

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In O.A. No. 168 of 2024)

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors. Respondents

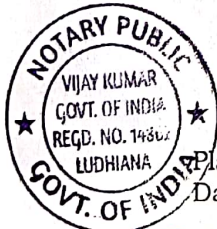
Affidavit of Er. Kapil Dev (aged 47 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

Identified that the deponent has signed before me I know him/her personally

- 1. That the deponent (Petitioner No. 1) along with other petitioners have filed Original Application No. 168 of 2024 before this Hon'ble National Green Tribunal.
- 2. That the contents of paras no. 1 to 4 of the Rejoinder along with Annexures are true and correct to my knowledge.



5747

Place: Ludhiana
Dated: 04.04.2024

Certified that the affidavit SPA/GPA has been readover & explained to the deponent/executant who seemed directly to understand the matter at the writing

[Signature]
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 04.04.2024

ATTESTED AS IDENTIFIED
[Signature]
NOTARY PUBLIC, LUDHIANA (PB.)
04 APR 2024

[Signature]
DEPONENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In O.A. No. 168 of 2024)

Kapil Dev & ors. Applicants

vs.

State of Punjab & ors.Respondents

Subject: Rejoinder by the Applicants with plea of Interim orders of this Hon'ble Tribunal to the Respondents to comply with the Five Bench orders dated 26-11-2019 of this Hon'ble Tribunal (in in M.A. No. 229 of 2019 in O.A. No. 346 of 2019) pertaining to Census of trees and removal of unwanted materials from trees coming under their jurisdiction AND for directions to the Respondent No. 1 to Administrative orders for protection of trees till policy is finalized.

Hon'ble sir,

Respectfully sheweth,

The petitioners humbly submit as under:

1. That after witnessing instances of axing of large number of trees in Ludhiana, the Applicants have approached this Hon'ble Tribunal with plea as submitted in this Original Application. As already submitted before this Hon'ble Tribunal in the Original Application that the

Municipal Corporation Ludhiana, Greater Ludhiana Area Development Authority and Ludhiana Improvement Trust have all have failed to complete enumeration work till date but submitted false reply to the Forest Department in O.A. 200 of 2023.

2. That the illegal axing of trees in Ludhiana is still continuing and since the Respondents have failed to even start the enumeration (census) of trees, the incident of illegal axing of trees is still going on at large scale and most of the times, such act is done during holidays by the culprits leaving no evidence of existence of tree. Some known incidents of illegal axing of trees (Standing on Public Places) after filing of O.A. No 200 of 2023 by Applicants are produced as under:

S. No.	Location	Trees illegally Axed/Beheaded	Date
1	Park opp. 189-E, BRS Nagar, Ludhiana	The Trunk of Tree Axed by owner of 189-E, BRS Nagar, Ludhiana	01-04-2024
2	Sunder Nagar, Ludhiana	50 Years old Pipal tree illegally axed by owner of M/s Harjai Knitwear	24-03-2024
3	Outside 533-L, Model Town, Ludhiana	One Tree axed during midnight	24-03-2024
4	Rose Garden Chowk, near Gate No. 4 of PAU Ldh	One well grown tree of age around 30-35 years illegally axed by Staff of MCL	19-03-2024
5	SBS Nagar,	Instead of pruning, Main	21-02-2024

	Block E	Branches of large number of trees axed unscientifically and two trees completely axed illegally by Park Management Committee	
6	PARK Opp. 2999, Phase-1, Dugri	Many trees axed completely and Instead of pruning, Main Branches of large number of trees axed unscientifically leaving behind trunk upto few feet only	01/05-02-2024
7	Sarabha Nagar Ludhiana	10 Trees illegally axed	20/22-10-2023
8	Outside 546-E, BRS Nagar, Ldh	One tree completely axed illegally by owner of 546-E, BRS Nagar	04-11-2023
9	Rani Jhansi Road, Ghumar Mandi	One 100 year old Pipal tree illegally axed during midnight by owner of H. No. B-19-148/2-D, Rani Jansi Road, Ghumar Mandi, Ldh	30-11-2023
10	Arya Senior Sec. School, Varindhavan Road, Civil Lines, Ludhiana	10 Trees illegaly axed completely on the instructions of Principal of School	23-01-2024
11	Block-B, Kitchlu Nagar, Ludhiana	Instead of pruning, Main Branches of large number of trees axed unscientifically leaving behind trunk upto few feet only	During the Month of February 2024
12	Near Lyallpur	One tree completely axed and	During the

	Sweets, Kitchlu Nagar, Ldh	another 50-55 years old tree illegally axed leaving just 10' trunk	Month of February 2024
13	45' Road, Block-D, BRS Nagar, Ldh	Instead of pruning, Main Branches of Five trees axed unscientifically	December 2023

Eleven (11) Photographs pertaining to axing of some of the above detailed trees are produced herewith as **Annexure P-7**. It is pertinent to humbly submit here that due to missing policy for strict action against the culprits, the complaints filed by the Respondents as well as the Applicants has never seen the light of the day. The missing mechanism is encouraging such persons to illegally axe the trees standing in front of their houses/shops and the Respondent No. 1 has failed to submit even the draft of Policy before this Hon'ble Tribunal till date.

