

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 34 OF 2026

In the matter of:

Manav Uthaan Manch

...Applicant

Versus

The State of Maharashtra & Ors

...Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 5, 6, 7, 8, 9,

10, 11 AND 12

PAPER BOOK

(FOR INDEX, PLEASE SEE INSIDE)

ADVOCATE FOR THE RESPONDENT: VP LEGAL PARTNERS

Filed on: 22.04.2026

INDEX

Sr. No.	Particulars	Page No.
1.	Reply affidavit on behalf of respondent nos. 5, 6, 7, 8, 9, 10, 11 and 12.	528-546
2.	<u>EXHIBIT-A:</u> A copy of the judgement passed by the Hon'ble Bombay High Court in <i>Abhijeet Mohan Anturkar v. Tree Authority Department, Pune Municipal Corporation and others</i> reported in 2026 SCCOnline Bom 966	547-552
3.	<u>EXHIBIT-B (colly):</u> A copy of specimen photographs of the public notices affixed on the concerned trees.	553-572
3.	<u>EXHIBIT-C:</u> A copy of a specimen Panchanama and enquiry report prepared by the Tree Officer.	573-585
4.	<u>EXHIBIT-D:</u> A copy of the order dated 11.12.2018 passed by the Hon'ble Bombay High Court in Public Interest Litigation No. 119 of 2017.	586-593
5.	<u>EXHIBIT-D:</u> A copy of the order dated 21.08.2018 passed by the Hon'ble Bombay High Court in Public Interest Litigation No. 119 of 2017.	594-596

Place: New Delhi

Date: 22.04.2026



NOTARY	
NOTED & REGISTERED	
Serial No.	37 / 2026
Date	22/09 / 2026
THIS DOCUMENT	
Contains Pages	19

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 34 OF 2026**

In the matter of:

Manav Uthaan Manch

...Applicant

Versus

The State of Maharashtra & Ors

...Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NOS.
5, 6, 7, 8, 9, 10, 11 AND 12**

I, Manisha Khatri, age: 37 years, Occu: Service as the Commissioner of Nashik Municipal Corporation, Maharashtra, presently at Nashik for Respondent No. 5 and on behalf of Respondent Nos. 6, 7, 8, 9, 10, 11, and 12 do hereby solemnly affirm and say as under:

1. The present Reply Affidavit is being filed jointly on behalf of the Tree Authority and the Nashik Municipal Corporation (hereinafter referred to as "NMC" for convenience).
2. That the Answering Respondent herein is filing the instant Reply Affidavit to bring on record the facts and circumstances which are crucial for proper adjudication of the instant petition.
3. At the outset, the Answering Respondent denies in its entirety the contentions raised, and the averments made by the Petitioner in the instant Petition as being false, incorrect and misconceived. All facts, averments, statements, submissions and contentions raised by the Petitioner in the Present petition are contrary to law and all grounds raised by the Petitioner not in consonance with the counter affidavit are hereby denied.

4. The present O.A. has been filed by a non-governmental organisation called "Manav Uthaan Manch" impugning the notices issued by the Tree Officer for road widening purposes in the city of Nashik.
5. The notices impugned in the present O.A. are as follows:
 - (i) Notice No. 463/2026 dated 17.02.2026;
 - (ii) Notice No. 459/2026 dated 13.02.2026;
 - (iii) Notice No. 460/2026 dated 16.02.2026;
 - (iv) Notice No. 458/2026 dated 13.02.2026;
 - (v) Notice No. 422/2026 dated 23.01.2026;
 - (vi) Notice No. 457/2026 dated 13.02.2026;
 - (vii) Notice No. 446/2026 dated 11.02.2026;
 - (viii) Notice No. 447/2026 dated 11.02.2026;
 - (ix) Notice No. 473/2026 dated 25.02.2026;
 - (x) Notice No. 439/2026 dated 05.02.2026;
 - (xi) Notice No. 435/2026 dated 04.02.2026;
 - (xii) Notice No. 440/2026 dated 05.02.2026;
 - (xiii) Notice No. 410/2026 dated 09.01.2026;
 - (xiv) Notice No. 449/2026 dated 11.02.2026 and
 - (xv) Notice No. 448/2026 dated 11.02.2026.
6. In the present OA, the Applicant has raised various issues pertaining to the Tree cutting being carried out in the city of Nashik. The main issues primarily raised by the present Applicant can be summarised as follows:



- (i) That the notices issued under Section 8(3) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, are not in compliance with the statutory provisions.
 - (ii) That the trees of Ficus Family are being cut.
 - (iii) That the Tree Authority is not validly constituted.
7. The Answering Respondents propose to deal with the contentions in the above enlisted chronology.

Statutory provisions:

8. Under the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, ("**the Act**"), the provision for grant of permission for felling of trees is contemplated under Section 8 of the Act.
9. The present Respondents humbly submits that the scheme of provision under the Trees Act, 1975 enumerates the procedure under Section 8 as follows:
- a. As per Section 8(2), if any tree is to be felled an application has to be made to the Tree Officer in writing, the said application shall be accompanied by the description of the tree, a site plan and the reasons therefor.
 - b. As per Section 8(3):
 - i. on receipt of such an application, the Tree Officer is required to give public notice by advertising it in at least one local newspaper;
 - ii. the notice is also required to be affixed on conspicuous part of the tree that is to be felled;



- iii. the Tree Officer is required to personally inspect the tree to be felled;
 - iv. the Tree Officer is required to hold an enquiry;
 - v. the Tree Officer is required to specifically mention in the advertisement if the tree to be felled is a heritage tree; and
 - vi. determine age of the tree being felled as per the criteria and method as may be notified by the government.
 - c. Thereafter, the Tree Officer is required to call for objection and suggestion by a notice of not less than 7 days and submit his report along with the objections and suggestions to the Tree Authority or to the Municipal Commissioner as per Section 8(5). The Tree Officer is required to submit a report within 12 days from the date of receipt of the application.
 - d. Further, the Tree Authority is required to decide on the application within 45 days of the same being submitted.
10. This is the general scheme of Act of 1975 to be followed by felling of any tree. As per the contention of the Applicant in Original Application the impugned notices are challenged on the following ground:
 - i. that the notices under Section 8(3) of the Trees Act, 1975 are not in accordance with the statutory framework; and
11. As pointed out above under Section 8(2), the application made to the Tree Officer for grant of permission for felling of a tree is required to be filed with the description of the tree and the reasons for felling of the same.



12. As per Section 8(3)(a), the Tree Officer is required to advertise the public notice in at least one local newspaper which has been complied by the Respondent – Municipal Corporation by issuing notice in newspapers namely ‘Lokmat’, ‘Pudhari’, ‘Gavkari’ and ‘Brahmar’. The notices as published are annexed to the Original Application.
13. With regard to the notices published in the Local Newspaper, the Applicant has contended that the publication should be in Marathi, English and Hindi Newspapers. The statutory scheme of the Act does not provide for publication of notices in Marathi, English and Hindi. It contemplates publication of notice in one local newspaper.
14. The Respondents herein have published the notices in local Marathi Newspaper namely ‘Lokmat’, ‘Pudhari’, ‘Gavkari’ and ‘Brahmar’. The notices as published are annexed to the Original Application.
15. The Hon’ble High Court of Bombay in *Abhijeet Mohan Anturkar v. Tree Authority Department, Pune Municipal Corporation* – reported in *2026 SCC OnLine Bom 966*, has dealt with the issue and has reiterated that as per the statutory scheme of Section 8(3) the public notice is to be advertised in one Local Newspaper, which has been complied with by the answering Respondents. A copy of the aforesaid order of the Hon’ble High Court of Bombay is annexed herewith and marked as Exhibit “A”.
16. The requirement of affixing such notice on conspicuous part of the tree to be felled has also been complied by the Authority. The specimen photographs of the affixation of the



notice on the concerned trees are annexed herewith and marked as Exhibit "B" (colly).

