earliest and submit its status report to this Court on the next date. 9. Learned counsel for the petitioners informs that I.A.No.11 is with respect to compensatory plantations of trees which have already been fell i.e., in total 91 trees. We direct that the expert committee shall make the environmental impact of felling of those 91 trees and submit its report with respect to the compensatory plantation so that the concerning respondents may be directed accordingly on the next date. 10. Accordingly, I.A.Nos.10 and 11 of 2021 stand disposed of. 11. Heard Sri Udaya Holla, learned Senior Advocate appearing for respondent No. 5 as well as Sri Basavaraj V.Sabarad, learned counsel for respondent No.5 who has filed Official Memorandum dated 26.11.2021 giving the details of number of trees affected due to the ongoing project-phase 2A of Bengaluru Metro Rail Corporation Limited. It is submitted that as per the direction of this Court, the Tree Expert Committee has prepared its report dated November, 2021 which has been placed on record. According to which, the total number of trees examined/observed are 833, out of which the total number of trees recommended on-site retention is 44. The total number of trees suitable for translocation is 212 and total number of trees required for cutting is 577 trees. It is submitted that permission may be granted to act as per the report of the Tree Expert Committee and cut the 577 trees and translocate of 212 trees as recommended by the Tree Expert Committee. 12. It is submitted that more than two crores loss per day is being incurred due to the withholding of project, for want of permission of cutting of trees. 13. Learned counsel for the petitioners on the other hand has taken objection to the said report submitting that as per the Detailed Project Report (DPR) updated in November, 2019, only 1218 trees were required to be affected but, in case all the three official memorandums are taken together, the total number of trees affected are 2115. There is no explanation as to how the number of trees have increased from 1218 to 2115. It is submitted that the report of the Tree Expert Committee cannot be relied and requires to be rejected. 14. We have considered the submission made by learned counsel for the petitioners as well as learned counsel for respondent No.5 and gone through the record. 15. We are of the considered view that the report of the Tree Expert Committee constituted by the orders of this Court shall be accepted, simply because there is some variation in the number of trees mentioned in the DPR and in</p>

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			<p>the report of the Tree Expert Committee, it does not mean that the Tree Expert Committee has not properly carried out the work as per the process elucidated in the MOP dated December, 2020. There can be variation of number of trees in the preparation of the DPR which was initially prepared in 2016 and the number of trees examined/observed by the Tree Expert Committee while carrying out their work after the issuance of MOP dated December, 2020. 16. We have taken note of the fact that the Tree Expert Committee has already recommended on-site retention of 44 trees and has directed for translocation of 212 trees, as such 256 trees can be saved on the basis of the report of the Tree Expert Committee, however, the Tree Expert Committee on the examination has found that 577 trees are required to be cut in order to lay the metro lines. We are not the experts to give our opinion as to whether these 577 years are required to be cut or not. We shall go by the experts report and as such, accept the report of the Tree Expert Committee. We therefore, permit respondent No.5 to act, in accordance with the Tree Expert Committee report dated November, 2021 which has been brought on record by official memorandum dated 26.11.2021. Respondent No.5 shall accordingly cut 577 trees and start the work and complete it in a time bound manner. Accordingly, official memorandum dated 26.11.2021 is taken on record. 17. Learned counsel for the petitioners may file his objection on the official memorandums dated 09.12.2021 and 10.12.2021. 18. So far as the impact on environment due to the cutting of 577 trees is concerned, the Tree Expert Committee shall make the assessment of the adverse affect due to cutting of these trees and submit its report regarding the fresh plantation of number of trees which shall be brought before the Court by the next date. Respondent No.5 shall accordingly undertake the work of plantation of trees. 19. Learned counsel for the petitioners, at this stage, informs that there are few other IAs. moved by him pending for consideration. 20. List this case on 27.01.2022 for disposal of all those pending IAs.</p>
58	RITU RAJ AWASTHI(CJ) E AND SURAJ GOVINDARAJ	27/01/2022	<p>Mr.Udaya Holla, learned Senior Advocate appearing for respondent No.5 submits that he has filed two interlocutory applications for permission to cut trees, and that the said permission is necessary as the completion of project of Bengaluru Metro Rail Corporation Limited is held up and the work in different sections is to be done simultaneously. Mr.Pradeep Nayak, learned counsel for the petitioners prays for and is allowed one week and no further time to file objections, if any, to the said interlocutory applications. List on 04.02.2022. In the meantime, Environment Impact Assessment Report in terms of paragraphs 8, 11 and 18 of Court order dated 23.12.2021 shall be placed on record.</p>
59	RITU RAJ AWASTHI(CJ) E AND SURAJ GOVINDARAJ	04/02/2022	<p>It is submitted that Shri Murugesh V Charathi, learned counsel has entered appearance for Respondent No.9. The Registry is directed to delete the name of Shri.P.Prasanna Kumar, learned counsel as appearing for Respondent No.9. Re-list this matter on 09th February, 2022.</p>
60	RITU RAJ AWASTHI(CJ) E AND SURAJ GOVINDARAJ	09/02/2022	<p>1. Heard the learned counsel for the petitioners as well as Mr.Udaya Holla, learned Senior Advocate for the respondent No.5 on the permission for felling of trees with regard to the Official Memorandum dated 09.12.2021 brought on record with an affidavit. 2. The learned Senior Advocate for respondent No.5 submits that as per the recommendation of the Tree Expert Committee in the Official Memorandum dated 09.12.2021, the total number of trees recommended for retention are 27; whereas the total number of trees recommended for translocation are 84 and the total number of trees recommended for felling is 138. As such, the assessment for necessity of cutting of trees has been made by the Tree Expert Committee and therefore, the permission may be granted to proceed to cut the 138 trees and translocate 84 trees. 3. The learned Senior Advocate for respondent No.5 further submits that as per the recommendation of the Tree Expert Committee in the Official Memorandum dated 10.12.2021, the total number of trees recommended for translocation are 484 and the total number of trees recommended for felling is 542. 4. It is submitted that, in similar facts and circumstances earlier, the Court vide order dated 23rd</p>

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			December 2021 has permitted respondent No.5 to proceed to cut 577 trees with certain directions. 5. Mr.Pradeep Naik, learned counsel for the petitioner on the other hand submits that in the order dated 23rd December 2021, the Court had directed the Tree Expert Committee to make assessment of the adverse affect due to cutting of trees and submit its report regarding the fresh plantation of number of trees. There is nothing on record to indicate that any fresh assessment of the adverse affect due to cutting of trees has been made and the report of the assessment relates to the year 2019. 6. Mr.Udaya Holla, learned Senior Advocate appearing for respondent No.5 on the other hand in this regard submits that it will take two years to make the environmental assessment due to cutting of these trees and as such, they have submitted the last report and they will undertake the exercise of fresh assessment of environmental impact due to cutting of trees and submit the report. 7. It is also submitted that due to litigation pending in this Court, the project has been delayed and cost has been exorbitantly increased. Looking to the urgency in the matter, as the project is held up, permission to cut the trees may be granted. 8. We have considered the submissions made by the learned counsel for the petitioner as well as the learned Senior Advocate for respondent No.5. Considering the entire aspect of the matter and more particularly considering the requirement of completion of metro project, which is in progress, we permit respondent No.5 to go ahead with the permission granted to them by the Tree Officer and Deputy Conservator of Forests for felling of trees in consonance with the Tree Expert Committee and only those trees shall be translocated and cut which have been recommended by the Tree Expert Committee. 9. The respondent No.5 shall file the status report with respect to the fresh plantation done by them and also the progress regarding the environmental impact assessment due to felling of trees. The respondent No.5 shall also make compliance of the earlier directions issued by this Court from to time within a period of four weeks. 10. List on 28.03.2022.
61	RITU RAJ AWASTHI(CJ) AND S R.KRISHNA KUMAR	28/03/2022	Learned counsel for the petitioners may file objections to I.A.Nos.1 and 2 of 2022 filed by respondent No.5 within one week. The respondents may also file their objections to I.A.Nos.3, 4, 5 and 6 of 2022 filed by the petitioners within one week. List on 06.04.2022.
62	RITU RAJ AWASTHI(CJ) AND S R.KRISHNA KUMAR	06/04/2022	On the request of learned counsel appearing for respondent No.5, the case is adjourned. List on 22.06.2022.
63	RITU RAJ AWASTHI(CJ) AND S R.KRISHNA KUMAR	18/04/2022	ORDER ON I.A.No.7/2022 Accepting the reasons shown in the application, I.A.7/2022 is allowed. Re-list the matter on 20.04.2022.
64	RITU RAJ AWASTHI(CJ) AND S R.KRISHNA KUMAR	20/04/2022	ORDER ON I.A.1/2022 I.A.1/2022 is filed by the respondent No.5 / BMRCL seeking permission to implement the Official Memorandum No.DCF/PR 2213/2021-22 dated 10.03.2022 issued by the Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, for translocation and removal of trees, which are standing in the BMRCL Metro Project area of Phase 2B, Package-1 between Kasturinagar and Kempapura of the Outer Ring Road line. 2. In addition to reiterating the various contentions urged in the application and affidavit, Sri. Udaya Holla, learned Senior Counsel for the respondent No.5 / BMRCL invites our attention to the application and affidavit in order to contend that it is the specific contention of the petitioners that the Tree Expert Committee has submitted a report dated 08.03.2022 pursuant to which BBMP has issued the aforesaid Official Memorandum dated 10.03.2022 permitting respondent No.5 for translocating and removal of trees. It is pointed out that as can be seen from several orders passed by this Court on various earlier occasions, viz., Order dated 09.02.2022, 23.12.2021 and 29.07.2021 under identical circumstances, this Court has accepted the report of the Tree Expert

