

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 II<sup>nd</sup> ADDITIONAL TYPED SET OF DOCUMENTS**

1.	<b>Annexure R-1:</b> Daily Orders passed in WP No.17841 of 2018 before the Hon'ble High Court Karnataka.	1 - 9
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CHENNAI

DATE: 18/03/2025



ADVOCATE FOR RESPONDENT NO.2

Sl. No	Judge(s) Name	Date of Order	Daily Order
			<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>
104	CHIEF JUSTICE AND M.I.ARUN	22/01/2025	<p>(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) By filing I.A.No.2 of 2025, the allegation is that the Command Hospital (Air force), Bengaluru, in the process of expansion of its set-up, is to proceed to cut large number of trees and that the trees have been cut within the precinct and premises of the hospital. It is the further allegation that cutting of the trees has been taking place in violation of the series of orders passed by the Court in this public interest petition time to time and further in breach of the provisions of the Karnataka Preservation of Trees Act, 1976 and the Karnataka Preservation of Trees Rules, 1977. Learned advocate Mr. S.H. Prashanth appearing for respondent No.4-the Bruhat Bengaluru Mahanagara Palike submits that the copy of the application-I.A.No.2 of 2025 is not served to him. Learned advocate for the applicants-petitioners to serve copy of the application to him. Reply shall be filed. Till further orders, there shall be no cutting of trees. Stand over to 04.02.2025.</p>
105	CHIEF JUSTICE AND M.I.ARUN	04/02/2025	<p>(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) To be listed on 06.02.2025 at 02.30 p.m.</p>
106	CHIEF JUSTICE AND M.I.ARUN	06/02/2025	<p>(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Learned Additional Solicitor General of India Mr. K. Arvind Kamath appeared on behalf of the Command Hospital (Air Force), Bengaluru to submit that with reference to the order dated 22.01.2025, the Command Hospital is a necessary party since it proposes to cut trees for the purpose</p>

Sl. No	Judge(s) Name	Date of Order	Daily Order
107	CHIEF JUSTICE AND M.I.ARUN	10/02/2025	<p>of expansion of the hospital. Learned advocate for the public interest petitioners agrees to join the Command Hospital as party respondent. The amendment shall be carried out by joining the Command Hospital as party respondent immediately. Reply is filed today by the newly added party-Command Hospital. The same is taken on record. The petition shall be next listed on 10.02.2025 at 2.30 p.m.</p> <p>ORAL ORDER ON I.A.NO.5 OF 2025 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) However, by virtue of the order dated 06.02.2025 passed in the main writ appeal No.17841 of 2018, the prayer made in this interim application stands granted. I.A.No.5 of 2025 is accordingly disposed of. Stand over to 13.02.2025. ORAL ORDER ON I.A. NO.6 OF 2025 WITH I.A. NO.2 OF 2025 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Heard learned Additional Solicitor General, assisted by Deputy Solicitor General of India for the applicant-Command Hospital Air Force Bangalore and learned Advocates for the respective respondents in the application. 2. The applicant-Command Hospital Air Force Bangalore-original respondent No.7 has filed this application praying to recall order dated 22nd January 2025 passed in the main writ petition. By the said order, it was directed that there shall be no cutting of trees till further orders. The said order is applicable to the applicant, against whom the case of the public interest petition was that the applicant was engaged in uprooting and felling of trees in large numbers for the purpose of expanding the Hospital campus. The applicant-Command Hospital Air Force Bangalore became party to the proceedings as allowed as per order of even date. 3. In this application, it is the case of the applicant- Command Hospital Air Force Bangalore that it is a Medical Institution under the administrative control of the Ministry of Defence, Government of India providing specialized medical care to the personnel of Indian Air Force, Army, Navy and their dependants and caters to the medical need of about 2,50,000 staff including ex-servicemen. 3.1 It is stated that the Hospital has proposed to undertake an infrastructure project for constructing modern multistoried Hospital Complex with 800 bed capacity at its present location in Ulsoor, Bengaluru. The Government of India has granted sanction as per approval letter dated 12th July 2024 at the total cost of Rs.771.63 crores and that it is a time bound project. It is stated that for the purpose of implementing the project, old and dilapidated Hospital building which is structurally unsafe has to be demolished. 3.2 It is further stated that within the designated area earmarked for the construction 749 trees are identified, which would be required to be cut. The applicant- Command Hospital Air Force, Bangalore, sought permission from the Bruhat Bengaluru Mahanagara Palike (BBMP) for retention, transportation and removal of trees. It is stated that the applicant had already undertaken plantation initiative as part of its commitment to the environment conservation, and between August 2024 to December 2024, 5380 saplings were planted, which was in accordance with the compensatory plans and the directions of the BBMP and conditions imposed in court orders. 3.3 It was further stated that the aforesaid afforestation drive was undertaken at Air Force Station, Yelahanka and at Air Force Technical College, Jalahalli which are the Air Force establishments within the limits of the BBMP. The BBMP undertook detailed site inspection and followed the process under Section 8(3) of the Karnataka Preservation of Trees Act, 1976. Permission for retention of 211 trees, translocation of 8 trees and removal of 533 trees have been granted, it is stated. This assessment of trees was carried out in collaboration with the Tree Expert Committee. 4. Learned Additional Solicitor General of India for the applicant- Command Hospital Air Force Bangalore submitted that order dated 22nd January 2025 prevented the applicant without hearing the applicant. It was contented that the applicant has already complied with the directions of the Tree Expert Committee as well as the norms prescribed by the Forest Department. 4.1 In support of the claim and case, the applicant has produced copy of map reflecting the space to</p>