17. The concerned trees that are required to be cut have also been inspected and an enquiry has been held by the Tree Officer. The Tree Officer has carried out Panchanama of the said trees and also prepared an enquiry report. A specimen of the enquiry reports is annexed herewith and marked as Exhibit "C".
18. It would be apposite to mention here that the Hon'ble Bombay High Court in *Abhijeet Mohan Anturkar* (supra) has directed that the Inquiry Report shall be maintained in the file of the Tree Authority to justify the consideration for felling of the tree.
19. As per Section 8(3)(a)(v), the advertisement is required to mention if the tree is a heritage tree. The said requirement applies only when the tree proposed to be felled is a heritage tree. Under Section 8(3) of the Trees Act, 1975, there is no requirement of providing the age or the reasons for the proposed felling of trees in the advertisement to be given by the Tree Officer. The said details as to the reasons of felling of tree are to be enumerated in the application filed before the Tree Officer.
20. Thus, the contention raised by the Applicant in the Original Application belies the statutory provisions of the Trees Act, 1975. The requirements under Section 8(3) have been complied by the Respondent – Municipal Corporation in its totality.



21. Thus, the answering Respondent has complied with the statutory requirements under the Tree Act in particularly under Section 8(3). Thus, the contention raised on behalf of the Applicant that the procedure under the Tree Act is not followed, does not merit any consideration by this Hon'ble Tribunal.

Cutting of trees of Ficus Family:

22. The answering Respondent states that no trees of Ficus family as contended by the Applicant are being cut. The trees like Vad, Peepal are not being felled, however the trees which pose danger are translocated preferably within the same or nearby location.
23. It is submitted that even in the contentions raised by the Applicant, the notices therein mentioned that some trees of Ficus Family are being translocated as they are causing hindrance to the traffic on the road.
24. It is submitted that some of these trees are standing right in the middle of the road causing serious danger to the life and limb of the citizens plying on the roads. There have been incidents of accidents being caused due to the trees standing in the middle and thus the translocation of these trees has become of utmost necessity.
25. It is also contended on behalf the Applicant that the translocation of trees is not an effective measure and thus should not be resorted to by the present Respondents. However, it will have to be borne in mind that when the trees are causing danger to the life of the public at large, the only



effective measure of translocation can be resorted to by the answering Respondents.

26. Thus, the answering Respondent states that there is no cutting of any tree of Ficus Family and are being translocated for the reasons mentioned above.

Constitution of the Tree Authority:

27. The answering Respondent states that the Municipal Corporation elections in the State of Maharashtra were long due and the same were conducted in the year 2025, after the orders of the Hon'ble Supreme Court.
28. The Tree Authority contemplated under the Tree Act, 1975, comprises of the (i) chairman; (ii) not less than 5 and not more than 15 persons from amongst its members; (iii) expert members.
29. Thus, the Tree Authority cannot be constituted unless there is an elected body in place under the Tree Act.
30. The Trees Act, Section 3 sub section 4 contemplates that when the Tree Authority is not duly constituted, the Municipal Commissioner is empowered to act as tree authority and shall exercise all the powers and discharge the duties of Tree Authority till such duly constituted authority is able to function.
31. The Applicant herein has relied upon an Interim Order of the Hon'ble Bombay High Court in *Rohit Manohar Joshi v. The Tree Authority, Thane*. The Interim Order dated 18th, 19th, 20th and 23rd April 2018 was passed in a PIL, wherein the amendment to the Tree Act was challenged.



32. The observations made and the direction passed in the order dated 18th, 19th, 20th and 23rd April 2018 are interim in nature. In the said Order, the Hon'ble Bombay High Court had passed certain directions as to the amendment Act.
33. However, by a subsequent Order dated 11th December 2018, the interim directions passed vide order dated 18th, 19th, 20th and 23rd April 2018, were expressly vacated and thus the observations made therein cannot be relied upon. The Order dated 11th December 2018, passed in PIL No 119 of 2017 i.e. *Rohit Manohar Joshi v. Tree Authority, Thane*, is annexed hereto and marked as **Exhibit "D"**.
34. Ultimately, the abovementioned PIL was not pressed before the Hon'ble High Court and as such was dismissed being not pressed.
35. Thus, the directions contained in *Rohit Manohar Joshi* (supra) cannot be pressed into service by the Applicant herein, since the orders were expressly vacated.
36. Apart from the above submissions made the body of the Municipal Corporation of Nashik came into being on 15.01.2026 and the mayor took charge on 06.02.2026. The general body of the Municipal Corporation has been constituted and the process of constituting the Tree Authority is already underway.
37. It is humbly submitted that the powers exercised by the Municipal Commissioner as Tree Authority under Section 3(4) of the Tree Act, is in facts and scenario that the municipal elections could not be held in Maharashtra and thus, there was no duly constituted tree authority.



38. The Municipal Commissioner has put up the decisions taken before the general body of the Municipal Corporation as required under the proviso to Section 3(4). Thus, the decisions taken by the Tree Authority i.e. the Municipal Commissioner cannot be faulted with.
39. The applicant has made slew of submissions which are unsubstantiated and without any basis. No Ficus family tree has been cut. The notices itself mention where the Ficus family trees are being translocated.

Other Submissions:

40. The applicant herein has tried to contend that the NMC does not have power to widen the roads and create safe public roads. The allegations made by the Applicant in the present O.A. are based on conjecture and surmises.
41. It would be pertinent to note that the objections submitted by the Applicant itself denote that there is there is danger to the life and limb of the citizens and the motorists plying on the road. There have been various incidents of death being caused due to the trees standing between in the roads.
42. The answering Respondent being the planning authority, is required to provide for the safe public infrastructure and also cater to the growing populous demand. Thus, the answering Respondent is required to strike a balance between the essential development for the city as well as protection of ecology.
43. The answering Respondent herein submits that the compensatory afforestation is proposed to be done in a manner



contemplated under the Act, rather it would be an ounce more than what is contemplated under the Act of 1975.

44. It is also pertinent to note that the Applicant has made some scientific arguments while objecting to the translocation of trees of the Ficus family. It is also sought to be contended by the Applicant that the trees that are being translocated are ineligible for translocation.
45. The answering Respondent states that the averments made by the Applicant are baseless and without any material. The Applicant proceeds on mere assumptions and has no actual basis to the same.
46. It is also submitted that the Applicant has made an incorrect submission before this Hon'ble Tribunal as recorded in Order dated 27.03.2026 that over a thousand trees are being transplanted from the city of Nashik. The said arguments bear no basis whatsoever in reality.
47. **The Respondent shall hereinafter parawise deal with the contentions of the Applicant.**
- I. As to 1-4 are the details of the parties and therefore warrant no comment.
 - II. As to paragraph 5 are unfounded, false and bald allegations against the Respondent herein and denied in toto.
 - III. The Applicant has stated that this Hon'ble Tribunal has the jurisdiction to adjudicate the present Application. However, the Hon'ble High Court of Judicature at Bombay is currently adjudicating Public Interest Litigation bearing No. 138 of 2025 that deals with similar issue at hand and therefore is seized of the matter.

- IV. The data relied upon in paragraphs 7, 8, 9, 10, 11 and 12 is presented in isolation and without requisite scientific or factual context and appears to be a calculated attempt to mislead this Hon'ble Tribunal by drawing an untenable nexus between broader environmental changes and the *proposed* felling of trees.
- V. It is an uncontested fact that that planting of trees is one of the measures to tackle pollution levels, however, the picture presented by the Applicant in paragraph 13 is that the NMC is deviously engaged solely in felling of trees.
- VI. The averments contained in paragraphs 14, 15 and 16 pertain to matters of public record and general information; hence, the same do not call for any specific response.
- VII. The averments contained in paragraphs 17 and 18 are based on the Applicant's erroneous and misconceived interpretation of the public works proposed to be undertaken by the NTKMA and are, therefore, emphatically denied. The NTKMA has sanctioned the said public works in furtherance of ensuring the safety, security and orderly management of the anticipated influx of approximately 12 crore devotees proposed to visit the city of Nashik.
- VIII. The averments in paragraph 19 fail to mention that the notices issued by the Tree Officers of the NMC are in compliance of the directions enumerated in Section 8 of the Act.
- IX. The averments contained in paragraphs 20, 21, 22, 23, 24 and 25 pertain to matters of public record and general information; hence, the same do not call for any specific response.