3. That in O.A. No. 346 of 2019, this Hon'ble Tribunal vide orders dated 08-08-2019 had directed the Municipal Corporation of Mohali to comply with the recommendation as under, thus;

(i) To prevent the damage of the root system of trees the area of 1 meter should be left de-concretized around the base of the trees where ever possible while construction of the pavements or roads to facilitate percolation of water to the roots. The area should be leveled with earth/soil and grass may be planted where ever it is possible. It is also suggested to discourage concretization/tiling of central verge of the roads/pathways.

- (ii) On narrower roads and paths, as far as possible, unpaved or katcha effective area of at least 1square meter be left around the trees.*
- (iii) The trees which are already concretized should be de-concretized manually without damaging the roots of the trees.*
- (iv) Due precaution should be taken in future so that no concrete or construction or repairing work is done at least within one meter radius of the trunk of trees. This even should be the part of contracting agreements by the Municipal Corporation / Concerned local Government.*
- (v) If public demands for the tiling of parking in front of their houses, then the same can be allowed to do by themselves withthe conditions of leaving the minimum space around the tree (square meter).*
- (vi) After removal of malba /concrete material etc., around the trees as the space will be filled with good soil should be carried out simultaneously.*
- (vii) Maintaining the Enumeration reister of the existing trees by the Municipal Corporation and the same should be updated yearly to have the checks of trees protection.*
- (viii) The trees which died due to the concretization should be replaced by the Municipal Corporation with the suitable tree species.*
- (ix) For the effective implementation of the above aspects a Tree Officer can be designated by the Municipal Corporation.”*

4. That since the Mc Mohali failed abide by the directions of this Hon'ble Tribunal (supra), the Hon'ble Five Judges Bench of this Hon'ble

Tribunal in M.A. No. 229 of 2019 in O.A. No. 346 of 2019 vide orders dated 26-11-2019 has directed the concerned Municipal Corporation and District Administration as under, thus;

Upon consideration of the facts and circumstances set out in the application and upon hearing the learned Counsel for the Applicant, we do not find it necessary to modify the order as prayed for considering that order dated 08.08.2019 in O.A. No. 346/2019 was passed based upon the recommendation of the Committee constituted by the Tribunal. We may, however, clarify that order dated 23.04.2013 in O.A. No. 82/2013 referred to by the Applicant in respect of the NCT, Delhi, shall also be applicable to SAS Nagar, Mohali, Punjab supplemental to the order dated 08.08.2019 passed in O.A. No. 346/2019. The concerned authorities shall take note of this and ensure that the directions are enforced.

(The copy orders of this Hon'ble Tribunal in O.A. No. 346 of 2019 as well as M.A. No. M.A. No. 229 of 2019 in O.A. No. 346 of 2019 are produced herewith as **Annexure P-8** & **Annexure P-9** Respectively)

PRAYER:

Keeping in view of directions of this Hon'ble Tribunal (supra), the Applicants humbly pray this Hon'ble Tribunal to issue interim orders to all the Respondents to strictly comply with the orders already passed by this Hon'ble Tribunal and complete the enumeration work. The

Applicant further pray this Hon'ble Tribunal to kindly issue directions to the Respondent No. 1 to finalise the draft regulatory mechanism within a certain fixed interval of time (as deemed to be fit by this Hon'ble Tribunal and since the incidents of illegal axing of trees is happening frequently, an administrative order may kindly be directed to be issued for protections of trees standing on Public Places in Punjab.



Date: 04-03-2024
Place: Ludhiana

Kapil Dev
(Applicant No. 1)