Sl. No	Judge(s) Name	Date of Order	Daily Order
			<p>be utilized for expansion and construction of the Hospital. Also figures on record, Office Memorandum dated 26th December 2024 by the Tree Officer, BBMP. The said report mentions about the physical verifications and all other relevant details examined by the Tree Expert Committee in relation to the retention, translocation and removal of trees, as is permitted in the report. 4.2 List of the trees for retention is annexed to the report with remarks against each identified tree with its girth and height. Total trees mentioned are more than 569. Similarly, the trees for translocation and trees permitted to be cut are also enlisted with their due details and remarks against each of them. 4.3 Learned Additional Solicitor General of India took the Court through the relevant details in all the aforementioned documents and the reports. 5. It is to be noted that against each tree which is to be felled, ten more trees will have to be planted as per the operative condition. Thus, for felling of 530 trees, the applicant will be raising 5380 number of new trees. The compensatory plantation plan for this purpose is also produced on record. 6. Learned advocate for the original petitioner-Mr. Pradeep Nayak had a grievance that new trees are planted at a different place. Therefore, the trees may not be permitted to be cut within the precincts and premises of the Hospital. This submission could not be countenanced when it was pointed out that in the area where the present Commandant Hospital is located and being expanded, no space available for planting of new trees. The compensatory trees are in any case within the BBMP area and considered in totality, it will have balancing effect on the environment. 7. In light of the above facts emerging on record, the aspects indicated and the reasons supplied, applicant- Command Hospital Air Force Bangalore is permitted to cut the trees, in compliance of the provisions of the Karnataka Preservation of Trees Act, 1976, in compliance of Rules of 1977 framed thereunder, further as per and in accordance with the permission given by the Tree Officer in its memorandum/order dated 26th December 2024 by strictly complying with the conditions imposed as well as by scrupulously observing the conditions which are provided for in different orders passed by this Court in the present proceedings. I.A. No.6 of 2025 is allowed and the stay against felling of trees by the applicant-Command Hospital Air Force Bangalore in order dated 22nd January 2025 is vacated, in the above terms. I.A.No.2 of 2025 accordingly stands disposed of. ORDER ON I.A. NO.4 OF 2025 Heard learned Advocate General Mr. K. Shashikiran Shetty for the applicant, and learned Advocate Mr. H.L. Pradeep Kumar for the original petitioner as well as learned Advocate Mr. S.H. Prashanth for the respondent-BBMP. 2. This application is filed by the applicant-Rail Infrastructure Development Company (Karnataka) Ltd. (K-RIDE)- original respondent No.11, praying to permit it to implement Office Memorandum dated 21st January 2024 issued by the Tree Officer and by Deputy Conservator of Forest, BBMP, Bengaluru and to undertake the translocation and removal of trees as per the said order, in respect of the trees standing at the project area, Ambedkar Nagar, Mudenahalli Line Cross, Bengaluru Suburban Rail Project, in the City of Bengaluru. 3. It is stated in the application that applicant is a joint venture of State of Karnataka and Ministry of Railways, established to enhance the rail infrastructure projects in the State. It is stated that in the process of carrying out the project, wherever the existing trees are required to be removed, it has been done following the norm of planting of ten trees against every tree felled or translocated. It is stated that in felling and translocation of trees wherever required, the applicant has been following the legal requirements and procedures as well as complies with the conditions imposed by the orders of the Court passed from time to time in the present public interest proceedings. 3.1 Following is stated and pleaded in the present application, extracting the relevant paragraph, "6. The Civil works (excluding stations) Corridor- (46.88 km length) has been awarded to M/s. L and T Limited and construction activities for corridors are currently in progress. Corridor-4 involves the construction of a 8.96 km elevated viaduct and a 37.92 km at-grade alignment. A total of 19 stations</p>