- X. The contentions in paragraph 26 are 27 blatantly false and hence denied. It is submitted that the objections of all the parties were formally recorded by the concerned Authority and thereafter, the objectors were called upon to remain present for a hearing on the said objections.
- XI. The averments in paragraph 28 are contrary to the contentions of the Applicant in paragraph 26 and 27 stating that the objectors were not invited or informed about the public hearings.
- XII. The averments contained in paragraph 29 are devoid of material context and constitute a misplaced attempt by the Applicant to portray the answering Respondent as acting in contravention of statutory provisions. The same are therefore emphatically denied.
- XIII. The averments contained in paragraphs 30 and 31 are misconceived and are, therefore, denied. It is further submitted that the Applicant itself acknowledges that the subject trees are situated "*in the median of the road*", which fortifies the contention of the NMC that the said trees pose a grave and imminent risk to the life and limb of road users and the general public.
- XIV. The averments contained in paragraph 32 are denied in limine. It is reiterated, at the cost of repetition, that the answering Respondent has strictly complied with all applicable statutory provisions under the Tree Act and is not in breach thereof.
- XV. The averments contained in paragraph 33 are wholly misconceived and appear to be a deliberate attempt to impute malafides to the answering Respondent by alleging breach of the order passed by the Hon'ble Bombay High Court. It is respectfully submitted that the answering



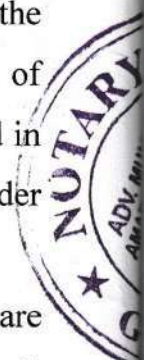
Respondent has acted strictly in compliance with the statutory mandate of the Tree Act and has taken the impugned decision squarely within the four corners of the directions issued by the Hon'ble Court.

XVI. The averments contained in paragraphs 34 and 35 are misconceived and are denied to the extent they seek to apply general observations from a report on tree translocation as a blanket prohibition against the proposed action in the present case. The Applicant has selectively extracted portions of the report without placing on record the complete context, including the fact that feasibility of transplantation is dependent upon species, health of the tree, soil conditions, availability of space, engineering requirements and expert assessment. The decision in the present case has been taken after due consideration of ground realities, safety concerns and expert inputs, and in compliance with the applicable statutory framework under the Tree Act.

XVII. The averments contained in paragraph 36 are misconceived and incomplete and are therefore denied. The Applicant has conveniently omitted to disclose that the translocation of trees on Trimbakeshwar Road was successful, a fact expressly recorded in the very report relied upon by the Applicant.

XVIII. The averments contained in paragraphs 37, 38 and 39 are based on a patently erroneous and misconceived interpretation of the statutory provisions of the Act, as well as the directions issued by the Hon'ble Bombay High Court, and are therefore denied.

It is submitted that the Applicant seeks to project his own incorrect and self-serving understanding of the statutory



submitted that the functioning of the Tree Authority is in accordance with the statutory framework and there is no illegality in the Municipal Commissioner discharging functions as contemplated under the Act. The allegation that the hearing conducted was merely a “namesake hearing” is baseless and devoid of any factual foundation. It is respectfully submitted that due opportunity was afforded to all objectors, including the Applicant, to raise their objections. The mere fact that the ultimate decision does not fall within Applicant’s expectations does not render the process arbitrary or pre-determined.

XXIV. The averments contained in paragraphs 47 and 48 are denied. It is submitted that all actions undertaken by the answering Respondent are strictly in accordance with the provisions of the Act and pursuant to the due process followed after conducting hearings and considering objections. There is no felling of trees without authority of law or without a decision being taken in accordance with the prescribed procedure. It is further submitted that any trimming or removal carried out in the concerned area was undertaken in compliance with statutory permissions and administrative approvals. The attempt to portray routine or legally sanctioned action as unlawful is wholly misconceived and intended to mislead this Hon’ble Tribunal.

XXV. The reliance placed by the Applicant in paragraph 49 on the interim order dated 18th, 19th, 20th and 23rd April 2018 passed by the Hon’ble Bombay High Court in PIL No. 119 of 2017 is wholly misconceived and amounts to a clear attempt to mislead this Hon’ble Tribunal. The Applicant has deliberately suppressed the material fact that the said



orders were purely interim in nature and were subsequently vacated by the Hon'ble High Court vide order dated 11th December 2018. In view of the subsequent development and the vacation of the interim protection, no reliance can be placed on the earlier interim directions to advance the Applicant's case. The selective reference to superseded interim orders, without disclosing their vacation, is therefore untenable and liable to be rejected.

XXVI. The averments contained in paragraph 50 are misconceived and are denied. The reliance placed upon past orders passed by the Hon'ble Bombay High Court is selective and without reference to the factual and procedural context in which those directions were issued. The said orders were passed in distinct proceedings and cannot be read as imposing an absolute embargo on the statutory functioning of the Municipal Corporation under Trees Act.

XXVII. The averments contained in paragraphs 51, 52 and 53 are denied. The pendency of PIL No. 138 of 2025 before the Hon'ble High Court does not ipso facto render the present actions unlawful. All decisions concerning the subject notices have been taken in accordance with the statutory provisions and after following due procedure. It is further submitted that there is no indiscriminate felling of trees, as alleged. Any action undertaken has been pursuant to lawful authority including safety and infrastructure requirements. It is humbly submitted that the trees which are proposed to be cut or translocated are causing a major hindrance to the public at large while plying on roads.



XXVIII. The averments contained in paragraphs 54, 55 and 56 are general statements regarding the ecological importance of urban green spaces and are not disputed in principle. It is a matter of common knowledge that urban greenery contributes to environmental balance, air quality improvement and ecological resilience. However, the Applicant's reliance on such broad academic observations is wholly misplaced in the facts of the present case. The issue at hand does not concern the wholesale elimination of urban green cover, but a limited and regulated action undertaken in accordance with statutory provisions.

XXIX. The averments contained in paragraph 57 are equally misconceived. Policy decisions undertaken by another State, in a different geographical, administrative and infrastructural setting, cannot be mechanically transplanted or imposed in the present context.

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

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

PLACE: Nashik

Date: 22.04.2026



DEPONENT

VERIFICATION

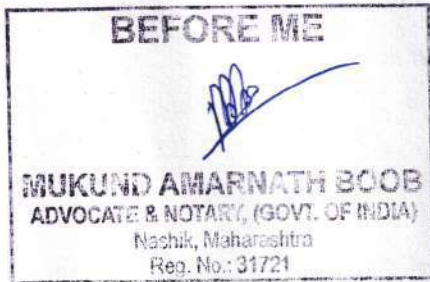
I, the above-named deponent, do hereby verify that the contents of para 1 and 2 of above Affidavit are true and correct to the best of my knowledge and belief and no material has been concealed there from.

Solemnly affirmed on this 22nd day of April 2026 at Nashik.

Manisha

Solemnly affirmed & Sign. before me by..... *Manisha Khatri*
identified by..... *me*
whom I know personally.

Deponent



2026 SCC OnLine Bom 966

In the High Court of Bombay

(BEFORE BHARATI DANGRE AND MANJUSHA DESHPANDE, JJ.)

Abhijeet Mohan Anturkar ... Petitioner;

Versus

Tree Authority Department, Pune Municipal Corporation and Others ... Respondents.

Writ Petition No. 3752 of 2021 with Contempt Petition No. 178 of 2021

Decided on February 2, 2026

Environment Law — Development vis-à-vis Ecology : National, Urban and Rural Development — Urban Ecology/Green Areas/Belt/Town Planning/Urban Environmental Balance — Conservation/Felling of Trees — Permission to fell trees must follow strict procedure — Municipal Corporation cannot adopt perfunctory approach — Held, officers liable to prosecution for unlawful tree felling — Notices lacking particulars violate statutory mandate and binding judicial directions — Court directs strict adherence to Section 8 and circulation of order to municipal bodies — Environment Law — Development vis-à-vis Ecology : National, Urban and Rural Development — Urban Ecology/Green Areas/Belt/Town Planning/Urban Environmental Balance — Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (44 of 1975)

Advocates who appeared in this case :

Mr. Abhay Anturkar a/w Mr. Harshvardhan Suryavanshi i/b Mr. Ajinkya Udane, for the Petitioner.

Mr. Vishwanath Patil, for Respondent Nos. 1 to 4-PMC.

The Judgment of the Court was delivered by

BHARATI DANGRE, J.:— **“Trees are a poem which the earth writes upon the sky”**. Undisputedly, saplings planted taking shape of trees give solace to the souls of the human beings who dwell on this earth and with this clear intent in mind, the Petitioner has approached this Court raising a challenge to the permission granted by the Respondent No. 2-Tree Officer of the Tree Authority Department of the Pune Municipal Corporation (“PMC”) allowing felling of four coconut trees.