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			<p>Committee and permitted translocation and cutting of trees. The orders passed by this Court have been confirmed by the Apex Court also. It is also submitted that due to the delay in cutting and translocating the trees and implementation of the project, the BMRCL is incurring loss of Rs.2 Crores per day and as such, it is necessary that the respondent No.5 / BMRCL is granted permission to implement the O.M. dated 10.03.2022 forthwith and take necessary steps in this regard. 3. Per contra, learned counsel for the petitioners submits that the Tree Officer, who has issued the Official Memorandum is also a part of the Tree Expert Committee, who submitted the report and consequently, in view of the orders passed by this Court overseeing and directing the Committee to oversee the proceedings and orders of the Tree Officer, the Tree Officer could not have been a part of the Committee and consequently any report submitted by the Committee to which the Tree Officer is a party and Official Memorandum issued by him cannot be made a basis to seek permission to cut and translocate the trees. It is also submitted that the report of the Committee and the O.M. are issued without application of mind and the request of the respondent No.5 is liable to be rejected on this ground also. 4. By way of reply, learned Senior Counsel for respondent No.5 submits that apart from the aforesaid Tree Officer, there are other members in the Committee which has submitted an unanimous report; at any rate merely because the Tree officer is a member of the Committee, the said circumstance cannot be relied upon by the petitioners in order to contend that the report of the Tree Expert Committee or the Official Memorandum is vitiated. It is reiterated that on earlier occasions also, this Court has permitted felling and translocation of the trees to be done in view of the larger public interest involved in relation to the Bengaluru Metro Project and accordingly, similar orders permitting felling and translocating of trees deserve to be passed on the present application also. 5. We find considerable force in the submissions made by the learned Senior Counsel on behalf of the respondent No.5 – BMRCL. In the light of the report of the Tree Expert Committee and the Official Memorandum issued by the BBMP and given the fact that fast and speedy completion of the Bengaluru Metro Project is absolutely essential in larger public interest as well as the recurring loss being caused to the BMRCL on account of the delay coupled with earlier orders passed by this Court under identical circumstances have been confirmed by the Apex Court in addition to the fact that all necessary conditions and safeguards have been imposed in the O.M., we are of the considered view that the application deserves to be allowed. Under these circumstances, the various contentions urged on behalf of the petitioners which, if accepted, will only delay and scuttle the Bengaluru Metro Project even further and are devoid of merit and liable to be rejected. 6. In the result, we pass the following: ORDER i) Accordingly, I.A.1/2022 is allowed. ii) Respondent No.5 – BMRCL is hereby permitted to implement the O.M. No.DCF/PR-2213/2021-22 dated 10.03.2022 issued by the Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, for translocation and removal of trees which are standing in the BMRCL Metro Project area of Phase 2B, Package 1 between Kasturinagar and Kempapura of the ORR line. ORDER ON I.A.2/2022 I.A.2/2022 is filed by the respondent No.5 / BMRCL seeking permission to implement the Official Memorandum No.DCF/PR 2196/2021-22 dated 07.03.2022 issued by the Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, for translocation and removal of trees, which are standing in the construction zone of the proposed Vellara Junction Metro Station (Rashtriya Military School), a segment of Underground Metro Works of Reach 6, Phase 2, BMRCL. 2. In addition to reiterating the various contentions urged in the application and affidavit, Sri. Udaya Holla, learned Senior Counsel for the respondent No.5 / BMRCL invites our attention to the application and affidavit in order to contend that it is the specific contention of the petitioners that the Tree Expert Committee has submitted a report during February 2022 pursuant to which BBMP has issued the aforesaid Official Memorandum dated 07.03.2022 permitting respondent No.5 for translocating and removal of</p>

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			<p>trees. It is pointed out that as can be seen from several orders passed by this Court on various earlier occasions, viz., Order dated 09.02.2022, 23.12.2021 and 29.07.2021 under identical circumstances, this Court has accepted the report of the Tree Expert Committee and permitted translocation and cutting of trees. The orders passed by this Court have been confirmed by the Apex Court also. It is also submitted that due to the delay in cutting and translocating the trees and implementation of the project, the BMRCL is incurring loss of Rs.2 Crores per day and as such, it is necessary that the respondent No.5 / BMRCL is granted permission to implement the O.M. dated 07.03.2022 forthwith and take necessary steps in this regard. 3. Per contra, learned counsel for the petitioners submits that the Tree Officer, who has issued the Official Memorandum is also a part of the Tree Expert Committee, who submitted the report and consequently, in view of the orders passed by this Court overseeing and directing the Committee to oversee the proceedings and orders of the Tree Officer, the Tree Officer could not have been a part of the Committee and consequently any report submitted by the Committee to which the Tree Officer is a party and Official Memorandum issued by him cannot be made a basis to seek permission to cut and translocate the trees. It is also submitted that the report of the Committee and the O.M. are issued without application of mind and the request of the respondent No.5 is liable to be rejected on this ground also. 4. By way of reply, learned Senior Counsel for respondent No.5 submits that apart from the aforesaid Tree Officer, there are other members in the Committee which has submitted an unanimous report; at any rate merely because the Tree officer is a member of the Committee, the said circumstance cannot be relied upon by the petitioners in order to contend that the report of the Tree Expert Committee or the Official Memorandum is vitiated. It is reiterated that on earlier occasions also, this Court has permitted felling and translocation of the trees to be done in view of the larger public interest involved in relation to the Bengaluru Metro Project and accordingly, similar orders permitting felling and translocating of trees deserve to be passed on the present application also. 5. We find considerable force in the submissions made by the learned Senior Counsel on behalf of the respondent No.5 – BMRCL. In the light of the report of the Tree Expert Committee and the Official Memorandum issued by the BBMP and given the fact that fast and speedy completion of the Bengaluru Metro Project is absolutely essential in larger public interest as well as the recurring loss being caused to the BMRCL on account of the delay coupled with earlier orders passed by this Court under identical circumstances have been confirmed by the Apex Court in addition to the fact that all necessary conditions and safeguards have been imposed in the O.M., we are of the considered view that the application deserves to be allowed. Under these circumstances, the various contentions urged on behalf of the petitioners which, if accepted, will only delay and scuttle the Bengaluru Metro Project even further and are devoid of merit and liable to be rejected. 6. In the result, we pass the following: ORDER i) Accordingly, I.A.2/2022 is allowed. ii) Respondent No.5 – BMRCL is hereby permitted to implement the O.M. No.DCF/ PR-2196/2021-22 dated 07.03.2022 issued by the Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, for translocation and removal of trees which are standing in the construction zone of the proposed Vellara Junction Metro Station (Rashtriya Military School), a segment of Underground Metro Works of Reach 6, Phase 2, BMRCL.</p>
65	RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR MAGADUM	28/06/2022	I.A Nos.8 and 9 of 2022 are the applications filed by respondent No.5 to implement the official memoranda dated 10.06.2022. List I.A Nos.8 and 9 of 2022 along with record on 12.07.2022.
66	ACTING CHIEF JUSTICE AND S VISHWAJITH SHETTY	24/08/2022	Smt.Vaishali Movva, learned counsel for the petitioners. Mr.Basavaraj V.Sabarad, learned counsel for the respondent No.5. Learned counsel for the petitioners prays for and is granted one week's time to enable her to file objections to I.A.No.10/2022, an application seeking permission to cut 429

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			trees. Smt.Prathima Honnapura, learned Additional Government Advocate undertakes to file the quarterly report with regard to compensatory plantation and dislocation of trees on or before the next date of hearing. List on 05.09.2022.
67	ACTING CHIEF JUSTICE AND S VISHWAJITH SHETTY	05/09/2022	Learned Senior counsel for Bangalore Metro Rail Corporation has invited the attention of this court to I.A.10/22 and has sought permission of this court to cut 382 trees and to translocate 29 trees. Learned counsel for the petitioner submits that the BMRCL has not complied with the earlier directions issued by this court for compensatory afforestation. It is further submitted that the status with regard to tree saplings planted by BMRCL is not on record. On the other hand, learned Senior counsel for BMRCL has submitted that afforestation and the terms of directions issued by this court has been undertaken. In view of the directory stand taken by the petitioners and the respondents and to resolve the issue, we deem it expedient to direct the three officers of BBMP and Deputy Conservator (Bangalore Urban) to inspect the sites within his jurisdiction to submit a report with regard to status of compensatory afforestation as well as the status of the tree saplings as well as the translocated trees. It will be open for Mr.Basavaraj V. Sabarad, learned counsel to respond to the memo of compliance filed on behalf of the Deputy conservator of forest on or before next date of hearing. List on 12.09.2022.
68	ACTING CHIEF JUSTICE AND S VISHWAJITH SHETTY	12/09/2022	Mr.Pradeep Nayak, learned counsel for the petitioners. Mrs.Prathima Honnapura, learned Additional Government Advocate for respondent Nos.1 to 3. Mr.N.K.Ramesh, learned counsel for respondent No.4. Mr.Basavaraj V.Sabarad, learned Senior Counsel for Mr.H.L.Pradeep Kumar, leaned counsel for respondent No.5. Learned Additional Government Advocate for respondent Nos.1 to 3, learned counsel for respondent No.4 and learned Senior Counsel for respondent No.5 are permitted to file objections/status report/rejoinder during the course of the day. List for consideration of I.A No.10/2022 tomorrow (13.09.2022).
69	CHIEF JUSTICE AND ASHOK S.KINAGI	15/11/2022	As the respondents have filed certain compliance reports/ rejoinders which are bit bulky, the respondents undertake before this court that they will file the gist or synopsis of these reports for ready reference. Such gist or synopsis be filed on or before 18.11.2022. List the petition for further consideration on 22.11.2022.
70	CHIEF JUSTICE AND ASHOK S.KINAGI	22/11/2022	List the petition on 06.12.2022.
71	CHIEF JUSTICE AND ASHOK S.KINAGI	06/12/2022	Due to paucity of time, list on 07.12.2022.
72	CHIEF JUSTICE AND ASHOK S.KINAGI	07/12/2022	This Court, vide order dated 13.09.2022, considering two factors namely, that the work of implementation of Metro Rail Project was in process and secondly, that there was requirement of plantation and translocation of trees, had issued certain directions. The Tree Officer of Bruhat Bengaluru Mahanagara Palike was directed to inspect the trees planted by the Bangalore Metro Rail Corporation Limited (BMRCL), if not already inspected. It may not be necessary for us to refer to the other details of the said order at this stage. 2. Pursuant to the directions issued by this Court, BMRCL has filed an affidavit dated 02.11.2022 through the Chief Engineer of BMRCL. The various steps taken by BMRCL are referred to in paragraph 13 of the affidavit under the caption "Steps taken by BMRCL for compliance of the order passed by this Hon'ble Court on 13.09.2022". Under Clause 13.1.1, the reasons for the delay in raising the plantation are stated. 3. A memo has been filed on behalf of respondent No.4-BBMP along with a tabular statement. The tabular statement refers to details of tree translocation by BMRCL and the details of compensatory afforestation by BMRCL. 4. The learned counsel for the petitioners submits that there is an inordinate delay in taking steps by BMRCL. He submits that the petitioners have filed their detailed objections to the steps taken by