Sl. No	Judge(s) Name	Date of Order	Daily Order
			<p>have been proposed for Corridor-4 from Heelalige to Rajankunte and out of 46.88 km 34.30 km i.e. from Ambedkarnagar to Muddanahalli line cross falls within the BBMP Jurisdiction. 7. In connection with the above project, K-RIDE had submitted Application No. K-RIDE/BSRP/ Tree Auction/ Cooridor-4/16 dated 08.05.2023 for removal of 2364 trees (947 in respect of Block-1) and (1417 in respect Block-2) to the Tree Officer and Dy. Conservator of Forests, BBMP, Bengaluru seeking permission for clearance of trees which are standing at the Project Area for construction of Bengaluru Sub Urban Rail Project (BSRP) of Corridor 04 from Ambedkarnagar to Channasandra Railway station (Block-1) and Channasandra Railway station to Muddanahalli Line Cross, Bengaluru (Block-2). 8. Subsequently, on 19.05.2023, the concerned Field Forest Officer carried out an inspection. During inspection of the project area, it was found 226 trees in respect of Block-2 were already missing. Therefore, the balance enumerated trees standing in the project area was 2138 trees (947 in Block-1) &amp; (1191 in Block-2). Since, number of trees were reduced after inspection, one more Application No. K-RIDE/BSRP/Tree Auction/ Cooridor-4/20 dated 12.09.2023 for removal of 2138 trees was submitted. Thereafter, Public notice was issued on 04.10.2023 calling for objections if any, from general public for removal of 2138 trees. Thereafter, due to change of alignment/quadrupling additional 265 numbers of trees were identified in the project area. The said fact was also confirmed during the preliminary inspection carried out by the Tree Officer on 07.02.2024. Therefore, the total number of trees increased to 2403 trees. Again, at the time of TEC inspection conducted on 18.03.2024 to 21.03.2024 it was found 302 trees which were standing in the project area were missing and additional 337 unnumbered trees were identified in the project area. Therefore, total trees standing in the project area were concluded to 2403-302= 2101 and additional 337 unnumbered trees come to 2438. Addendum (public notice) was issued calling upon objection for total 592 tree i.e. 40 unnumbered trees in respect of Block-1 and 255 additional and 297 unnumbered trees in respect of Block-2. The Tree Officer and Dy. Conservator of Forests, BBMP, Bengaluru and TEC (Tree Expert Committee) have completed the process of consideration of this application by following due procedure laid down by this Hon'ble Court." 3.2 It is further stated that after inspection of the site, the Tree Officer has issued the office memorandum/order dated 21st January 2025 as per the provisions of the Karnataka Preservation of Trees Act, 1976. The request of the applicant was considered and based on the assessment the Tree Expert Committee, the Tree Officer and the Deputy Conservator of Forests, BBMP has issued the aforesaid memorandum/order. 3.3 The applicant has further stated that all the conditions, which are reproduced hereinbelow found in the aforementioned order dated 21st January 2025 by the Tree Officer, will be adhered to, "(11) 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, K-RIDE should give 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 01 - Vacant areas available at the offshore of Harohalli Lake, Bengaluru- suitable for translocation of 19 trees. 2. Location Site 02- Vacant space along the boundary close to the fence of the Offshore of Ramagondanahalli Lake, Bengaluru- suitable for translocation of 50 trees. 3. Location Site 03- Vacant spaces along the boundary wall and vacant space along the footpath, offshore of Vaderahalli Lake, Bengaluru-suitable for 50 trees. 4. Location Site 04- Vacant spaces at the Tank Buffer zone at Sy. Nos. 49/3, 39, 29 &amp; 30, Offshore Hale Byrohalli Lake, Hunasemaradapalya, Bheemanakuppe, Bengaluru- suitable for remaining 170 trees. 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</p>