The Petition alleges that the permission granted is clearly in breach of Section 8 of the Maharashtra (Urban Areas) Protection and Preservation of Tress Act, 1975, and we are confronted with a situation that the tress are already felled, pursuant to the order being passed, a

prayer is made that an appropriate action as contemplated under Section 21, which extend to initiation of criminal proceedings on felling of a tree in contravention of the provisions of the Act, and the act amount to an offence.

2. Heard learned counsel for the Petitioner and the learned counsel representing Respondent Nos. 1 to 4.

The permission being granted in favour of Respondent No. 5 though being served, has failed to mark appearance.

On hearing the respective counsel, we deem it appropriate to issue Rule, which is made returnable forthwith.

3. The sequence of events before us reveal that the Respondent No. 5 preferred an application to the Tree Officer for cutting of five coconut trees standing in her premises in Survey No. 59/27, Plot No. 73/3/3, Bhakti Marg, Law College Road, Erandwane, Pune.

Between the time when the application was made and the final permission was granted for cutting of four trees out of the five, the procedure contemplated under the Act and in specific Section 8 has been followed.

The sequence of events would reveal that upon this application being made, the notice inviting objections was published on 02.07.2020 and on 21.07.2020, the notice was pasted on subject trees, which were to be felled and copies of the said notices are placed before us along with the affidavit filed by the Respondent.

On 06.08.2020 the resolution was passed allowing felling of the trees, but since it was COVID period, some of the members of the Committee put their signatures on 18.08.2020, and on 21.08.2020, the permission to cut the trees was finally communicated to the Respondent No. 5 by the Assistant Commissioner of Municipal Corporation cum Tree Officer, Regional Office, Pune Municipal Corporation.

The Petitioner, who is a resident residing in the neighbourhood of Respondent No. 5, has raised a serious objection about the manner in which the permission is granted, and it is the specific case of the Petitioner that the procedure that is required to be adhered to was not strictly followed, but the Respondents adopted a perfunctory approach, with pre-set mind of granting the permission, and that is how, upon the permission being granted, four coconut trees have been felled.

4. We have given our anxious consideration to the pleadings in the Petition and we have also taken note of the decision of the Division Bench, in case of *Rohit Manohar Joshi v. Tree Authority, Thane*¹, when the bench considered the object underlying the Tree Act, 1975 and expressed a word of caution about the consequences to follow if the provisions provided in the statue are not strictly adhered to. The said

decision, highlighting the aim and object of the Trees Act being preservation of Trees in urban areas in the State, noted that the enactment regulate felling of trees and provide for planting of adequate number of trees in those areas, with an intention to prevent the disturbance of ecological balance due to indiscriminate felling of trees in the urban areas of the State.

Highlighting the object of the statute being to protect the existing trees and to encourage planting of more and more trees in urban areas, it is held that it is necessary to restrict the number of felling of trees, unless and until it is absolutely necessary and warranted.

5. Dealing with the procedure that has been contemplated and the Authorities of the Municipal Corporation in whom the power is vested, the Court highlighted the importance of the "Tree Authority", with specific reference to Section 4, which warranted that the Tree Authority was to meet at least once every month to discharge its functions as contemplated under Section 8, which impose an embargo on any person to fell any tree or cause any tree to be felled in any land, whether of his ownership or on the ground situated within such urban area, except with the previous permission of the Tree Officer. The judgment has noted that the procedure preceding this permission contemplated an adequate public notice to be given by Tree Officer by advertising in local newspaper as well as by affixing a notice on the conspicuous part of the tree that is required to be felled.

6. It is these guidelines, which are alleged to be flouted as it is pointed out to us that the notice which was published in the newspaper, in fact, lacks any particulars to have the objections being raised, and Mr. Anturkar, the learned counsel for the Petitioner would invite our attention to the notice published in daily newspaper 'Lokmat' dated 02.07.2020, which is annexed at Exhibit-B of the affidavit-in-reply.

The objection raised is that the notice do not offer any details of the proposed tree cutting and the details of the trees, with its particulars are not set out in the notice at all.

We have perused the said notice to find that, with reference to various zones, when specifically mentioned, there is a reference of the permission granted by the Assistant Commissioner-cum-Tree Officer, Pune, and it indicated that the details of these trees and the permissions could be obtained from the official website of the Pune Municipal Corporation www.punecorporation.org, with the subject matter of "PMC Departments Tree Authority Tree Cutting Replantation Docket - July 2020".

We find substance in the submission of Mr. Anturkar, as we find that no details are offered therein, and as the statute contemplate objections to be raised, the person who want to raise an objection

necessarily must be aware of the location of the trees, the reason why the trees are sought to be felled and at whose instance. We do not expect every person to visit the website of the Pune Municipal Corporation to find out, as there may be number of trees which may be involved, but an objection may be concerned with only one or few of them, may be in the area of his residence, or may be because of he feel that these trees shall not be allowed to be cut.

7. We find that paragraph 64 of the decision in *Rohit Manohar Joshi* (supra) has categorically stipulated that when the decision taken by the Municipal Commissioner shall be published on the website of the Municipal Corporation, the entire text of the order will have to be published. It is also directed that a public notice of the said decision giving description of the property shall be published in local newspaper having a wide circulation within the limits of Municipal Corporation, and the considering that the cities of Mumbai and Thane are metropolitan cities, the notice shall be published in Marathi, Hindi and English newspapers having wide circulation in the particular Municipal Corporation limits, and the notice published must mention that the copies of the decision have been uploaded on a particular website.

8. In light of the aforesaid observation, we find that the notice issued by the Municipal Corporation in the present case, is a perfunctory exercise, as if the object was to invite objection from the persons in the locality or those who are concerned with environment, who are likely to object to the permission, which is likely to be granted, an adequate notice is given, as regards the particulars of the trees, so that a pinpointed objection could be raised.

We note that the notice which was pasted on the trees on 29.07.2020, however, gave the details of the trees and also contain a reference to the application along with the location of the trees to be cut.

We see no difficulty in such details being included in the newspaper, when a notice is published, so that adequate opportunity can be availed by those who are interested in raising objection, out of environmental concern or for any other reason which a person deems appropriate, as in any case, the objection raised are going to be deliberated before the Tree Authority before grant of permission to fell the trees.

We therefore find substance in the submission advanced that the procedure that was followed, was not an appropriate procedure, apart from the fact that it was in violation of the object with which the notice is directed to be published by the statute, and it also violates the direction in case of *Rohit Manohar Joshi* (supra), a binding decision of this Court.

9. The learned counsel for the Petitioner do not press the other point

that the trees were felled before the timeline prescribed and, therefore, we do not touch the said issue.

As on today, we have noted that the permission being granted on 21.08.2020 for four trees, they are already felled and, therefore, practically, no relief can be granted in favour of the Petitioner.

However, we must note that Section 21 of the Act is a provision in form of offence and penalty and it contemplate that whoever fell any tree or causes any tree to be felled in contravention of the provisions of the Act or without reasonable excuse fails to comply with any order issued or condition imposed by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority, in discharge of the function, such act on conviction shall be punished with fine of an amount of valuation of the tree, and also with imprisonment for a term of not less than one week, which may be extended upto one year.

10. Keeping in mind the object underlying the statute, the powers have been conferred on the Tree Authority to give necessary directions from time to time, and the officers and servants subordinate shall act in compliance with such directions, and in exercise of the duty by the Tree Officer, the police department is also expected to extend all the cooperation.

The purpose of the Act is to prohibit felling of trees and to save the environment, or even if the trees are felled, it should be compensated by substituting new trees, and hence the contravention of the provisions of the Act must be looked into with all seriousness, and upon a complaint being made in that regard, the offence is liable to be registered even against an officer who has failed to follow the procedure.

Focusing upon the purpose and object of the statute, we hope and trust that the Municipal Corporation shall act with vigilance and strictly follow the procedure contemplated in the Act along with the directives issued by this Court in case of *Rohit Manohar Joshi* (supra) and treat them as binding.

11. As regards the contention of Mr. Anturkar that when the Tree Officer, conduct an inquiry, he must record some reasons in support of the conclusion drawn and when he grant the permission for felling of the tree, and we concur with the said submission, but we must record that all these reasons need not necessarily be published in the notice, but they should be made available, if at all a question is raised about the procedure not being followed or the permission granted being not justiciable.