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			<p>BMRCL. He further submits that for the works at Sl.Nos.13, 14, 16 and 17 in the tabular statement "details of compensatory afforestation by BMRCL", not a single tree has been planted. The reason assigned for the same is that a tender notification is published and tendering is in progress. 5. Though the learned counsel for the petitioners submits that there is an inordinate delay in taking steps and there is no plantation of trees at some places, however, the tabular statement clearly indicates that major steps have been taken by BMRCL. The activities of afforestation and translocation of trees are carried out under the supervision of the Tree Officer. Admittedly, the Rail Project is behind the time schedule. However, since the activities of afforestation are still going on, we are not inclined to issue any directions to BMRCL at this stage. 6. The learned counsel for the petitioners vehemently opposes the permission sought by BMRCL for felling of trees. He invited our attention to the earlier orders passed by this Court wherein, at that relevant point of time, this Court found that the Committee had not considered the application filed by BMRCL in this regard in its proper perspective. 7. Now, BMRCL has annexed the report of Tree Expert Committee along with the affidavit dated 02.11.2022. The learned counsel for the petitioners admits that the constitution of the Expert Committee is not challenged by the petitioners and the said Committee was constituted as per the orders of this Court. BMRCL has also annexed the report indicating that the Tree Expert Committee has considered the application dated 14.06.2021 submitted by it. It is stated in the said report that on receipt of the application, the Committee had called for objections and suggestions by issuing a public notice dated 26.07.2021. Admittedly, the learned counsel for the petitioners submits that for majority of the public notices issued by the Committee earlier, the petitioners had filed their objections. 8. Insofar as the application dated 14.06.2021 is concerned, the Tree Expert Committee has stated in clear words that in response to the public notice dated 26.07.2021, 31 objections were received and the Tree Officer has considered the same. It is stated in the report that a preliminary assessment of trees was done by the Tree Officer and the said assessment was reviewed by the Committee. The Expert Committee also undertook the exercise of field inspection and recorded its observation under the caption 'Field Observation'. There is a tabular statement in the report referring to total trees standing over the stretch extending from Kempapura to Shettigere. There are two columns in the tabular statement namely, 'particulars' and 'total number of trees'. Appendix B annexed to the report is a tabular statement having the caption 'TEC Recommendations and Justification for On-site Retention/ Translocation/Felling'. A perusal of the said tabular statement shows that the Committee undertook the exercise methodically and it is not that the Committee recommended for felling of each and every tree. In respect of the trees which are healthy and young, the Committee recommended for translocation of trees. 9. In the said report, it is stated under the caption "Directions to BMRCL and DCF, BBMP", that the Expert Committee took care to see that the entire operation which is proposed to be carried out by BMRCL is under close supervision of the Tree officer/DCF/BBMP. Under clause (c), the Committee directed the Authorities of BMRCL, Tree Officer, DCF, BBMP to properly document the translocation process. Thus, considering the report submitted by the Tree Expert Committee, we are unable to find any justifiable reasons for the petitioners to raise opposition to exercise undertaken by BMRCL. 10. Accordingly, we permit BMRCL to implement OM NO. DCF/PR-983/22-23 dated 29/08/2022 and OM NO. DCF/PR-1128/22-23 dated 19/09/2022 and to continue with the activities such as, afforestation, translocation and felling of trees etc., under the supervision of Tree Officer, till the next date of hearing. 11. BMRCL is directed to file a status report on the next date of hearing in respect of the activities carried out by it pursuant to the order passed today. 12. List the petition for further hearing on 10.01.2023 along with the interlocutory applications.</p>

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73	CHIEF JUSTICE AND ASHOK S.KINAGI	10/01/2023	Due to paucity of time, stand over to 17.01.2023. Interim order, if any, to continue till the next date.
74	CHIEF JUSTICE AND ASHOK S.KINAGI	17/01/2023	<p>In pursuance of the order dated 07.12.2022, Respondent No.5 has filed a status report dated 09.01.2023 stating that Respondent No.5 has taken further steps pursuant to the award of contract for compensatory plantation / afforestation and three years maintenance. In the said status report, he has produced a copy of the Letter of Acceptance issued in favour of one Shivanna, Forest and PWD Contractor for raising of 4,000 number of saplings and its maintenance for a period of three years. He has further produced a copy of the Letter of Acceptance issued in favour of Mr. Venkateshappa K, Forest and Civil Contractor for raising of 4,000 number of saplings and its maintenance for a period of three years. He has also produced a copy of the Letter of Acceptance issued in favour of Mr. Shivanna, Forest and PWD, Class-I Contractor for raising of 4,000 number of saplings and its maintenance for a period of three years. It is further contended that in compliance of the directions of this Court dated 07.12.2022, the fifth respondent has cleared the tree cuttings to make way for construction of metro rail project in respect of Official Memorandums dated 29.08.2022 and 19.09.2022. In so far as translocation of trees in respect of the aforesaid official memorandums is concerned, it is stated that the same is in progress and it would take minimum of three months to carry out the translocation as per the GKVK Tree Translocation Guidelines. The Status Report filed by Respondent No.5 / BMRC is taken on record. Learned counsel for petitioners submits that Respondent No.5 has not taken steps for planting 15,800 trees. Learned counsel appearing for Respondent No.5 submits that Respondent No.5 has already started technical evaluation and it is under process. He further submits that 260 days is required for completing the process. However, Respondent No.5 has already taken sufficient time for translocation of trees and also planting of saplings. Hence, 260 days is quite a long time. Hence, it would be just and proper to direct Respondent No.5 to complete the entire process of planting remaining saplings, within a period of 120 days. Hence, it is directed that Respondent No.5 shall expedite the matter and complete the entire exercise within a period of 120 days from today.</p> <p>ORDER ON I.A.NO.15 OF 2022 Learned Additional Government Advocate has filed I.A.No.15/2022 seeking to modify the order dated 07.10.2021 passed on I.A.No.8/2021. By the said order, this Court has directed the parties to maintain status-quo in respect of the structure in question and other adjoining areas mentioned therein. In support of the said application, Smt. T.V. Sunandamma, D/o. T.M. Virupanna who is working as Under Secretary to Government, Department of Personnel and Administrative Reforms (State Protocol), Vidhana Soudha, Bengaluru, has filed a affidavit contending that the writ petition has been filed by the petitioners seeking a direction to the Tree Authorities, Tree Officer, to comply with the Karnataka Preservation of Trees Act, 1976 and Karnataka Preservation of Trees Rules, 1977. It is further contended that I.A.No.8/2021 came to be filed by the petitioners relating to the Press Meeting held by the Speaker of the Karnataka Legislative Assembly regarding a decision of "Constitution Club" at Balabrooie Guest House in the city. This Court, considering the averments made in the application regarding grievance of the petitioner that there were trees which are 100 to 200 years old, granted interim relief. The grievance of the petitioner was that there will be felling of trees in the heritage building contending that State Government should be restrained from construction of "Constitution Club" in Balabrooie Guest House. This Court, vide order dated 07.10.2021, directed the parties to maintain status-quo in respect of the structure in question and other adjoining areas in the guest house and further directed that the building should not be allotted to any other organization until further orders of this Court and no felling / trimming of trees, cutting of shrubs shall take place without the leave of the Court. It is further</p>

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			<p>contended that as per the direction of this Court, the BBMP had conducted a tree census of the entire area and have filed a report stating that there are 159 trees in the Guest House area. It is also contended that there is no proposal of reconstruction / redesign / demolition of the Balabrooie Guest House before the Government. There is only a proposal of maintenance of the building by improving the aesthetic of interior of the guest house without making any structural modification or changing the exterior and interior works of the building, so as to accommodate the Constitution Club. Learned Additional Government Advocate has further undertaken that no trees are being felled for this purpose and there would be no damage to the trees in the guest house area. Further, the grievance of the petitioners that the trees would be felled is incorrect as there is no proposal for cutting or felling of any of the trees in the guest house area. She has further undertaken that there is no demolition or reconstruction of the existing Balabrooie Guest House nor there is any action of cutting of the trees in the guest house and the order of status-quo in respect of the building for allotting the said guest house be vacated. Learned counsel for the petitioner has not filed any Statement of Objections to the said application. The State has stated in paragraph 5 of the application that there is only a proposal of maintenance of the building by improving the aesthetic of interiors of the guest house without making any structural modification or changing the exterior and interior works of the building, so as to accommodate the Constitution Club. The said statement is recorded and is taken as an undertaking. She has further undertaken that there will be no damage to the trees in the guest house area. The said statement is taken as an undertaking. In view of the same, I.A.No.15/2022 is allowed and the order dated 07.10.2021 is modified. The respondent is directed to carry out maintenance of the building by improving the aesthetic of the interior of the guest house without making any structural modification and there shall be no damage to the trees in respect of the guest house area. The State is permitted to convert the Guest House into a "Constitutional Club" after obtaining necessary permission from the concerned Authority. Learned counsel for Respondent No.5 seeks time to file a quarterly Status report from October 2022 to December 2022. He is permitted to file the said Quarterly report within a period of two weeks from today. BBMP is also permitted to file a Status Report within a period of two weeks. Interim order granted on 07.10.2021 is extended till the next date of hearing. Learned counsel for the BBMP seeks time to file Statement of Objections to I.A.No.13/2022. Two weeks' time is granted to file Statement of Objections. Re-list this petition on 06.02.2023.</p>
75	CHIEF JUSTICE AND ASHOK S.KINAGI	06/02/2023	Due to paucity of time, stand over to 14.02.2023. Interim order, if any, to continue till the next date of hearing.
76	CHIEF JUSTICE AND ASHOK S.KINAGI	14/02/2023	Due to paucity of time, stand over to 23.02.2023. Interim order, if any, to continue till the next date.
77	CHIEF JUSTICE AND ASHOK S.KINAGI	23/02/2023	At the request of the learned counsel for the Bruhat Bengaluru Mahanagara Palike, two weeks' time is granted. List on 13.03.2023.
78	CHIEF JUSTICE AND ASHOK S.KINAGI	13/03/2023	Due to paucity of time, stand over to 28.03.2023. Interim order, if any, to continue till the next date.
79	CHIEF JUSTICE AND M.G.S. KAMAL	28/03/2023	Due to paucity of time, stand over to 11.04.2023. Interim order, if any, to continue till the next date of hearing.
80	CHIEF JUSTICE AND M.G.S. KAMAL	11/04/2023	Due to paucity of time, stand over to 18.04.2023. Interim order, if any, to continue till the next date of hearing.
81	CHIEF JUSTICE	18/04/2023	Due to paucity of time, stand over to 07.06.2023. Interim order, if any, to