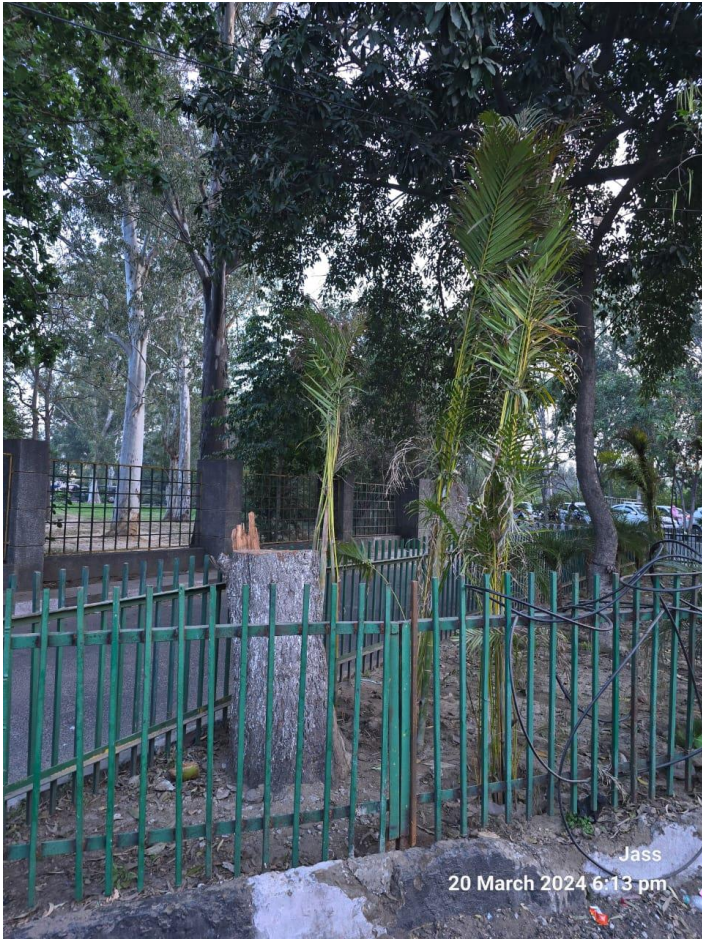
ANNEXURE P-7**11 PHOTOGRAPHS DEPICTING INCIDENTS OF ILLEGAL AXING OF TREES IN RECENT PAST AT LUDHIANA:**















Item No. 10

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 346/2019

Environment Protection Society (Regd.)

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

(Report filed in O.A. No. 346/2019)

Date of hearing: 08.08.2019

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Anshuman, Advocate

ORDER

1. The issue for consideration is action against illegal concretization of trees and filling up of trees pits with concrete and bitumen at SAS Nagar, Mohali, Punjab.
2. Vide order dated 29.03.2019, a joint report was sought from the Director, Town and Country Planning Department, Punjab and Principal Chief Conservator of Forest (HoFF), Forest Department, Punjab.
3. Accordingly, a report has been furnished by the Principal Chief Conservator of Forest (HoFF), Punjab stating that remedial action

has been taken to de-concretise the base of the trees wherever possible. The recommendations of the Committee are as follows:

“

- (i) *To prevent the damage of the root system of trees the area of 1 meter should be left de-concretized around the base of the trees where ever possible while construction of the pavements or roads to facilitate percolation of water to the roots. The area should be leveled with earth/soil and grass may be planted where ever it is possible. It is also suggested to discourage concretization/tiling of central verge of the roads/pathways.*
- (ii) *On narrower roads and paths, as far as possible, unpaved or katcha effective area of at least 1square meter be left around the trees.*
- (iii) *The trees which are already concretized should be de-concretized manually without damaging the roots of the trees.*
- (iv) *Due precaution should be taken in future so that no concrete or construction or repairing work is done at least within one meter radius of the trunk of trees. This even should be the part of contracting agreements by the Municipal Corporation / Concerned local Government.*
- (v) *If public demands for the tiling of parking in front of their houses, then the same can be allowed to do by themselves withthe conditions of leaving the minimum space around the tree (square meter).*
- (vi) *After removal of malba /concrete material etc., around the trees as the space will be filled with good soil should be carried out simultaneously.*
- (vii) *Maintaining the Enumeration reister of the existing trees by the Municipal Corporation and the same should be updated yearly to have the checks of trees protection.*
- (viii) *The trees which died due to the concretization should be replaced by the Municipal Corporation with the suitable tree species.*

(ix) For the effective implementation of the above aspects a Tree Officer can be designated by the Municipal Corporation.”

4. We direct that the recommendations be acted upon by the concerned Municipal Corporation and the District Administration.

The application is disposed of.