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			<p>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, 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 2805 trees (2277 translocated/felled and 528 trees already removed/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 five 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.” 3.4 As per the order of the Tree Officer, the applicant is denied permission to remove 161 trees and provided that these 161 trees shall continue to stand at the present locations. The reasons for not granting permission to fell these trees is indicated in the table. Similarly, 289 trees which are also listed with remarks in tabular form will be translocated to the suitable places as per the conditions mentioned. The remaining 1988 trees which are also listed with remarks against each of the trees are permitted to be removed. However, the removal and felling of such trees shall accord the norms adopted by the Karnataka Forest Department. 4. It is to be mentioned that learned advocate for the petitioner objected to grant of permission to the applicant to fell the trees. It was submitted by him that out of more than 1,000 trees at the site, when the inspection took place 500 trees were already cut unauthorisedly. It was therefore submitted that the conduct of the applicant was one of negligence for which the applicant should be penalised and should not be permitted to cut the trees since unauthorised felling of trees amounted to violation of conditions. 4.1 Reference was made to the report of the Tree Expert Committee given in January 2025 dealing with the trees standing at the project area location. In Block No.2, all 226 trees were found to have been illegally cut and in all, 528 illegally cut trees were indicated in the Tree Expert Committee report. 4.2 Learned Advocate General was not in a position to disown the aforesaid factual aspects. However, he submitted that FIR has already been registered for felling of trees unauthorisedly and without knowledge of anybody. In this regard, observance of norms is the issue of concern. 5. As far the present case is concerned, large number of trees are identified with remarks against the respective tree by the Tree Expert Committee for the purpose of their retention, translocation or removal, as the case may be. 5.1 In view of the fact that the Tree Expert Committee has examined each of the tree for the purpose of removal, translocation or retention, as the case may be, and the applicant is pleaded and shown readiness to comply with the conditions imposed as above, the prayer permitting to fell trees would be favourably considered. 5.2 Therefore, the Court is not inclined to deny the permission to the applicant to cut the trees. However, since 528 trees were found to be unauthorisedly removed, irrespective of the fact whether it was on account of culpability on part of the applicant or not, an additional condition is imposed on the applicant that it shall by way of compensatory afforestation plant 5,000 more trees over and above the trees ten times in numbers which the applicant would be required to plant against the total number of trees permitted to be removed. Furthermore, the FIR which is filed shall be taken to its logical end. 6. In light of the above, the applicant-Rail Infrastructure Development Company (Karnataka) Limited is permitted to cut the trees which are 1988 in numbers, as indicated above, which shall be done in compliance of the provisions of the Karnataka Preservation of Trees Act, 1976, in compliance of Rules of 1977 framed thereunder and also by adhering to the conditions imposed in the permission order of the competent authority dated 21.01.2025. The applicant shall strictly comply with the said conditions as also will</p>