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	AND M.G.S. KAMAL		continue till the next date of hearing.
82	CHIEF JUSTICE AND M.G.S. KAMAL	07/06/2023	List the petition tomorrow (08.06.2023) as first matter on the Board.
83	CHIEF JUSTICE AND M.G.S. KAMAL	08/06/2023	<p>ORDER ON I.A.5/2023 By way of application, the applicant/deponent the Chief Engineer, BMRCL pray for grant of permission to implement the order dated 18.01.2023 issued by the Tree Officer and Authority BBMP, Bengaluru for translocation and removal of 248 trees which are standing at the Project Area extending from Dooravaninagar to Kempapura Cross for the implementation of BMRCL Project i.e., "Construction of Elevated Structures (Viaduct and Station)" Bengaluru and also to permit BMRCL to take up compensatory plantation work in the area coming under the jurisdiction of Bangalore Metropolitan Region Development Authority (BMRDA) or alternatively, adopt Miyavaki plantation method, in the interest of justice and equity. Learned counsel for the applicant invited our attention to the order passed by the Tree Officer dated 18.01.2023 placed on record at Annexure-R-5 at page 10. Perusal of the order show that the applicant approached the concerned authority/officer with a request for clearance of 236 trees which are standing at the project area. It is further stated in the order that on receipt of the request/permission public notice dated 29.10.2021 was issued calling for objections and remarks from the public. It is further stated that in response to the public notice 97 objections/suggestions were received from the public within stipulated date. The order further refers to nature of objections/suggestions and it may not be necessary for us to refer to these objections/suggestions in detail suffice to say that these objections were considered by the concerned authority giving all minute details. The order further reveals that tree officers was emphasizing on the first priority being the Forest Authority to save and retain more number of tress in the spot, undertake the further exercise of conducting spot inspection through Field Forest officers. Then the subject was scheduled for TEC Meeting fixed as agenda subject on the TEC meeting scheduled on 18.02.2022. Then a reference is made to the discussions in the meeting for ready reference, we may quote the points of discussions referred in the order: i) The primary objective of the TEC was to retain-on-site as many trees as possible. ii) In case the trees are falling within the project activity area and their removal becomes inevitable, the next option for TEC was for translocation of trees depending upon its general condition and its location so that the extraction of root ball of adequate size becomes feasible. iii) The felling of trees has to be the last resort and that has to be done very judiciously in a prudent manner. Then the order further reveals that considering the above aspects the application was allowed by permitting the applicant authority to retain on site 14 trees to translocate 45 trees and permitted remaining 203 trees to be removed by following the felling tress norms adopted by the Karnataka Forest Department. It will not be out of place to state that the order further indicates that the order will come into effect after 15 days of uploading the order in the official website of BBMP. Then there is a reference of as many as 9 conditions we may refer to certain important conditions: 2. The trees which are retained-on-site have to be properly protected and maintained. Accordingly BMRCL should give an assurance in this respect. 5. The work of translocation of trees has to be executed under close supervision of Officials/ Officers of Forest Wing of BBMP and according to the formulated guidelines of UAS, Bengaluru. 6. The trees so translocated have to be properly maintained and taken care of, for a minimum period of three years. 8. In lieu of the trees translocated and felled, 10 healthy and heighted saplings have to be planted in lieu of each tree either translocated or felled. The saplings have to be planted as per forestry practices and maintained for a minimum period of three years. Photographs and proper documentation has to be there for saplings/ seedlings planted. The minutes of Tree Experts Committee are placed</p>

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			<p>on record at page No.48. Perusal of the minutes show that there is a detailed reference to the objections reference to the field inspection by TEC, reference to the proposed location for translocation of trees, reference to a separate schedule by way of appendix is annexed referring to trees which are permitted to translocated or felling. Learned counsel for the applicant submitted that on earlier occasion also such permission was sought for from this Court and this Court on certain conditions allowed the authority for felling of trees, the learned counsel for the petitioner made following submissions: It is submitted by the learned counsel for the petitioner that this Court granted permission to the applicant on earlier occasion with certain conditions and these conditions are not complied with. He submits that for these grievance two applications I.A.3/2022 and I.A.4/2022 are filed in this Court. I.A.3/2022 is by BMRCL and I.A.4/2022 against BBMP. Learned counsel for the petitioner further submits that in the year 2021 an application was filed by the petitioners calling upon the respondents particularly BBMP to upload their quarterly report on its website and this exercise is not undertaken by BBMP. Perusal of the record show that on I.A.No.10/2022 the Division Bench of this court vide order dated 13.09.2022 granted permission to felling of trees on certain conditions and one of the conditions was BBMP to upload all quarterly reports on its website. The learned counsel for the respondent-BBMP submits that post the direction of this Court, BBMP is filing its quarterly report regularly. The last quarterly report was filed on 23.05.2023. It is also submitted by learned counsel for the BBMP that this was report of quarterly i.e., January to March for certain technical difficulties the report was filed belatedly. It is further stated by the learned counsel for the BBMP that the reports are also uploaded on website of BBMP. Learned counsel invited our attention to the memo filed today i.e. on 08.06.2023 and invites our attention to the exchange of communication between SEMU and Tree officer BBMP only to submit that BBMP is undertaking the exercise of preparation of quarterly report and filing them and also uploading its report on its website. Learned counsel for the petitioners further submitted that as per provisions under the Act and orders passed by this Court the applicants are required to undertake the compensatory plantation work as far as possible on the very site so as to balance environmental aspect but applicants are seeking permission to undertake compensatory plantation work in the area coming under the jurisdiction of BMRDA which is firstly a vast area and secondly with this permission the applicant is planting trees away from the City and in rural area. At this stage, learned counsel or the applicant submits that as there was no sufficient open area near to the project area in the City limits for compensatory plantation and as of now the city area itself is expanded the applicant was left with no choice to undertake the compensatory plantation work at the nearest possible area. Learned counsel for the applicant further submits that as the applicant is ready to consider if any suggestion of an open area near the project is suggested by the petitioners which is free from any hurdle and obstruction, the applicant will certainly consider the compensatory plantation in such area. It is submitted by the learned counsel for the applicant as well as BBMP that when the public notice was received on receipt of applications calling objections/suggestions the petitioners have not filed any objections/suggestions in response to the public notice. If the petitioner had any grievance they could have certainly submitted their objections and they were not prevented from submitted their objections/suggestions to the Tree officers in response to the notice. To consider this submission, on a query to the learned counsel for the petitioner as to whether any response to the public notice the petitioner have submitted any objections/suggestions, learned counsel on instructions submitted that no such objections/suggestions is submitted in response to the public notice. Our attention is also invited by the learned counsel for the petitioners and submitted that on earlier occasion this Court granted permission to the applicant-BMRCL subject to conditions that there was compensatory plantation in requisite number and the</p>

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84	CHIEF JUSTICE AND KRISHNA S DIXIT	10/10/2023	<p>counsel in support of his submission referred to order dated 17.01.2023 and submits that the applicant was directed to complete the entire process of planting remaining samplings within a period of 120 days. The exercise of plantation is not undertaken. It was further submission of learned counsel for the petitioners that by way of an application the applicant is seeking permission to adopt Miyavaki Plantation method and such method may not be advisable. He also submits that nothing is placed on record. That any expert body like GVKV had opined that plantation by adopting Miyavaki Plantation method would serve the purpose. Now this submission in our opinion made by the learned counsel for the petitioners is only misreading the statement in the application. In the application the applicant submits that permission for BBMP to take up compensatory plantation in the area or in the alternate to adopt Miyavaki Plantation method. Thus, the applicant is neither insisting nor suggesting that they are only adopting Miyavaki Plantation method. But this request is by way of an alternate. In our opinion the objections raised by the learned counsel for the petitioners is only on assumption and presumption. Insofar as the grievance of non compliance of the earlier order learned counsel submits that there was some delay in compliance but the said delay was due to procedural difficulties and now the applicant arrived at a agreement with the three contractors each with plantation of 5000 trees and its maintenance for three years. He further submits that that work order is also issued and invited our attention to copy of one such work order place on record at page No.1 in the memo dated 08.06.2023 submitted in this Court today. Perusal of this document show that one M/s.Venkateshappa K., Forest and Civil Contractor has been served with the work order dated 30.05.2023 and commence the work with effect from 01.06.2023 in accordance with agreement and to complete the plantation work within four months and start maintenance for three years. Thus, learned counsel for the applicant submits that applicant is making all possible efforts to take appropriate steps to strike a balance between the developmental activities in the form of metro projects and preservance of environmental and ecological aspect. Learned counsel for the applicant further submits that the said metro project would serve a large public interest and as such it would be necessary to complete the work as early as possible because for certain reasons the said exercise was delayed and now further delay may lead to hazardous situation for the public itself. He further submits that because of the metro project two objects could be achieved. First is a effective eco friendly transport service and second saving of time for commuting would be safe and public at large would get a economically viable public transport mode. He further submits that the project would also help in resolving the issue on traffic congestion and it will help to ease traffic. Thus considering these aspects and considering the fact that all the necessary compliance and prerequisites are complied by the applicant. The applicant be permitted to implement the order dated 18.01.2023. We further make it clear that as we have specifically observed in our earlier part that request by the applicant for Miyavaki Plantation method is only suggestive as an alternate mode and petitioner's objection to that effect is negated. Insofar as the contention raised by the learned counsel for petitioners in I.A.3/2022 and I.A.4/2022 is concerned we may deal with these applications and contentions at the time of hearing these applications. In view of the above referred observations and on perusal of the material which we have also referred to at the earlier part we are of the opinion that application needs to be allowed not only for the purpose of the applicant, but also for serving a better cause of the public at large. Resultantly, I.A.5/2023 is allowed in terms of its prayer.</p> <p>ORDER ON I.A.Nos.7 &amp; 8/2023 In these two applications, the essential prayer is for the permission to remove/translocate certain standing trees in the project area so that project can be accomplished. In I.A.No.7/2023, the number of trees is stated to be 15 and in I.A.No.8/2023, it is stated to be 242. The applications are supported by the affidavits. They refer to</p>