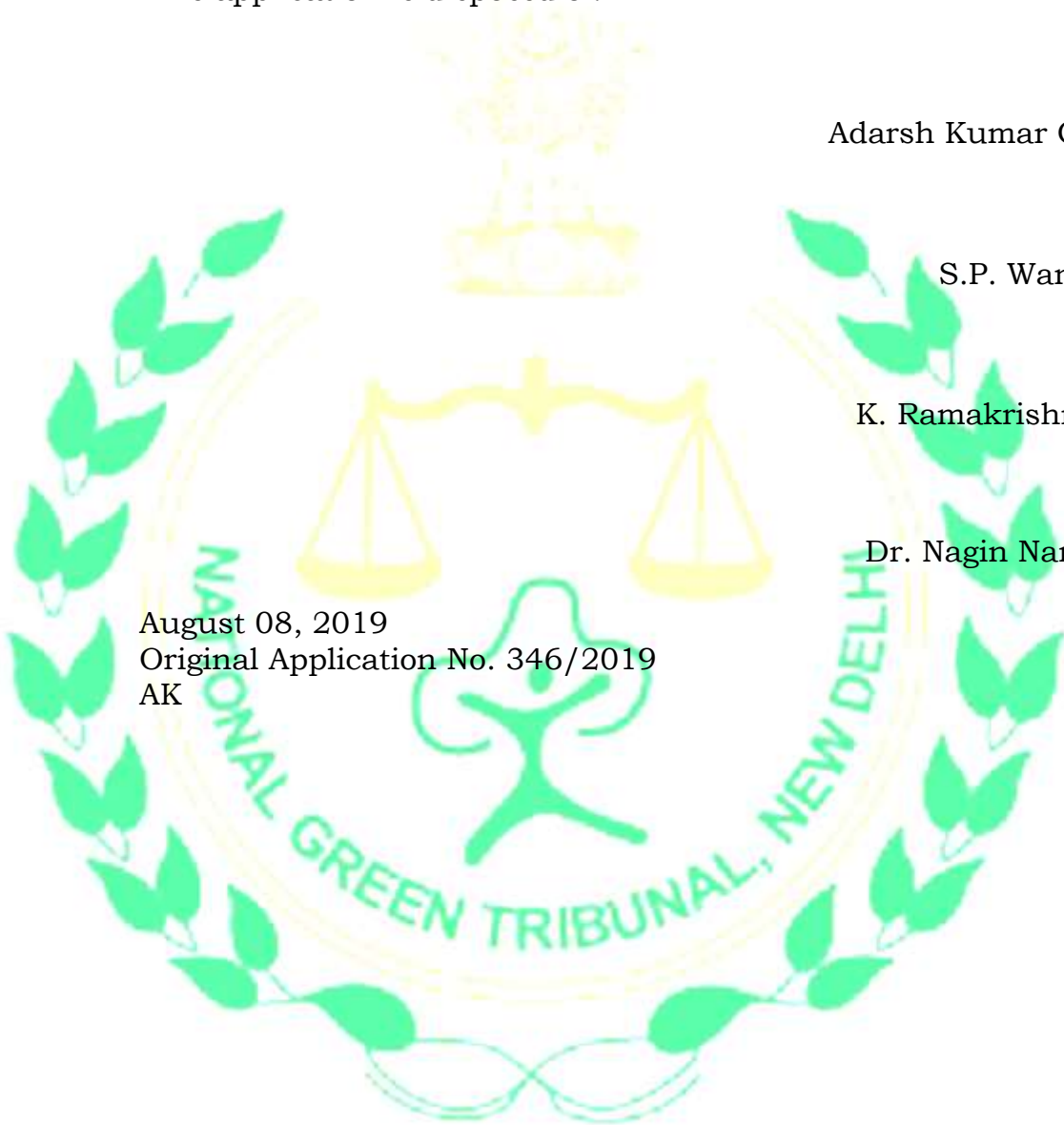
Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 08, 2019
Original Application No. 346/2019
AK



Item No. 13

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 229/2019

IN

Original Application No. 346/2019

(filed by the applicant for modification of order dated 08.08.2019 in
decided matter)

Environment Protection Society

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 26.11.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s)
in M.A. No. 229/2019: Mr. Aditya N. Prasad, Advocate

ORDER

M.A. No. 229/2019

The main matter, i.e., O.A. No. 346/2019 was disposed of on 08.08.2019 in terms of the recommendations of an Expert Committee dated 29.03.2019 on the subject of illegal concretization of trees and filling up of trees pits with concrete and bitumen at SAS Nagar, Mohali, Punjab.

This M.A. has been filed on behalf of the applicant for modification of the order dated 08.08.2019 seeking for substitution of paragraphs (i) to (v) of the recommendations of the Committee

directed to be acted upon by the authorities by paragraphs (i) to (iv) of the order dated 23.04.2013 passed in O.A. No. 82/2013 in the matter of *Aditya N. Prasad v. Union of India & Ors.*

Upon consideration of the facts and circumstances set out in the application and upon hearing the learned Counsel for the Applicant, we do not find it necessary to modify the order as prayed for considering that order dated 08.08.2019 in O.A. No. 346/2019 was passed based upon the recommendation of the Committee constituted by the Tribunal. We may, however, clarify that order dated 23.04.2013 in O.A. No. 82/2013 referred to by the Applicant in respect of the NCT, Delhi, shall also be applicable to SAS Nagar, Mohali, Punjab supplemental to the order dated 08.08.2019 passed in O.A. No. 346/2019. The concerned authorities shall take note of this and ensure that the directions are enforced.

With the above observations and directions, M.A. No. 229/2019 stands disposed off.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 26, 2019
M.A. No. 229/2019 IN O.A. No. 346/2019
DV