We, therefore, must only record that as Sub-Section (3) of Section 8 contemplate giving of a public notice by advertising it in atleast one local newspaper and also affixing such notice on the conspicuous part of the tree which is to be felled. coupled with the inspection of the tree.

we are of the view that whenever such inquiry is held, the reasons shall be recorded and maintained in the file by the Tree Authority, as the consideration of an application for felling of the tree, must be justified and only when it is felt necessary to grant the permission and that too on consideration of the objections that are raised. Since there is no appeal against such an order which is amenable to writ jurisdiction, we expect the reasons and the inputs to be recorded in writing and so that it can be available for examining its justiciability.

12. With the above directions, we dispose off the Writ Petition.

We direct Registrar (Judicial-II) to communicate this order to the Principal Secretary, Urban Development Department, so that it can be circulated to the heads of the Municipal Corporations as well as the Municipal Councils under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act.

The Contempt Petition listed along with the Writ Petition being not pressed, is disposed of.

¹ 2018 SCC OnLine Bom 1308 : (2019) 1 Mah LJ 135

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.




// TRUE COPY //

कुंभनगरी म्हणजेच त्र्यंबकेश्वर
 त्र्यंबकनगरीच्या पायथ्याशी
 सर्व सुख - सुविधांयुक्त
 फार्महाऊस प्लॉट्स उपलब्ध
 8830839603



GPS Map Camera

Nashik, Maharashtra, India 

Wpr7+p5x, Midc Ambad, Nashik, Maharashtra
422010, India

Lat 19.941512° Long 73.783647°

Sunday, 08/02/2026 10:42 AM GMT +05:30



Google



NOTICE
A notice is being issued regarding the...
The notice contains details about a public hearing or a similar official proceeding.

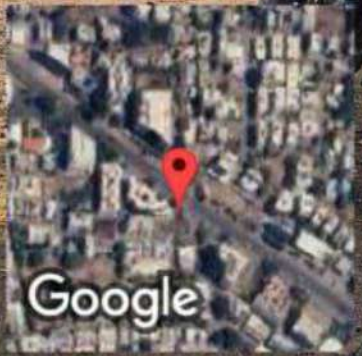
 **GPS Map Camera**

Nashik, Maharashtra, India 

Sai Prasad Row House, 1, Pathardi Rd, Behind Hotel New Rayaba, Kadve Nagar, Wasan Nagar, Pathardi Phata, Nashik, Maharashtra 422010, India

Lat 19.953318° Long 73.766952°

Sunday, 08/02/2026 10:30 AM GMT +05:30



Google



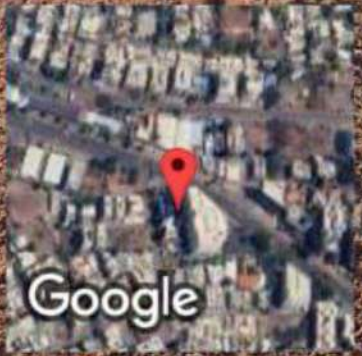
नाशिक महानगरपालिका, नाशिक
 पुणे उपविभाग आणि नाशिक विभाग
 नाशिक (प्राचीन शहर) नाशिक जिल्हा, महाराष्ट्र, भारत

नाशिक महानगरपालिका नाशिक
 पुणे उपविभाग आणि नाशिक विभाग
 नाशिक (प्राचीन शहर) नाशिक जिल्हा, महाराष्ट्र, भारत

क्र.	विवरण	मूल्य	टिप्पणी
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

GPS Map Camera

Nashik, Maharashtra, India 🇮🇳
 6th Floor, Anant Arcade, Near Rayaba Hotel Phatardi,
 Road, Near Phatardi Phata, Wasan Nagar, Pathardi Phata,
 Deolali, Nashik, Maharashtra 422010, India
 Lat 19.954478° Long 73.765017°
 Sunday, 08/02/2026 11:39 AM GMT +05:30






नाशिक महानगरपालिका, नाशिक
 नगरपालिका, नाशिक महानगरपालिका
 नगरपालिका, नाशिक महानगरपालिका

नाशिक महानगरपालिका, नाशिक
 नगरपालिका, नाशिक महानगरपालिका
 नगरपालिका, नाशिक महानगरपालिका

क्र.सं.	विवरण	प्रमाणित	अर्थ
1
2
3
4
5
6
7
8
9
10

 GPS Map Camera

Nashik, Maharashtra, India 


Front Of Shell Petrol Pump, Pathardi Rd, Near Zudio,
 Damodar Nagar, Pathardi Phata, Nashik, Maharashtra
 422010, India
 Lat 19.949198° Long 73.77089°
 Sunday, 08/02/2026 11:27 AM GMT +05:30






नाशिक महानगरपालिका, नाशिक
 ५७ नंबर प्लॉट नंबर ५७, बाजी बंगला, ब/ह, साई लॉन्स, पार्थार्दी
 रोड, वासन नगर, पार्थार्दी फाटा, नाशिक, महाराष्ट्र
 ४२२०१०, इंडिया

१. प्लॉट नंबर: ५७
 २. प्लॉट क्षेत्र: ५७
 ३. प्लॉट क्षेत्रफल: ५७
 ४. प्लॉट क्षेत्रफल: ५७

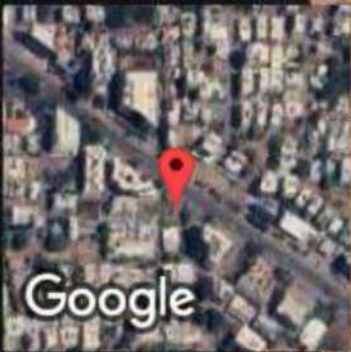
 **GPS Map Camera**

Nashik, Maharashtra, India 


Plot No.57, Balaji Bungalow, B/h, Sai Lawns, Pathardi Rd, Wasan Nagar, Pathardi Phata, Nashik, Maharashtra 422010, India


Lat 19.953168° Long 73.767092°

Sunday, 08/02/2026 10:30 AM GMT +05:30





 **GPS Map Camera**

Nashik, Maharashtra, India 

Wqrp+j67, Pathardi Rd, Ekta Nagar, Pimpalgaon

Khamb, Nashik, Maharashtra 422010, India

Lat 19.941889° Long 73.785714°


Sunday, 08/02/2026 10:57 AM GMT +05:30





प्रा. क्र. वर्ग अवकाश संख्या
 १. १०० १०० १००
 २. १०० १०० १००
 ३. १०० १०० १००
 ४. १०० १०० १००
 ५. १०० १०० १००
 ६. १०० १०० १००
 ७. १०० १०० १००
 ८. १०० १०० १००
 ९. १०० १०० १००
 १०. १०० १०० १००

GPS Map Camera

Nashik, Maharashtra, India 

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


Lat 19.941421° Long 73.784152°

Sunday, 08/02/2026 11:09 AM GMT +05:30





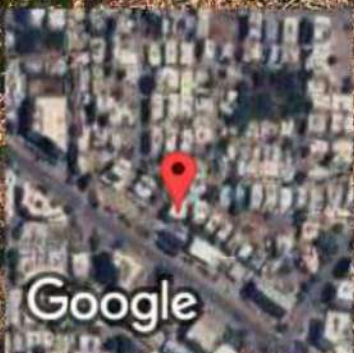
 GPS Map Camera

Nashik, Maharashtra, India 

Ashtavinayak Apy, Pathardi Shivar, Dnyaneshwar Nagar,
Pathardi Phata, Nashik, Maharashtra 422009, India

Lat 19.953341° Long 73.767895°

Sunday, 08/02/2026 10:37 AM GMT +05:30






विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी
विशेष सूचना - विद्यार्थी - विद्यार्थिनी

Welcome
BHIST
ONAL SCHOOL
(Minority Institution)
S FOR TEACH
भारती चालू अ
34616844 , 8007838913,
98888566 , 9049602244
mandra donde nagar, Pathardi Gaon to Vadner road Nashik
bharthbingole79@gmail.com | info@buddhistec

 **GPS Map Camera**

Nashik, Maharashtra, India 

15/1, Pathardi - Vadner Dumala Rd, Nashik,
Maharashtra 422010, India

Lat 19.941248° Long 73.784161°

Sunday, 08/02/2026 11:04 AM GMT +05:30



Google

प्राथमिक प्रत्यक्षमूल्यांकन रिपोर्ट, नाशिक
 (Primary Assessment Report - Nashik)