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			<p>O.M.No.DCF/PR-260/2023-24 and O.M. No.DCF/PR-259/2023-24 both dated 10.08.2023 issued by Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, in the form of permission for removal/translocation. The applications assure that the compensatory plantation would be undertaken and the breakup of the saplings is also furnished. 2. Learned Sr. Advocate appearing for the applicant who happens to be the respondent-BMRCL submits that similar application earlier filed in I.A.No.5/2023 has been allowed by this court vide order dated 8.6.2023 and the reasons stated therein equally apply to these applications as well. He also rightly submits that any public project of this size would inevitably results into removal/translocation of standing trees. We are also aware of the realities that a golden balance has to be struck between the competing interests as of necessity. Since there is assurance of translocation of the trees and also of compensatory plantation in the appropriate areas, we grant these applications with the same terms and conditions as have been discussed in our order dated 8.6.2023. Accordingly, the applications are allowed and prayer made therein are granted.</p>
85	CHIEF JUSTICE AND KRISHNA S DIXIT	03/01/2024	<p>ORDER ON I.A.No.9/2023 In view of the Memo filed in this court seeking withdrawal of I.A.No.9/2023, the applicants/petitioners is permitted to withdraw I.A.No.9/2023. I.A.No.9/2023 is disposed off as withdrawn. List after ten weeks.</p>
86	CHIEF JUSTICE AND K. V. ARAVIND	12/06/2024	<p>ORDER ON I.A. No.1 of 2024 Heard Smt. Darshini, learned counsel for the petitioners and Sri. H.L.Pradeep Kumar, learned counsel for respondent No.5-Bangalore Metro Rail Corporation Limited [‘BMRCL’]. 2. The BMRCL filed a letter dated 05.10.2023 before the Tree Officer and Deputy Conservator of Forests, Bruhat Bengaluru Mahanagara Palike [‘BBMP’] seeking permission for clearance of 60 trees standing at the Project Area on the RHS of BTM Layout Main Road, Ragigudda Metro Station, Bengaluru, for the BMRCL/DULT Project work of “Carrying out of Architectural Finishing Works and Public Health Engineering Works” near Ragigudda Metro Station for Reach – 05 (P3) BMRCL works involving Construction of Proposed Footpaths, Ramps and Social Spaces, Bengaluru. 3. The Tree Officer has issued public notice dated 16.10.2023. Considering the objections/suggestions in response to the public notice, the Tree Officer permitted translocation of five trees and removal of six trees by following the applicable norms. 4. This application has been filed by the Deputy General Manager, BMRCL, seeking permission of this Court to implement the Official Memorandum dated 03.02.2024 issued by the Tree Officer and Deputy Conservator of Forests, BBMP. 5. Learned counsel for the petitioners has filed a memo in response to I.A.No.1 of 2024. The petitioners have stated in the memo that the decision of the Tree Officer to translocate five trees and to remove six trees is reasonable and has expressed no objection for implementation of the Official Memorandum dated 03.02.2024. 6. Considering the reasons assigned by the Tree Officer in the Official Memorandum dated 03.02.2024, this Court is inclined to accept the request of BMRCL and to permit implementation of Official Memorandum dated 03.02.2024. 7. The permission to implement the memorandum dated 03.02.2024 is granted. In the memorandum, certain conditions are imposed which are as under, “1. No damage should be caused to the trees which are retained on the spot, while carrying out the civil works or any project related works. 2. The trees which are ordered to be retained on site have to be properly protected and maintained. Accordingly, BMRCL should give an assurance in this respect. 3. The translocation of trees should be done at the following proposed locations in collaboration with the DCF, BBMP. As per your letter cited under ref.(c), no other developmental activity is to be carried out in the following proposed areas for translocation of trees CMP Centre Training Area, HSR 1st Sector, 27th Cross, Ibbalur, Bengaluru 4. The Persons/Agencies who are entrusted with translocation works should have sufficient knowledge and experience in such works. 5. The work of translocation of trees has to be executed under close supervision of Officials/Officers of Forest Wing of</p>

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87	CHIEF JUSTICE AND K. V. ARAVIND	08/07/2024	<p>BBMP and as per the formulated guidelines of UAS, Bengaluru. 6. The trees so translocated have to be properly maintained and taken care of, for a minimum period of three years. 7. The entire process of translocation of trees has to be properly documented and records compiled in a systematic manner. 8. As per the Section 10 of KPT Act 1976, where any tree has fallen or destroyed due to force of nature or other natural causes, the owner or occupier of land concerned is required to plant a tree or trees in place of the tree so fallen or destroyed. 9. In lieu of the trees translocated and felled, 10 healthy and heighted saplings have to be planted in lieu of each tree either translocated or felled. The saplings have to be planted as per forestry practices and maintained for a minimum period of three years. Photographs and proper documentation has to be submitted for saplings/seedlings planted. 10. Regular monitoring must be done to ensure the conducive growth of translocated trees and planted saplings/seedlings.”</p> <p>8. It is made clear that permission to implement the Official Memorandum dated 03.02.2024 is subject to the aforesaid conditions imposed therein by the Tree Officer and Deputy Conservator of Forests, BBMP. 9. In the last paragraph of the affidavit of the deponent-the Deputy General Manager (SEMU), BMRCL, it is provided and directed that what is committed and agreed hereunder shall be abided by the officers of the BMRCL, “Therefore, I pray that this Hon’ble Court may kindly be pleased to consider this affidavit and documents and permit BMRCL to implement the OM No.DCF/PR-880/2023-24 dated 03.02.2024, and permit translocation and removal of trees which are standing at the Project Area on the RHS of BTM Layout Main Road, Ragigudda Metro Station, Bengaluru Area for the BMRCL/DULT Project work of “Carrying out the Architectural Finishing Works and Public Health Engineering Works near Ragigudda Metro station, i.e., work involving construction of Footpaths, Ramps and Social Spaces”, Bengaluru and also permit BMRCL to take up compensatory plantation work within the jurisdiction of Bangalore Metropolitan Region Development Authority (BMRDA) in the interests of justice and equity.” 10. Accordingly, I.A.No.1 of 2024 is allowed and disposed of in the aforesaid terms. ORDER ON I.A NO.2 OF 2024 Learned advocate Mr.Syed Sharukh appearing for the Bruhat Bengaluru Mahanagara Palike (BBMP) prays for time stating that he wants to file reply to this interim application. The prayer in the application is against the felling of trees by BBMP which is stated to be for the purpose of widening of road. Since learned advocate for BBMP is asking for time, time is granted till 08.07.2024 before which date, the reply shall be filed to the present interim application. In the facts and circumstances, there shall be no felling of trees in the area which is subject matter of this application till 12.07.2024. Stand over to 08.07.2024.</p> <p>ORDER IN I.A.NO.3 OF 2024 Heard learned counsel for the respective parties. 2. This interim application inter alia prayed to grant stay on the implementation of the Official Memorandum dated 05.06.2024 issued by the respondent No.4 and to restrain the respondent-Authority from felling or transplanting any trees pursuant to the said memorandum. It is stated in the application that as per the memorandum, permission is accorded for removal of 187 trees, translocation of 5 trees and to retain 30 trees on the site. 3. It is the allegation that there has been a blatant disregard of the procedure of trees removal which is required to be observed as per the provisions of the Karnataka Preservation of Tree Act, 1976. It was submitted that the Committee which granted the permission has not applied its mind and no report is submitted by the said Committee. 4. In addition to all these aspects, it was submitted that in similar circumstances, this Court has restrained the respondent-Authority from felling the trees by passing the order dated 12.06.2024 on I.A.No.2 of 2024. 5. In view of the above facts and circumstances, it is provided and directed that there shall be no felling of trees pursuant to the Official Memorandum dated 05.06.2024. I.A. is allowed. ORDER IN WRIT PETITION Learned advocate Mr.Syed Sharukh appearing on behalf of</p>

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			learned advocate Mr.S.H.Prashanth for respondent No.4-BBMP seeks time to take instructions. Stand over to 07.08.2024, as requested. Interim protection granted earlier in the main petition shall continue to operate till the next date of hearing.
88	CHIEF JUSTICE AND K. V. ARAVIND	07/08/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 22.08.2024. Interim order granted earlier shall continue to operate till the next date of hearing.
89	CHIEF JUSTICE AND K. V. ARAVIND	22/08/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 02.09.2024. Interim order granted earlier shall continue to operate till the next date of hearing.
90	CHIEF JUSTICE AND K. V. ARAVIND	02/09/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 03.09.2024. Interim order granted earlier shall continue to operate till the next date of hearing.
91	CHIEF JUSTICE AND K. V. ARAVIND	03/09/2024	ORDER ON I.A. No.6 of 2024 Heard learned Senior advocate Mr. Dhyan Chinnappa assisted by learned advocate Mr. H.L. Pradeep Kumar for the applicant and learned advocate Mr. Pradeep Nayak for the petitioners. 2. The present application is filed by the applicant-Bengaluru Metro Rail Corporation (BMRCL) seeking permission to implement the Office Memorandum dated 20.07.2024 issued by the Tree Officer and Deputy Conservator of Forests, Bruhat Bengaluru Mahanagara Palike (BBMP) for translocation of 20 trees and removal of 41 trees out of which, 21 trees are standing at the metrol project area and 20 trees are standing near the existing structures of the HSR Layout Metro Station (Agara to Ibbaluru RH Side) for Viaduct Girder Erection Bengaluru. 3. The main writ petition was filed by Bangalore Environment Trust and another, wherein various directions in the nature of reliefs are prayed for against the respondent-authorities to carry out their functions and discharge duties under the provisions of the Karnataka Preservation of Trees Act, 1976 ('1976 Act') and the Karnataka Preservation of Tree Rules, 1977 ('1977 Rules') as well as to abide by the guidelines set out by the Bombay High Court in the judgment dated 20.09.2013 in PIL No.93 of 2009. It was also prayed that in every case where permission is granted to fell a tree, all endeavours should be made to transplant the tree and to plant a new tree in its place at the same site as per Section 8(5) of the 1976 Act. 3.1. One of the respondents in the main proceedings that is, respondent No.5-BMRCL is the applicant in the present application. The public interest litigation petitioners raised grievance against respondent No.5-BMRCL that in carrying out the metro rail project, trees are removed and that the guidelines under the Act and the Rules are not followed in that regard. 3.2. In the writ petition, this Court passed orders from time to time. The Court also dealt with the orders passed by the Tree Officer permitting removal of trees at particular site by imposing conditions. 3.3. In the present application, the applicant-BMRCL inter alia submitted that BMRCL is required to remove certain trees at the site mentioned in the prayer where the metro rail project is executed. It was stated that application was made before the Tree Officer seeking permission to cut the trees. The Tree Officer passed the order dated 20.07.2024 in exercise of the powers under Section 8(3) of the 1976 Act and by following the guidelines in that regard. 3.4. It was stated in the accompanying affidavit that the Tree Officer, while permitting cutting of trees as per the aforesaid order, imposed certain conditions. The conditions which are obliged to be complied with by the applicant-BMRCL while removing the trees in the process of execution of the project at the site in question reads as under, "1. No damage should be caused to the trees which are retained on the spot, while carrying out the civil works or any project related works. 2. The trees which are ordered to be retained on site have to be properly protected and maintained. Accordingly, BMRCL should give an assurance in this respect. 3. The translocation of trees should be done at the following proposed locations in collaboration with the DCF, BBMP. 1. Location site No.01-Vacant space on the right hand side of the Road along the compensatory