Sl. No	Judge(s) Name	Date of Order	Daily Order
108	CHIEF JUSTICE AND M.I.ARUN	13/02/2025	<p>scrupulously observe the conditions which are provided for in different orders passed by this court in the present proceedings, including the conditions mentioned in paragraph 5.2 above. 7. This application is disposed of as allowed subject to above directions. Stand over to 13.02.2025.</p> <p>(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) The applicant-Bangalore Metro Rail Corporation Ltd., by filing this application-I.A.No.8 of 2024, seeks permission of the court to implement the order/ Official Memorandum dated 05.12.2024 of the Tree Officer and the Deputy Conservator of Forests, Bruhat Bengaluru Mahanagara Palike (BBMP), Bengaluru and consequently to permit to cut 61 trees. 2. According to the applicant the trees are required to be cut in view of the 2nd phase implementation of the project where due to change of some alignment, the requirement arose to fell certain more trees. Earlier also, the applicant had sought for permission of the court pursuant of the order of the Tree Officer for removal of 429 trees which was granted by the court on conditions mentioned in the earlier order dated 03.09.2024 in I.A.No.6 of 2024. 3. As per the instant order dated 05.12.2024 of the Tree Officer, the petitioners is permitted to retain 15 trees at their present location, 06 trees are to be translocated whereas, 61 trees will be permitted to be removed. One of the conditions to be observed by the applicant against the felling of 55 trees is that they should carryout the compensatory afforestation action by planting 10 more trees against each tree permitted to be removed. In other words, the applicant will have to plant about 610 trees as part of afforestation in lieu of felling of the trees. 4. It transpires from the record which was highlighted by learned advocate Mr..Pradeep Nayak for the petitioners that the Bangalore Metro Rail Corporation Limited (BMRLC) identified the location for planting of compensatory trees to be at Dobaspet 4th Phase (Avverhalli) Industrial Area, Nelamangala Taluka, Bengaluru. It was submitted that this area where the trees will be planted as compensatory afforestation is 45 kms. away from the territorial area of the BBMP. It was submitted that if this departure is permitted and the applicant is allowed to plant the trees far away from the BBMP area, the city of Bengaluru and the surrounding areas will suffer in terms of environment protection and tree cover will gradually vanish. 4.1. As against this, learned Senior Advocate Mr. Dhyan Chinnappa for the applicant submitted that no space is available where the afforestation plantation can be undertaken. He invited the attention of the court to the order dated 22.06.2021 passed by the court in the present public interest proceedings, wherein it was observed that the translocation and the afforestation should be done at the same site as far as possible. It was observed that if the place is not available where the trees are presently located, the afforestation plantation may be done at nearby suitable space. It was, however, observed, learned Senior Advocate harped, that it is ultimately for Tree Expert Committee to specify the specific location whether the trees should be translocated or replanted. It was submitted that the Tree Expert Committee has already allowed the aforesaid place for afforestation plantation. 5. The Tree Officer though an officer under the Karnataka Preservation of Trees Act, 1976, is an officer of the BBMP also. The BBMP is a party to the proceedings. 6. In the totality of facts and circumstances, when the normal condition is that the afforestation plantation should be done at the same place where the trees are located or at the best should be done within the territorial area of BBMP, the court considers it appropriate to call upon the BBMP to find out and apprise the court whether it is possible to require the applicant to plant the fresh 610 trees anywhere within the territorial limit of the BBMP which may be the area of park or any open space where the trees could be planted in compliance of the condition. 7. The court is aware that the project in question is also for public good and public interest. Nevertheless, in order to ensure that the environmental balance of the city does not get disturbed in the long run, the exercise of requiring the BBMP to find out the suitable</p>

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109	CHIEF JUSTICE AND M.I.ARUN	19/02/2025	<p>place for afforestation plantation, if available, within the BBMP area is directed. 8. Learned advocate Mr. S.H. Prashanth who appears for the BBMP who will take instructions, causing the BBMP to undertake the exercise of surveying the areas to find out the feasibility of planting afforestation trees in such available area within the BBMP limits. 9. The court may be apprised about the response of the BBMP in the above regard on the next date. 10. Put up on 19.02.2025 at 2.30 p.m.</p> <p>ORAL ORDER ON I.A.NO.8 OF 2024 (PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) Heard learned Senior Advocate Mr. Dhyan Chinnappa with learned advocate Mr. H.L. Pradeep Kumar for the applicant-the Bangalore Metro Rail Corporation Limited (BMRCL), learned advocate Smt. Abhirami S. Pillai for learned advocate Mr. S.H. Prashanth for respondent No.4-the Bruhat Bengaluru Mahanagara Palike (BBMP), learned Government Advocate Mr. K.S. Harish for respondent No.1-State of Karnataka and learned advocate Mr. Pradeep Nayak for the original petitioners. 2. The present application is filed by the applicant-BMRCL which is respondent No.5 in the main petition. What is prayed in this application is to permit the applicant-BMRCL to implement the official memorandum/order dated 05.12.2024 issued by the Tree Officer &amp; Deputy Conservator of Forests, BBMP for translocation of 6 trees and removal of 55 trees. 2.1 These trees stand in the area of project of the applicant for construction of elevated structure (Viaduct and Station) and five elevated metro stations at Metro Viaduct of Phase 2B, Package-2, project alignment from Kempapura to Bagalur Cross including Portal Piers locations and LHS/RHS Service Road and station areas of Phase 2B, package-2, Bengaluru. 3. 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. 3.1 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. 3.2 In the present application, which accompanies the affidavit filed by the Deputy General Manager (BMRCL), it is stated inter alia that the BMRCL made the applications dated 10.06.2024 as well as dated 19.07.2024 before the Tree Officer requesting for permission for clearance of 76 trees which have been standing in the project area. It is stated that pursuant to the applications, the Tree Officer completed the process of surveying and examining the trees as per the procedure laid down by this court in the orders passed from time to time. 3.3 It is stated that earlier also for the very project, permission was asked for to remove 429 trees for its Phase 2B Metro Project. The Tree Officer granted permission on 26.07.2022, whereby 15 trees were permitted to be retained, 29 trees were permitted to be translocated and 382 trees were permitted to be removed. It is stated that thereafter due to change of alignment, additional 76 trees were required to be translocated. For which, the aforesaid applications were made. 4. The applicant has requested to the official memorandum/order passed by the Tree Officer dated 05.12.2024 in exercise of powers under Section 8(3) of the Karnataka Preservation of Trees Act, 1976 and based on the guidelines as well as the decisions taken as per the Field Inspection Report. The schedule of the order indicates that 15 trees are listed with remarks against each of the trees, which are permitted to be retained and they are provided to continue to stand at the present location. 6 trees are also mentioned with remarks against each tree in the area, which were permitted to be translocated. 55 trees which are again listed with remarks were permitted to be removed for construction of elevated structure and five elevated metro stations. 4.1 While passing the said order, the Tree Officer has imposed certain</p>