अनुसंधान संस्था (Research Institute): [Blank]
 तारीख (Date): [Blank]

प्रकल्प (Project): [Blank]

क्र.सं. (Sl. No.)	विवरण (Description)	मूल्य (Value)	एकक (Unit)
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

प्राथमिक प्रत्यक्षमूल्यांकन रिपोर्ट, नाशिक



GPS Map Camera

Nashik, Maharashtra, India

Pimpal Gaon Khamb, To, Deolali Rd, Fata, Pathardi Phata, Nashik, Maharashtra 422010, India

Lat 19.942211° Long 73.789097°

Sunday, 08/02/2026 10:47 AM GMT +05:30



Google



नाशिक नगरपालिका - नगरपालिका

नाशिक नगरपालिका - नगरपालिका

नाशिक नगरपालिका - नगरपालिका

क्र.सं.	दिनांक	वेळ	स्थिति
1	08/02/2026	11:17 AM	...
2	08/02/2026	11:17 AM	...
3	08/02/2026	11:17 AM	...
4	08/02/2026	11:17 AM	...
5	08/02/2026	11:17 AM	...
6	08/02/2026	11:17 AM	...
7	08/02/2026	11:17 AM	...
8	08/02/2026	11:17 AM	...
9	08/02/2026	11:17 AM	...
10	08/02/2026	11:17 AM	...

GPS Map Camera

Nashik, Maharashtra, India 🇮🇳

Shop No. 112-113, Ananta Arcade, Road, Near Rayba Hotel, Wasan Nagar, Pathardi Phata, Nashik, Maharashtra 422010, India

Lat 19.941695° Long 73.7848°

Sunday, 08/02/2026 11:17 AM GMT +05:30






पत्रिका संस्थापक/प्रमुख, पत्रिका

पत्रिका संस्थापक/प्रमुख, पत्रिका

पत्रिका संस्थापक/प्रमुख, पत्रिका

क्र.सं.	विवरण	प्रमाणित	प्रमाणित
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

GPS Map Camera

Nashik, Maharashtra, India 

Pimpal Gaon Khamb, To, Deolali Rd, Fata, Pathardi Phata, Nashik, Maharashtra 422010, India

Lat 19.942236° Long 73.789194°


Sunday, 08/02/2026 10:50 AM GMT +05:30



शुभ
नाम
१७२
कल १९.९९
Call
०० ४४४ ०४९



 GPS Map Camera

Nashik, Maharashtra, India 

15/1, Pathardi - Vadner Dumala Rd, Nashik,
Maharashtra 422010, India

Lat 19.941292° Long 73.784109°

Sunday, 08/02/2026 11:06 AM GMT +05:30



नाशिक महानगरपालिका, नाशिक
 नगरपालिका निकाय, नाशिक महानगरपालिका, नाशिक
 नगरपालिका निकाय, नाशिक महानगरपालिका, नाशिक


पत्रिका


नाशिक महानगरपालिका निकाय, नाशिक महानगरपालिका, नाशिक
 नगरपालिका निकाय, नाशिक महानगरपालिका, नाशिक

क्र.सं.	विवरण	प्रकार	दर
1
2
3
4
5
6
7
8
9
10

...

कृषीकेंद्र **प्राधान्य सेंटर**

 **GPS Map Camera**

Nashik, Maharashtra, India 

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

Lat 19.941577° Long 73.783773°

Sunday, 08/02/2026 11:12 AM GMT +05:30




Google



न.स.सि. अहमदनगर पालिका, नाशिक
 न.स.सि. अहमदनगर पालिका, नाशिक
 न.स.सि. अहमदनगर पालिका, नाशिक

क्र.सं.	विवरण	प्रमाण	टीप
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			

GPS Map Camera

Nashik, Maharashtra, India 

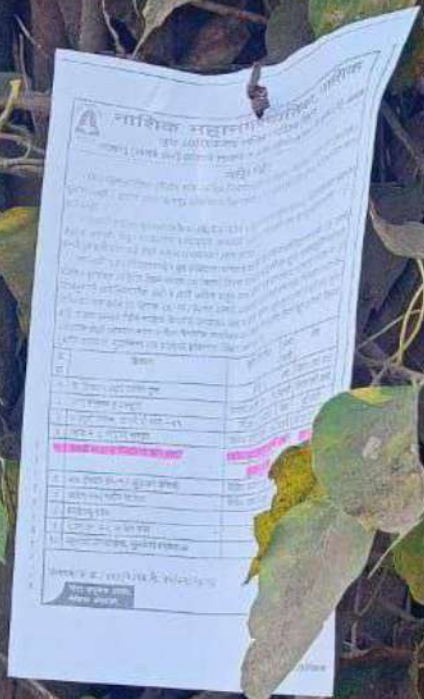
2, Near Rk Lowns, Prashant Nagar, Pathardi Phata, Nashik, Maharashtra 422010, India


Lat 19.956044° Long 73.759891°


Sunday, 08/02/2026 11:43 AM GMT +05:30



Google



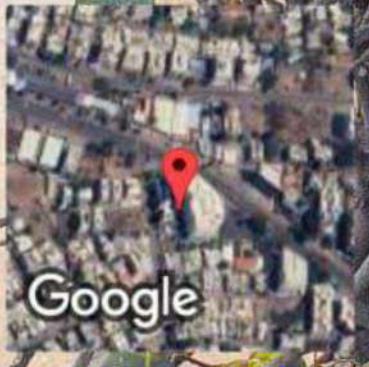
 **GPS Map Camera**

Nashik, Maharashtra, India 

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

Lat 19.954336° Long 73.765054°

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



झाड/झाडे तोडणे/झाडाच्या फांदया तोडणे बाबतचा पंचनामा

वेळ:- सकाळ/दुपार/सायंकाळ:-

वाजता

दिनांक:- 20/09 /2024

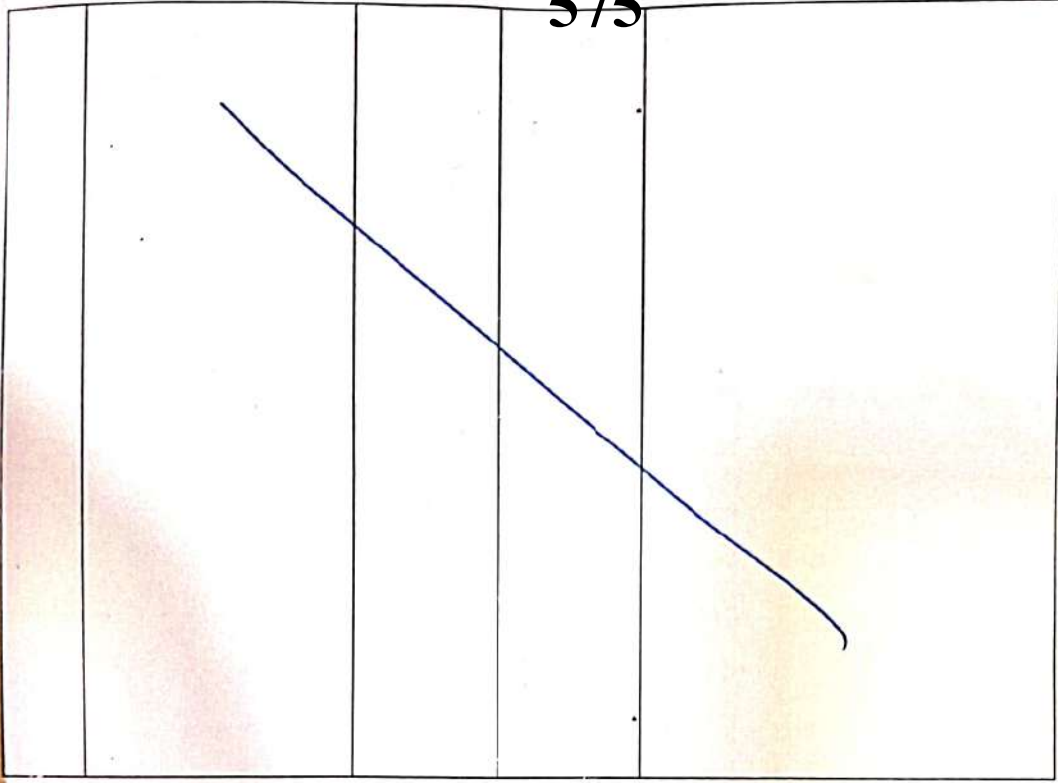
आम्ही खालील सहि करणार पंच झाड तोडणे/फांदया तोडणे बाबत
 श्री.ना. कार्यकारी समितीचा पंचनामा
 (व्हा.बा.वि.) नाशिक महानगरपालिका, अर्ज.क्र. 9033
 राहणार नाशिक महानगरपालिका, अर्ज.क्र. 0219212024

यांनी महानगरपालिकेकडे केलेल्या अर्जाबाबत अर्जात नमूद झाडांची स्थिती खालील प्रमाणे असलेबाबत प्रत्यक्ष जागेवर वस्तुस्थिती प्रमाणे हा पंचनामा करित आहोत.