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			<p>afforestation plantation towards north of the CMP Centre, Training area, HSR 1st Sector, 27th Cross, Ibbalur, Bengaluru. 2. Location Site No.02 - Vacant space on the right hand side of the road along the Compensatory Afforestation Plantation, towards east of the CMP Centre, Training Area, HSR 1st Sector, 27th Cross, Ibbalur, Bengaluru. 4. The Persons/Agencies who are entrusted with translocation works should have sufficient knowledge and experience in such works. 5. The work of translocation of trees has to be executed under close supervision of Officials/Officers of Forest Wing of BBMP and as per the formulated guidelines of UAS, Bengaluru. 6. The trees so translocated have to be properly maintained and taken care of, for a minimum period of three years. 7. The entire process of translocation of trees has to be properly documented and records compiled in a systematic manner. 8. As per the Section 10 of KPT Act 1976, where any tree has fallen or destroyed due to force of nature or other natural causes, the owner or occupier of land concerned is required to plant a tree or trees in place of the tree so fallen or destroyed. 9. In lieu of the trees translocated and felled, 10 healthy and heighted saplings have to be planted in lieu of each tree either translocated or felled. The saplings have to be planted as per forestry practices and maintained for a minimum period of three years. Photographs and proper documentation has to be submitted for saplings/seedlings planted. 10. Regular monitoring must be done to ensure the conducive growth of translocated trees and planted saplings/seedlings.” 3.5. In addition to relying on the above order and showing commitment for compliance of the conditions imposed by the Tree Officer, it was stated further by the BMRCL as under, (i) The BMRCL will follow the methodology suggested by the UAS, GKVK for translocation of the trees and shall follow the procedure stated in the Office Memorandum issued by the Tree Officer. (ii) The UAS, GKVK Committee has indicated the guidelines for tree transplantation which guidelines shall be followed by the BMRCL. The copy of the report of the said Expert Committee figures on record along with the affidavit. (iii) An agreement was entered into on 05.07.2021 by the applicant-BMRCL with one M/s. AFCONS Infrastructure Limited which agency has agreed to undertake the work of translocation of trees in terms of the agreement and the methodology as indicated by the said Committee. (iv) It was agreed and stated on oath by the applicant-BMRCL that it would submit reports regarding the condition of the translocated trees and the compensatory plantation which will be done by the applicant every quarter for a period of three years and that, such report shall be submitted to the Tree Officer concerned. 3.6. It was further stated on oath that the applicant-BMRCL proposed the said site for translocation and soil analysis report was also submitted to the Tree Officer. The precise location of the proposed areas for translocation was ascertained and the applicant has co-ordinated with other agencies for the purpose of translocation of trees. The details were furnished to the Tree Officer on 10.07.2024. 3.7. In addition to the above aspect, it was further mentioned by the applicant-BMRCL that it has complied with the earlier directions issued by this Court in letter and spirit and that, it has already planted 53290 trees out of 70860 trees. It was further stated that in respect of the remaining trees, tenders are invited and the formalities are underway. 4. In course of the submissions, learned Senior Advocate for the applicant fairly stated that as contemplated in the order dated 12.06.2024 passed by this Court with reference to the Office Memorandum dated 03.02.2024 of the Tree Officer, one of the conditions was that in lieu of the trees translocated and felled, 10 healthy and heighted saplings have to be planted. The saplings will have to be planted as per the forestry practices and shall be maintained for a minimum period of three years. It was stated that the said condition shall also be abided by the applicant and that, 10 trees healthy and heighted shall be planted in lieu of each tree now proposed to be removed for translocation. 4.1. In view of all the above facts, the prayer of the applicant-BMRCL is required to be considered favourably. 5. Accordingly, the applicant is permitted to implement OM No.DCF/PR-364/2024-25 dated 20.07.2024 issued by the</p>

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			Tree Officer and Deputy Conservator of Forests, BBMP, Bengaluru, for translocation of 20 trees and removal of 41 trees out of which, 21 trees are standing at the Project Area on the ORP No.140 to ORP 175 and 20 trees are standing at LHS/RHS of ORR for the Entry/Exit structures of HSR Layout Metro Station (Agara to Ibbaluru RH Side) for Viaduct Girder Erection Bengaluru, upon complying with the conditions imposed by the Tree Officer in his order and all other conditions which form part of various orders of this Court. 6. At this stage, learned advocate for the petitioners submitted that updated quarterly reports are required to be furnished by the BMRCL about compensatory plantation. 6.1. Responding to this, learned Senior Advocate for the applicant-BMRCL stated that BMRCL will file such quarterly reports. 7. I.A.No.6 of 2024 is accordingly allowed and disposed of. ORDER ON I.A.No.4 of 2024 This application is filed by the applicant-Rail Infrastructure Development Company (Karnataka) Limited (K-RIDE) seeking impleadment in the present public interest petition. 2. The subject matter of the public interest petition is compliance of the provisions of 1976 Act and 1977 Rules by ensuring that wherever the trees are cut for any project or otherwise to result into deforestation, the provisions of the 1976 Act and the guidelines set out by the Courts and statutory authorities are complied with. 3. It is the case of the applicant herein that in the process of executing the rail infrastructure projects in Karnataka, it will have the need to remove trees. Therefore, in order to appropriately plead before the Court since the orders are operating in this public interest petition, the applicant may be permitted to be impleaded as party respondent. 4. Looking to the averments in the accompanying affidavit, it could well be said that the applicant is interested in the subject matter and nature of proceedings of this public interest petition, to be entitled to become a proper party. 5. In these circumstances, the I.A.No.4 of 2024 is granted and the applicant shall be impleaded as party respondent No.10 in the main writ petition. ORDER IN THE MAIN PETITION In view of the order passed on I.A.No.4 of 2024 allowing the applicant to become party respondent in the proceedings, I.A.No.5 of 2024 filed by the said applicant shall be taken up for consideration on merits on 12.09.2024 at 2.30 p.m.
92	CHIEF JUSTICE AND K. V. ARAVIND	12/09/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 20.09.2024. Interim order granted earlier shall continue to operate till the next date.
93	CHIEF JUSTICE AND K. V. ARAVIND	20/09/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 24.09.2024 at 2.30 p.m. Interim order granted earlier shall continue to operate till the next date of hearing.
94	CHIEF JUSTICE AND K. V. ARAVIND	24/09/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 26.09.2024. Interim order granted earlier shall continue to operate till the next date of hearing.
95	CHIEF JUSTICE AND K. V. ARAVIND	26/09/2024	The memorandum of I.A.No.5/2024 does not indicate explicitly in its title as to who is the applicant. Necessary amendment shall be made in that regard by the applicant of I.A.No.5/2024. Learned advocate for the petitioners is permitted to amend the cause title by mentioning the names of respondent Nos.10 and 11 who are the parties already impleaded. Amendment shall be done during the course of the day. Stand over to 27.09.2024. Interim orders passed in I.A.Nos.2/2024 and 3/2024 shall continue to operate till the next date of hearing.
96	CHIEF JUSTICE AND K. V. ARAVIND	27/09/2024	ORAL ORDER IN I. A. NO.5 OF 2024 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Heard learned Senior Advocate Mr. K. Shashi Kiran Shetty on behalf of respondent No.11 and learned advocate Mr. Pradeep Nayak for the original petitioner. 2. The applicant-Rail Infrastructure Development Company (Karnataka) Ltd. (K-RIDE) is original respondent No.11. Prayer of the applicant in this application is to vacate the order dated 12.06.2024 passed below Application No.2 of 2024 in the proceedings of writ petition. The said order dated 12.06.2024 required the respondent-Bruhat Bengaluru Mahanagara Palike (BBMP) to stop the

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			<p> felling of trees. 3. It was stated that the applicant-Development Company was not a party in the main writ proceedings, and came to be subsequently impleaded as respondent No.11. Since the aforesaid order dated 12.06.2024 was passed by the Court prohibiting the felling of trees, the present application is filed by the applicant-Development Company seeking clarification and vacation of the stay order seeking permission to fell the trees for its project. 3.1. It is to be noted that the main petition came to be filed by the Bangalore Environment Trust wherein directions were sought against the respondent-Authorities to discharge the functions under the Karnataka Preservation of Trees Act, 1976 and the Karnataka Preservation of Trees Rules, 1977, as also to adhere to the guidelines set out by the judgment of the Bombay High Court in Public Interest Litigation No.93 of 2009. 3.2 It was also prayed that in every case, if the permission is granted to fell the trees, all efforts should be made and it should be ensured that against one uprooted tree, new tree shall be planted at the same site which is the requirement contemplated under Section 8(5) of the aforesaid Act of 1976. 3.3. In the proceedings of the said public interest litigation, this Court passed the orders from time to time including the aforesaid order dated 12.06.2024. It is to be noted that before the aforesaid order dated 12.06.2024 was passed, the applicant-Development Company was invested with the order dated 29.05.2024 passed by the Tree Officer and the Deputy Conservator of Forests, BBMP, Bengaluru, whereby, subject to the conditions mentioned in the order, permission is granted to the applicant-Development Company to cut about 699 trees in execution of its project. The project is known as design and construction of elevated viaduct of length 8.027 kms and AT-Grade Section of length 17.551 kms for Corridor-02. 3.4. In the instant application seeking to permit the felling of the trees as per said order dated 29.05.2024 and to vacate the order dated 12.06.2024, which may operate against the applicant-Development Company not to permit it to fell the trees, it is the case that the applicant-Development Company is a joint venture of the Government of Karnataka and Ministry of Railways. Constituted under the Companies Act, 1956, it is established to enhance the rail infrastructure projects in Karnataka and is responsible for executing the Bangalore Sub-Urban Rail Project (BSRP). It aims to make available the world class rail infrastructure. The applicant-Development Company is an implementing agency for the aforesaid BSRP. 3.5. It is stated that in the process of execution of the BSRP project by the applicant, it has become necessary to remove the trees standing at the project area. It is stated that the applications are submitted to the Authorities in this regard which are processed and considered. It is stated that the applicant is abiding by all norms and procedures. The kind and nature of civil work which is required to be undertaken and executed by the applicant in completion of the BSRP project, is detailed in paragraph 5 to bring out the nature of work required to be executed by the applicant. 3.6 The applicant inter alia averred and pleaded in paragraph 5 as under, "The Civil works (excluding stations) of corridor-2 (25.578 km length) and Corridor-4 (46 km length) has been awarded to M/s. L and T Limited and construction activities for both corridors are currently in progress. Corridor-2 involves the construction of an of an 8 km elevated viaduct, including a 1.2 km double-decker bridge at Mohan Kumar Road and a 17.55 km at-grade alignment. A total of 14 stations including 2 future stations have been proposed for Corridor-2. In connection with the above project, the BBMP Forest Department has issued Official Memorandum No.DCF/PR-356/2024-25 dated 29.05.2024 addressing tree felling, retention and transplantation as per the "Memorandum of Procedure adopted to assess the trees pertaining to Applications submitted under the Karnataka Preservation of Trees Act, 1976". This memorandum was submitted by TEC, revised and accepted by the Hon'ble High Court of Karnataka. However, on account of stay order dated 12.06.2024, the ongoing construction works have been significantly hampered, leading to a daily financial loss of 8.3 lacs in affected length (2.010 km). The tangible and intangible losses will be even more which cannot be accessed in monetary </p>