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			<p>conditions 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. 1. Location site Vacant space at KIADB, Hi-Tech &amp; Defense &amp; Aerospace Park (Adjacent to KIA, Huvinayakanahalli, 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." 4.2 It is stated that the conditions provided by the Tree Officer in the aforesaid order dated 05.12.2024 shall be complied with and the BMRCL has agreed to work in terms of the agreement as per the methodology suggested by the expert agencies. It is stated that the BMRCL shall abide by the conditions issued by the Tree Officer in the order dated 05.12.2024. 4.3 The applicant has further stated as under, (i) The BMRCL will submit the report regarding the condition of the translocated trees to the Tree Officer and the compensatory plantation done. Such report will be prepared every quarter, for a period of three years. (ii) The BMRCL has proposed receptor site for translocation and it will submit the soil analysis report to the Tree Officer. (iii) The Tree Expert Committee has inquired from the BMRCL about the precise location of the proposed areas for translocation along with specific receptor site and that the BMRCL has furnished necessary details to the Tree Officer on 13.11.2024. (iv) The BMRCL has submitted compensatory plantation plan to the Tree Officer along with soil test report. (v) The BMRCL has further submitted general guidelines for species and the planting technique module to the Tree Officer. 4.4 The applicant has further given the details of the steps taken by it for compliance of the conditions in the earlier official memorandums/orders, whereby it was permitted to cut the trees. 4.5 Along with the affidavit, the official memorandum/order dated 05.12.2024 is produced. It could be seen from the said order that the Tree Officer has examined each of the trees identifying the same with name, its girth and height and has given his remarks in respect of each of such tree recommended either for retention or for translocation or allowed to be removed, as the case may be. 5. When the Tree Officer has examined each of the trees scientifically on the basis of the survey and inspection report, and has come to the conclusion about the number of trees to be retained, translocated and removed and the permission for removal of trees is granted as per the order dated 05.12.2024, the prayer in this application deserve to be granted. 5.1 The applicant-BMRCL is permitted to implement the official memorandum/order of the Tree Officer dated 05.12.2024 to remove the trees as permitted. The trees as directed shall be retained and the number of trees permitted to be translocated shall be translocated by the petitioners in a scientific manner. The conditions in the order shall be complied with by the applicant. 5.2 The compensatory plantation shall also be done of</p>

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			<p>minimum ten trees against each single tree removed or cut as per the operative condition, it could be reasonably said that the environmental balance would be maintained. 5.3 While permitting the applicant-BMRCL to implement the aforesaid order dated 05.12.2024 of the Tree Officer, it is directed that the applicant shall comply with the conditions on which the removal of the tree is permitted as well as will abide by the Karnataka Preservation of Tress Act, 1976 and the Rules framed thereunder. 6. Necessary quarterly reports about the translocated trees shall be submitted every three months from the date of translocation. The compensatory plantation shall be undertaken expeditiously to ensure that minimum requisite number of trees are replanted to compensate the loss of trees permitted to be removed. 7. The present application is allowed in the aforesaid terms. Stand over to 21.04.2025.</p>