- १) जागेचा पत्ता व वर्णन :- सुकभ चौकाकथ, श्री.रा.देवी होपकर बुलावावादी
 श्री.रा.देवी होपकर व शिवागुफा परिसर (श्री.रा.देवी होपकर बुलावावादी)
 २) झाडाची मालकी:- खाजगी/ मनपा/ शासकीय. पंचवटी
 ३) झाडाचे वर्णन:-

अ.क्र	झाडाचे नांव व संख्या	झाडाचे अंदाजे वय	बुंधा लपेटी अंदाजे	विस्तार/तोडणे /पुनरोपन
१)	कदंब	22	१.१५	ताडणे/लेवणी विस्तार
2)	बोर	02	0.६०	ताडणे
3)	बोर	02	0.५५	ताडणे
४)	बोर	02	0.६५	ताडणे
५)	बोर	02	0.६०	ताडणे
६)	बोर	१०	0.७०	ताडणे
७)	बोर	02	0.६५	ताडणे
८)	वावळ	2५	१.६०	ताडणे/लेवणी विस्तार
९)	बोर	02	0.५५	ताडणे
१०)	बोर	0६	0.३५	ताडणे
११)	बोर	१०	0.७५	ताडणे
१२)	बोर	१०	0.७०	ताडणे
१३)	बोर	02	0.५५	ताडणे
१४)	बोर	02	0.५६	ताडणे
१५)	बोर	02	0.५५	ताडणे

१६)	बोर	०५	०.३५	तोडणे
१७)	बोर	०६	०.४५	तोडणे
१८)	बोर	०६	०.४२	तोडणे
१९)	बोर	०६	०.४५	तोडणे
२०)	बोर	०५	०.३५	तोडणे
२१)	बोर	०९	०.५०	तोडणे
२२)	बोर	१०	०.७५	तोडणे
२३)	बोर	०६	०.३८	तोडणे
२४)	बोर	१२	१.४०	तोडणे
२५)	बोर	०९	०.५०	तोडणे
२६)	बोर	१०	०.७५	तोडणे
२७)	बोर	१२	१.१०	तोडणे
२८)	बोर	१२	१.१५	तोडणे
२९)	बोर	०६	०.४८	तोडणे
३०)	बोर	०९	०.५०	तोडणे
३१)	बोर	०९	०.५०	तोडणे
३२)	बोर	०५	०.२०	तोडणे
३३)	बोर	०५	०.३५	तोडणे
३४)	नाशक	२५	१.१०	नाकाखे
३५)	फरंग (वाकने)	१२	०.८०	तोडणे
३६)	जांभुक	१०	०.९०	नाकाखे
३७)	चेरी	०७	०.५५	नाकाखे
३८)	जांभुक	१०	०.९०	नाकाखे
३९)	रेके ली	१२	०.८५	तोडणे
४०)	पिंपळ	०९	०.६५	नाकाखे



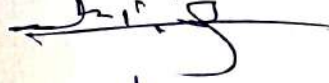
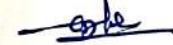


४) झाडे/झाड, तोडण्याची/फांद्याचा विस्तार कमी करण्याची कारणे,

उपरोक्त तपशिलात नमुद क्षेत्राप्रमाणे खीरापकामपय विकस
 मार्गातील अशुद्धा असलेले वृक्ष तोडणेचे प्राज्ञ झजामुसा नमुद
 १) कुठे ४० वृक्षांपैकी अहिल्यादेवी डोळकर युवावामाजी अशुद्धा मालमल
 ०२ वृक्ष तोडणे आवश्यक वाटते इतर ०४ वृक्ष तोडणेची आवश्यकता वाटत नाही
 तसेच शिवायुफा जेजुरी ०१ नाशक तोडणेची आवश्यकता वाटत नाही तसेच
 शिवायुफा पाकीस येथे ०२ वृक्ष तोडणेची आवश्यकता फरंग व इतर ३३ वृक्ष हे
 पाकीस येथे जेजुरी अशुद्धा असलेले तोडणे आवश्यक वाटते याप्रमाणे ४०
 परिस्थिती/ असलेले वृक्ष हा पंचनामा केला
 ह्यापैकी ३३ वृक्ष तोडणे, ०२ वृक्षाचा विस्तार व ०५ वृक्ष नाशक आवश्यक
 वाटते

पंचाचे नांव:-


- १) श्री तुकाराम दामोदर दिक्ते
- २) श्री गणेश उतमराव देसले
- ३) श्री मनोज जयनाथराव वैजळी
- ४) श्री संतोष वसंत वंढेराव
- ५) -----

स्वाक्षरी:-

पंचनामा करणार:-
 (उदयान निरीक्षक)

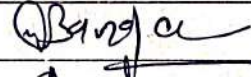
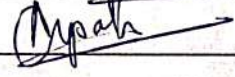
चैभव शेठे वेताळ


 उदयान निरीक्षक (पंचवटी)
 नाशिक महानगर पालिका नाशिक

अशिक्षित प्रत्यक्ष स्थळ पाहणी केली असता सदर ठिकाणी जे.डी. बिल्को इंग्लीश मिडीयम स्कुलच्या आवारात वाळलेल्या अवस्थेत एक सुवाभुळ वृक्ष निदर्शनास आले. सदर वृक्ष पूर्णपणे लगत असलेल्या कुडुनिंब वृक्षावर झुकले असून सदर वाळलेले वृक्ष कुडुनिंब वृक्षाच्या आधारे उभे आहे. सुवाभुळ वृक्षाचा विस्तार व उंची वाढी वाप्यात उन्मळून/कोसळून किंवा पडून कुठि जिवीत अथवा वित्तहानी होण्याची शक्यता नाकारता येत नाही. शालेय परिसर असल्याने त्या ठिकाणी विद्यार्थ्यांची, त्यांच्या पालकांची व शालेय कर्मचाऱ्यांची सतत वर्दळ असल्याने धोका निर्माण होऊ शकतो.

सबब, सदर वृक्षाचा आवश्यक लेवढा धोकेदायक विस्तार व उंची यमप्रमाणात कुमी कुरण्यात यावी; असे मत आहे.

वरील प्रत्यक्ष परीस्थिती असलेबाबत सदर पंचनामा केला आहे.

अ.नं.	पंचाचे नाव	स्वाक्षरी
१	विलास द्योडीनाम बनार	
२	क्षरमसिंग पारील	
३		

पंचनामा करणार

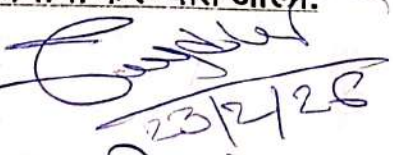
नाव :- वर्षे आशुतोष क्लेश

पदनाम :- उद्यान निरीक्षक


स्वाक्षरी

माझ्या समक्ष पंचनामा करण्यात आला.

श्री./सौ.श्रीमती.

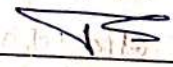


जगदेक सोमनाय शंकर

४. वृक्ष तोड/छाटणी करण्याचे कारण 579

प्रत्यक्ष स्थळ पाहणी केली असता सदर ठिकाणी खाजशी मालकीचे एक बाँटल पाम व जंगली बढाम वृक्ष निदर्शनास आले. जंगली बढाम वृक्ष बाँटल पाम वृक्षाच्या बुंध्यापासून/ बुंध्यालगत वाढलेले आहे. बाँटल पाम व जंगली बढाम वृक्षांच्या सुळ्यांमुळे लगतच असलेल्या भिंतीला तडे/विरा गेल्या आहेत. वृक्षांच्या सुळ्यांच्या शिरकाव लगत असलेल्या भिंतीमध्ये झाला आहे त्याचप्रमाणे अर्गदाराच्या पाण्याच्या टाकीमध्ये देखील सुळ्यांच्या शिरकाव झाला आहे. वृक्षांच्या सुळ्यांच्या शिरकावामुळे भिंतीला तडे जाऊन भिंत पडण्याची अथवा कुही निवीत अथवा वित्सहानी होण्याची शक्यता जाकारता येत नाही.