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			<p>terms as the people of Bengaluru are already suffering due to inadequate public transport available in the city leading to increasing environmental pollution by using the personalized mode of transport and also accidents. I submit that Corridor-2 is to be implemented at a total project cost of Rs.859.970 Crores and time for completion of the project is 27 Months. I submit that total length of Corridor-2 is 25.578 kms. I submit that possession of the work site is already handed over to the contractor, the delay in the project will not only extend the project timeline but also incur additional claims for idle charges from the contractor. Therefore, there is an urgent need to vacate the interim order allowing the resumption of the essential construction activities.” 4. It is to be noticed that by the orders dated 23.04.2019 and 03.09.2020, this Court has constituted the Tree Expert Committee which comprises of the expert members. The Committee examines the feasibility for felling trees and compliance of the provisions of the aforesaid Act of 1976 and Rules of 1977. The Committee consists of the experts from the environment, science, technology and other related fields. 4.1. The applications were made by the applicant before the said Committee to permit them to remove the trees in the area of project. The application resulted into order dated 29.05.2024. It is this order which the petitioner seeks to implement by praying that the prohibition against felling of tress provided for by the Court in order dated 12.06.2024 may be lifted. 5. The Court was taken through the relevant material produced with the present application including the contents of the memorandum dated 29.05.2024 whereby the Tree Officer has granted permission to the applicant to cut 699 trees. While the Court noticed from the said Memorandum dated 29.05.2024 that while permitting to cut and remove each of the 699 trees, the Committee has given its tree-wise recommendations. In all trees listed with the name and description, the recommendations are provided with reasons which weighed with the Committee to permit removal of the number concerned. 5.1. However, on a closure examination of the list of the trees contained in the memorandum and the recommendations, it could be noticed that the trees mentioned at Sl. Nos. 110 to 507 as well as the trees mentioned at Sl. Nos. 605 to 646 do not contain reasons for further recommendation. The Committee has only stated in its recommendation against each of the aforesaid trees that “tree is coming in proposed viaduct area recommended for felling”. 5.2. Therefore, when no reasons are given for recommending the felling of trees, the decision of the Committee and the resultant office order dated 29.05.2024 insofar as it relates to trees mentioned at Sl. Nos. 110 to 507 and those mentioned at Sl. Nos. 605 to 646 could be said to be without application of mind. 5.3. In the aforesaid view, it is not permissible for the Court to permit the applicant to proceed with the felling of trees which are mentioned and permitted by the Tree Officer from Sl. Nos. 110 to 507 and from Sl. Nos. 605 to 646 in the Office Memorandum. The applicant shall not cut the said trees without complying with the conditions which are imposed herein below. 6. In the aforesaid view, the following order is passed, (i) The Tree Committee shall re-visit each of the above trees mentioned at Sl. Nos. 110 to 507 as well as at Sl. Nos. 605 to 646 in the Office Memorandum dated 29.05.2024 and re-examine the feasibility and permissibility for felling the said trees. (ii) After undertaking the inspection and examination as above, separate orders shall be passed with reasoned recommendation as may be thought fit by the Advisory Committee. (iii) The exercise shall be completed within a period of three weeks looking to the total extent of the area. (iv) A fresh order shall be passed by the Tree Officer based on the recommendations of the Tree Committee. (v) Rest of the trees except above numbers are permitted to be removed by the applicant if found to be falling within the project area upon compliance of the conditions which are already mentioned in Official Memorandum dated 29.05.2024. (vi) The conditions are hereunder reproduced, 1. No damage should be caused to the trees which are retained on the spot, while carrying out the civil works or any project related works. 2. The trees which are retained-on-site have</p>

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			to be properly protected and maintained. Accordingly K-RIDE should give an assurance in this respect. 3. The translation of trees should be done at the following proposed locations in collaboration with the DCF, BBMP. As per your letter cited under ref. (c) no other developmental activity has to be carried out in the following proposed areas for translocation of trees. Location 1: Vacant Railway land available near RR College, Chikkabanavara, Bengaluru. Location 2: Vacant area available inside campus of CQAE, Jalahalli, Bengaluru 4. The Persons/Agencies who are entrusted with translocation works should have sufficient knowledge and experience in such works. 5. The work of translocation of trees has to be executed under close supervision of Officials/Officers of Forest Wing of BBMP and according to the formulated guidelines of UAS, Bengaluru. 6. The trees so translocated have to be properly maintained and taken care of, for a minimum period of three years. 7. The entire process of translocation of trees has to be properly documented and records compiled in a systematic manner. 8. As per the Section 10 of KPT Act 1976, which provides that where any tree has fallen or destroyed due to force of nature or other natural causes, requires to plant a tree or trees in place of the tree so fallen or destroyed. 9. In lieu of the trees translocated, felled trees (sums upto 788), 10 healthy and heighted saplings have to be planted. The saplings have to be planted as per forestry practices and maintained for a minimum period of three years. Photographs and proper documentation has to be there for saplings/seedling planted. 10. Regular monitoring must be done to ensure the conducive growth of translocated trees and planted saplings/seedlings. (vii) In the event the Tree Expert Committee permits the felling of further trees, the Committee may impose any other conditions including the above conditions already imposed. 7. The present application is allowed-in-part to the aforesaid extent. 8. The present order governs to modify the order dated 12.06.2024 passed in interim application No.2 of 2024 as well as present application which is allowed-in-part. Respondent No.11, the applicant of I. A. No.5 of 2024 shall place on record the recommendation and the consequential order, if any, which will be passed by the Tree Officer pursuant to the aforesaid directions and aforesaid exercise to be undertaken as per the directions of the Court. Stand over to 21.10.2024. All the issues which are raised by the public interest petitions regarding the feasibility, desirability and availability of felling of trees to protect the environment shall be considered in the next proceedings.
97	CHIEF JUSTICE AND K. V. ARAVIND	21/10/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 06.11.2024. Interim order granted earlier shall continue to operate till the next date.
98	CHIEF JUSTICE AND K. V. ARAVIND	06/11/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 25.11.2024. Interim order earlier granted shall continue to operate till the next date.
99	CHIEF JUSTICE AND K. V. ARAVIND	25/11/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) To be listed on 27.11.2024 at 2.30 p.m. Interim order granted earlier shall continue to operate till the next date of hearing.
100	CHIEF JUSTICE AND K. V. ARAVIND	27/11/2024	(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 09.12.2024. Interim order granted earlier shall continue to operate till the next date of hearing.
101	CHIEF JUSTICE AND K. V. ARAVIND	09/12/2024	ORAL ORDER ON I.A.NO.7 of 2024 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) In the proceedings of the main petition which is a public interest litigation, the petitioners prayed for direction against the authorities to discharge their duties and functions under the Karnataka Preservation of Trees Act, 1976 and the Karnataka Preservation of Trees Rules, 1977, as also to adhere to the guidelines set out by the judgment of the Bombay High Court with regard to felling of trees. 2. An interim application-I.A.No.5 of 2024 came to be filed by the applicant-Rail Infrastructure Development Company (Karnataka) Limited, who was original respondent No.11, praying to vacate order dated 12.06.2024 which

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			<p>was passed in the writ proceedings whereby, the respondent-Bruhat Bengaluru Mahanagara Palike (BBMP) was prohibited from felling the trees. In the said application, the applicant prayed for permission to fell the trees for the reasons stated in the application. 3. On 27.09.2024 when the said interim application came up for consideration, this Court passed the following order, extracting the relevant part, "3.4. In the instant application seeking to permit the felling of the trees as per said order dated 29.05.2024 and to vacate the order dated 12.06.2024, which may operate against the applicant-Development Company not to permit it to fell the trees, it is the case that the applicant-Development Company is a joint venture of the Government of Karnataka and Ministry of Railways. Constituted under the Companies Act, 1956, it is established to enhance the rail infrastructure projects in Karnataka and is responsible for executing the Bangalore Sub-Urban Rail Project (BSRP). It aims to make available the world class rail infrastructure. The applicant-Development Company is an implementing agency for the aforesaid BSRP. 3.5. It is stated that in the process of execution of the BSRP project by the applicant, it has become necessary to remove the trees standing at the project area. It is stated that the applications are submitted to the Authorities in this regard which are processed and considered. It is stated that the applicant is abiding by all norms and procedures. The kind and nature of civil work which is required to be undertaken and executed by the applicant in completion of the BSRP project, is detailed in paragraph 5 to bring out the nature of work required to be executed by the applicant. 3.6 The applicant inter alia averred and pleaded in paragraph 5 as under, "The Civil works (excluding stations) of corridor-2 (25.578 km length) and Corridor-4 (46 km length) has been awarded to M/s. L and T Limited and construction activities for both corridors are currently in progress. Corridor-2 involves the construction of an of an 8 km elevated viaduct, including a 1.2 km double-decker bridge at Mohan Kumar Road and a 17.55 km at-grade alignment. A total of 14 stations including 2 future stations have been proposed for Corridor-2. In connection with the above project, the BBMP Forest Department has issued Official Memorandum No.DCF/PR-356/2024-25 dated 29.05.2024 addressing tree felling, retention and transplantation as per the "Memorandum of Procedure adopted to assess the trees pertaining to Applications submitted under the Karnataka Preservation of Trees Act, 1976". This memorandum was submitted by TEC, revised and accepted by the Hon'ble High Court of Karnataka. However, on account of stay order dated 12.06.2024, the ongoing construction works have been significantly hampered, leading to a daily financial loss of 8.3 lacs in affected length (2.010 km). The tangible and intangible losses will be even more which cannot be accessed in monetary terms as the people of Bengaluru are already suffering due to inadequate public transport available in the city leading to increasing environmental pollution by using the personalized mode of transport and also accidents. I submit that Corridor-2 is to be implemented at a total project cost of Rs.859.970 Crores and time for completion of the project is 27 Months. I submit that total length of Corridor-2 is 25.578 kms. I submit that possession of the work site is already handed over to the contractor, the delay in the project will not only extend the project timeline but also incur additional claims for idle charges from the contractor. Therefore, there is an urgent need to vacate the interim order allowing the resumption of the essential construction activities." 4. It is to be noticed that by the orders dated 23.04.2019 and 03.09.2020, this Court has constituted the Tree Expert Committee which comprises of the expert members. The Committee examines the feasibility for felling trees and compliance of the provisions of the aforesaid Act of 1976 and Rules of 1977. The Committee consists of the experts from the environment, science, technology and other related fields. 4.1. The applications were made by the applicant before the said Committee to permit them to remove the trees in the area of project. The application resulted into order dated 29.05.2024. It is this order which the petitioner seeks to implement by praying that the prohibition against felling of tress</p>