सबब, भविष्यातील दुर्घटना टाळण्यासाठी देण्ही वृक्ष तोडणे गरजेचे वाटते; असे मत आहे.

वरील प्रत्यक्ष परीस्थिती असलेबाबत सदर पंचनामा केला आहे.

अ.नं.	पंचाचे नाव	स्वाक्षरी
१	विनीत चव	
२	दीपक एस।के	
३		दीपक एस।के

पंचनामा करणार

नाव :- वर्षे आशुतोष कुलास

पदनाम :- उद्दाम निरीक्षक


स्वाक्षरी

माझ्या समक्ष पंचनामा करण्यात आला.

दिनांक. 23/21/2026.

श्री./सौ.श्रीमती.

रामदेवसाठ पिता वरते.

४. वृक्ष तोड/छाटणी करण्याचे कारण 581

प्रत्यक्ष स्थळ पाहणी केली असता सदर ठिकाणी खाजगी मालकीचे एक नासब वृक्ष निदर्शनास आले. सदर वृक्षाच्या फांद्या/शावळ्या व फळे वेळी-अवेळी अर्जदाराच्या राहत्या घराच्या आवारात त्याचप्रमाणे शेजारांच्या घराच्या आवारात/सुतावर पडतात. सदर वृक्ष अर्जदाराच्या रहिवासी घराच्या आवारात असून वृक्षाच्या फांद्या/फळे वाढवीवाच्यात अर्जदाराच्या किंवा शेजारांच्या घराच्या आवारात/सुतावर/वाहनांवर वेळी-अवेळी कोसळून किंवा पडून काही जीवित अथवा वित्तहानी होण्याची शक्यता नाकारता येत नाही.

सर्व, सदर वृक्षाच्या आवश्यक तेवढ्या द्योकेदपक फांद्या किंवा शावळ्या कमी करण्यात याव्यात किंवा सुरक्षेचे उपायस्त्व वृक्षांच्या फांद्या/शावळ्या खाली ग्रीन नेट/हिस्वी जाळी वृक्षांच्या फांद्याखाली चढवाजुंनी बांधण्यात यावी; असे मत आहे.

वरील प्रत्यक्ष परीस्थिती असलेबाबत सदर पंचनामा केला आहे.

अ.नं.	पंचाचे नाव	स्वाक्षरी
१	सौ. राणी विष्णु पगारे	R.V. Pagar.
२	सौ. सुरेखा खंडू पवार	S.K. Pawar
३		


पंचनामा करणार

नाव :- कर्पे आशुतोष ठैलास

पदनाम :- उद्घ्यान निरीक्षक


स्वाक्षरी

माझ्या समक्ष पंचनामा करण्यात आला


25/2/2026

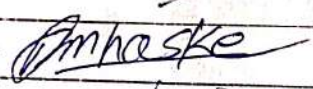
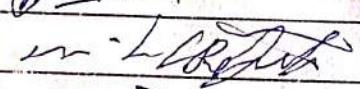
श्री./सौ. श्रीमती. विष्णु मोतीराम पगारे

४. वृक्ष तोड/छाटणी करण्याचे कारण 583

प्रत्यक्ष स्थळ पाहणी केली असता प्रत्यक्ष ठिकाणी खाजगी मालकीचे एक पिंपळ वृक्ष निदर्शनास आले. सदर वृक्षाच्या विस्तार/फांद्या अर्जवाराच्या व लगतच्या रहिवासी घरावर विस्तीर्ण झाल्याचे दिसून आले. वृक्षाच्या विस्तीर्ण झालेल्या फांद्या वाढविल्यात अथवा जोमाच्या पावसात उन्मळून/कोसळून/पडून काही जिवीत अथवा वित्तहानी होण्याची शक्यता नाकारता येत नाही.

सबब, सदर वृक्षाच्या घरावर गेलेल्या छोक्यात फांद्या क्षमप्रमाणात कमी करणे आवश्यक आहे; असे मत आहे.

वरील प्रत्यक्ष परीस्थिती असलेबाबत सदर पंचनामा केला आहे.

अ.नं.	पंचाचे नाव	स्वाक्षरी
१	अजय - चंद्रकांत म्हाडु	
२	विश्वनाथ म्हाडु - मन्मथ म्हाडु	
३	पवित्र गायकवाड	आर.व. डी. २१५ म्हाडु

पंचनामा करणार

नाव :- वर्षे आशुतोष खैवास

पदनाम :- उद्योग निरीक्षक


स्वाक्षरी

माझ्या समक्ष पंचनामा करण्यात आला.

सु. सु. बिडे - त. २३-२-२०२६

श्री./सौ. श्रीमती.

सुभाष पुवशिराम बिडे -

४. वृक्ष तोड/छाटणी करण्याचे कारण 585


मा. कार्यकारी अभियंता, नाशिक म.न.पा., नाशिक यांच्या प्राप्त अर्जाव्ये नाशिक रोड विभागातील विहितगाव (लॅम रोड) ते बिटकी चौक ते जेल रोड- गोदावरी नदीपर्यंत रस्त्याच्या अस्तरीकरणाच्या कामात बाधित होणारे एकूण १२ वृक्ष तोडणेसंदर्भात इकडील विभागाभर्फीत पाहणी करण्यात आली.

प्रत्यक्ष स्थळ पाहणी दरम्यान वर नमूद ठिकाणावरील वृक्ष म.न.पा. मालकीचे असल्याचे निदर्शनास आले. मा. कार्यकारी अभियंता, शा.वां. विभाग, नाशिक म.न.पा. यांनी १२ वृक्ष तोडणेसंदर्भात अर्ज दाखल केला असला तरी प्रत्यक्षात पाहणी दरम्यान असे निदर्शनास आले की १२ वृक्षांपैकी ०२ वृक्ष न तोडता रस्ता अस्तरीकरणाचे काम होऊ शकते. रस्ता अस्तरीकरणात एकूण १० वृक्ष बाधित होत असल्याने सदर वृक्ष तोडण्याची आवश्यकता आहे.

शेवट, एकूण १२ वृक्षांपैकी १० वृक्ष तोडणे गरजेचे आहे; या १० वृक्षांपैकी २ वृक्ष (पिंपळ व अंबरी) पुनर्रोपण करणे गरजेचे आहे; त्याचप्रमाणे ०२ वृक्ष (शिसम व पिंपळ) तोडण्याची आवश्यकता नाही; असे मत आहे.

०८ वृक्ष तोडणे, ०२ वृक्ष पुनर्रोपण करणे व ०२ वृक्ष तोडणेची आवश्यकता नाही


वरील प्रत्यक्ष परीस्थिती असलेबाबत सदर पंचनामा केला आहे.

अ.नं.	पंचाचे नाव	स्वाक्षरी
१	श्री. रमेश गुलाब गिरी (हेडमास्त्री)	
२		
३		

पंचनामा करणार

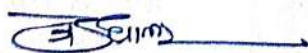
नाव :- वर्षे आशुतोष कुंभास

पदनाम :- उद्योग निरीक्षक



स्वाक्षरी

माझ्या समक्ष पंचनामा करण्यात आला.



श्री./सौ. श्रीमती. श्री. अशोक जेठुधाळे सौ. [कु. अभियंता, सार्वजनिक बांधकाम विभाग, नाशिक रोड विभाग, नाशिक म.न.पा.]



pdp

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

Rohit Manohar Joshi

.. Petitioner

Vs.

1. Tree Authority, Thane and ors.

.. Respondents

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

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

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

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

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

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

DECEMBER 11, 2018.

P.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)

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

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

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

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

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

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

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

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

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

M. S. KARNIK, J.

CHIEF JUSTICE



// TRUE COPY //



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

WITH

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

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

WITH

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

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

WITH

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

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

WITH

Tilak

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

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

...

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

Ms.Kranti L.C for the original petitioner.

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

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

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

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

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

DATED : 21st August 2019

P.C:-

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

Tilak

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

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

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Tilak



// TRUE COPY //