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			<p>provided for by the Court in order dated 12.06.2024 may be lifted. 5. The Court was taken through the relevant material produced with the present application including the contents of the memorandum dated 29.05.2024 whereby the Tree Officer has granted permission to the applicant to cut 699 trees. While the Court noticed from the said Memorandum dated 29.05.2024 that while permitting to cut and remove each of the 699 trees, the Committee has given its tree-wise recommendations. In all trees listed with the name and description, the recommendations are provided with reasons which weighed with the Committee to permit removal of the number concerned. 5.1. However, on a closure examination of the list of the trees contained in the memorandum and the recommendations, it could be noticed that the trees mentioned at Sl. Nos. 110 to 507 as well as the trees mentioned at Sl. Nos. 605 to 646 do not contain reasons for further recommendation. The Committee has only stated in its recommendation against each of the aforesaid trees that "tree is coming in proposed viaduct area recommended for felling". 5.2. Therefore, when no reasons are given for recommending the felling of trees, the decision of the Committee and the resultant office order dated 29.05.2024 insofar as it relates to trees mentioned at Sl. Nos. 110 to 507 and those mentioned at Sl. Nos. 605 to 646 could be said to be without application of mind. 5.3. In the aforesaid view, it is not permissible for the Court to permit the applicant to proceed with the felling of trees which are mentioned and permitted by the Tree Officer from Sl. Nos. 110 to 507 and from Sl. Nos. 605 to 646 in the Office Memorandum. The applicant shall not cut the said trees without complying with the conditions which are imposed herein below. 6. In the aforesaid view, the following order is passed, (i) The Tree Committee shall re-visit each of the above trees mentioned at Sl. Nos. 110 to 507 as well as at Sl. Nos. 605 to 646 in the Office Memorandum dated 29.05.2024 and re-examine the feasibility and permissibility for felling the said trees. (ii) After undertaking the inspection and examination as above, separate orders shall be passed with reasoned recommendation as may be thought fit by the Advisory Committee. (iii) The exercise shall be completed within a period of three weeks looking to the total extent of the area. (iv) A fresh order shall be passed by the Tree Officer based on the recommendations of the Tree Committee. (v) Rest of the trees except above numbers are permitted to be removed by the applicant if found to be falling within the project area upon compliance of the conditions which are already mentioned in Official Memorandum dated 29.05.2024. (vi) The conditions are hereunder reproduced, 1. No damage should be caused to the trees which are retained on the spot, while carrying out the civil works or any project related works. 2. The trees which are retained-on-site have to be properly protected and maintained. Accordingly K-RIDE should give an assurance in this respect. 3. The translocation of trees should be done at the following proposed locations in collaboration with the DCF, BBMP. As per your letter cited under ref. (c) no other developmental activity has to be carried out in the following proposed areas for translocation of trees. Location 1: Vacant Railway land available near RR College, Chikkabanavara, Bengaluru. Location 2: Vacant area available inside campus of CQAE, Jalahalli, Bengaluru 4. The Persons/ Agencies who are entrusted with translocation works should have sufficient knowledge and experience in such works. 5. The work of translocation of trees has to be executed under close supervision of Officials/Officers of Forest Wing of BBMP and according to the formulated guidelines of UAS, Bengaluru. 6. The trees so translocated have to be properly maintained and taken care of, for a minimum period of three years. 7. The entire process of translocation of trees has to be properly documented and records compiled in a systematic manner. 8. As per the Section 10 of KPT Act 1976, which provides that where any tree has fallen or destroyed due to force of nature or other natural causes, requires to plant a tree or trees in place of the tree so fallen or destroyed. 9. In lieu of the trees translocated, felled trees (sums upto 788), 10 healthy and heighted saplings have to be planted. The saplings have to be planted as</p>

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			<p>per forestry practices and maintained for a minimum period of three years. Photographs and proper documentation has to be there for saplings/ seedling planted. 10. Regular monitoring must be done to ensure the conducive growth of translocated trees and planted saplings/seedlings. (vii) In the event the Tree Expert Committee permits the felling of further trees, the Committee may impose any other conditions including the above conditions already imposed. 7. The present application is allowed-in-part to the aforesaid extent." 3.1. The aforesaid interim application was disposed of in the aforesaid terms and upon imposition of conditions and issuing directions on the applicant who wanted permission to cut the trees. 4. Today the proceedings of the petition came up for consideration accompanied by I.A.No.7 of 2024 filed by the said applicant-Rail Infrastructure Development Company as respondent No.11. What is prayed in this interim application is as under, "For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court be pleased to permit the applicant - Respondent No.11 to implement the O.M No. DCF/PR 1448/2024-25 dated 30.10.2024 issued by the Tree Officer and Dy. Conservator of Forests, BBMP, Bengaluru for removal of 440 standing on the Project Area from Benniganahalli Railway Station to Chikkabanavara Railway Station excluding station buildings for design and construction of elevated viaduct of length 8.027 kms and AT-Grade section of length 17,551 kms for corridor 02, Bangalore Sub-Urban Rail Project (BSRP) in Bengaluru and also permit K-RIDE to take up compensatory plantation work through BBMP, Forest Wing within the jurisdiction of Bangalore Metropolitan Region Development Authority (BMRDA)." 4.1 In the accompanying affidavit, it is stated inter alia by the applicant as original respondent No.11 that pursuant to the directions and observations of the Court in the order dated 27.09.2024 aforequoted, the Tree Expert Committee (TEC) inspected each and every tree which were though proposed to be cut, were without subjected to any survey. The survey was thereafter undertaken in respect of each of such trees, totally 440 trees and the report relating to each tree was prepared. 4.2 About compliance of the directions, it is stated in the affidavit by the General Manager (Civil) of the Rail Infrastructure Development (Karnataka) Company as under, "In compliance of the directions of the Hon'ble Court the TEC has re-inspected each and every tree and submitted a detailed report on individual tree to the Tree Officer and Deputy Conservator of Forests, BBMP. Considering the report of the TEC, the Tree Officer and Deputy Conservator of Forests, BBMP has issued a fresh OM bearing No.DCF/PR/1448/2024-25 dated 30.10.2024 in respect of 440 trees (which are at 110 to 507 as well as the trees mentioned at Sl. Nos. 605 to 646 to OM dated 29.05.2024). As per the OM dated 30.10.2024 the Field Forest Officer has carried out inspections on 16.10.2024 and 17.10.2024 and submitted the mahazar and report relating to 440 trees. Upon receipt of the said records, the spot/location was revisited and the field inspection was carried by reassessing the trees by the TEC on 19.10.2024, 21.10.2024 and 22.10.2024." 4.3. Thus, it is stated that as directed by this Court, field inspection was undertaken in respect of each of the 440 trees and survey was conducted for the purpose of feasibility and permissibility of cutting those trees. It is further stated that physical verification of the trees was undertaken by the TEC and it was found that there was no possibility of saving those trees. Therefore, removal of all the 440 trees was recommended. The TEC assigned reasons for removal of each tree individually and the report is produced along with the affidavit (figuring at Annexure-R2, page 80). 5. A perusal of the said report of TEC indicates that it is a detailed report and that, physical survey of each tree was undertaken and assessed for the purpose of its removal. It further emerges that the Company has undertaken compensatory afforestation work through the BBMP by planting 10 healthy saplings for every tree that is felled or translocated. It is given out that work orders have been issued in this regard for planting 7880 saplings in the BBMP limits which is in compliance of the directions of the Original Memorandum dated 29.05.2024 and in pursuance to the conditions</p>

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			<p>imposed by the Court in that regard. 5.1. The facts stated in the affidavit regarding compliance of the observations and directions in the previous order dated 27.09.2024 passed by this Court is satisfactory and deserves to be accepted. 5.2. Learned advocate for the petitioners was also not in a position to dispute the factum that each of the 440 trees now proposed to be cut has been inspected, surveyed and assessment is done recommending removal and further that, compensatory plantations are also undertaken. 6. While disposing of the present application-I.A.No.7 of 2024 granting the prayer made therein, it is, however, directed that the applicant-Rail Infrastructure Development Company (Karnataka) Limited shall place on record complete details of the compensatory plantation which may be undertaken and completed along with simultaneous removal of 440 trees. Such report shall be filed in the proceedings of the main Writ Petition No.17841 of 2018 soon after the work of removal of trees is over and compensatory plantation is done. 6.1. The above exercise shall be done preferably within three months. If it is not possible to be done within three months, the applicant-Rail Infrastructure Development Company (Karnataka) Limited is permitted to file application for extension of time which will be considered in accordance with law. 7. I.A.No.7 of 2024 stands disposed of as above. ORDER IN THE MAIN PETITION Learned advocate for the petitioners submitted that various orders are passed in the proceedings and directions are issued to the respondents more particularly, respondent Nos.5 and 7. 2. The said respondents as well as all other respondents are required to file comprehensive affidavit/response dealing with the aspects which are required to be observed by the Court in its various orders. This shall be done before the next date of hearing. 3. For compliance purpose, any information which is required to be provided by the Government authorities to the party concerned, shall be provided once necessary application in this regard requiring the specific information is given by the party concerned to the competent authority. Put up on 03.04.2025.</p>
102	CHIEF JUSTICE AND K. V. ARAVIND	18/12/2024	<p>ORAL ORDER ON I.A No.8 OF 2024 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Learned Senior Advocate Mr. Dhyan Chinnappa appears for the applicant-respondent No.5. Learned advocate Ms.Darshini for learned advocate Mr. Pradeep Nayak for the petitioners seeks time. To be listed for further hearing on 15.01.2025.</p>
103	CHIEF JUSTICE AND M.I.ARUN	15/01/2025	<p>(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Stand over to 19.02.2025.</p>