

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

Application No. 82 of 2013

Aditya N. Prasad Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

Present: **Applicant:** Mr. Rajiv Dutta, Sr. Advocate, Mr. Kumar Dushyant Singh, Advocate and Mr. Arijeet Singh, Advocate
Respondent No. 1 to 14: Ms. Neelam Rathore, Advocate along with Ms. Syed Amber
Respondent No. 2: Ms. Puja Kalra, Advocate
Respondent No. 3 & 4: Mr. Balendu Shekhar, Advocate
Respondent No. 5&12: Mr. D. Rajeshwar Rao, Advocate
Respondent No. 6: Mr. Sunil Satraparthy, Advocate
Respondent No.7: Mr. M. Dutta, Advocate
Respondent No.8: Ms. Sakshi Popli, along with Mr. Deshpal Advocate
Respondent No.10: Mr. M Tya, Advocate
Respondent No.11: Mr. Bharat Khanna, Manager Legal

Date and Remarks	Orders of the Tribunal
Item No. 8 April 23, 2013	<p>Service is complete, except to Respondent No.13.</p> <p>Learned counsel appearing for Respondent No.1 and 14 submits that she will take instructions from Respondent No.13 for appearing on their behalf on the next date of hearing before the Tribunal.</p> <p>The learned counsel appearing for the respective parties pray for time to file their Replies. Reply, if any, be filed within two weeks from today. Rejoinder, if any, thereto be filed within one week thereafter.</p> <p>The learned counsel appearing for the Applicant has placed on record a report on tree census conducted by the NGO wherein it is pointed out that nearly 89% of the trees at Sarvodaya Enclave alone suffer from concretization. He also brings to our notice an article appearing in the Times of India dated 22nd April, 2013, titled "Ads nail city's greens". In this article, it is shown that the Delhi Transport Corporation (DTC) has fixed its Bus Stop boards in the and trees, advertising boards on the trees. Not only this, even electric line wirings of high tension have been tightened fitted on the trees. Apparently, from these indisputable facts, it is clear that all public authorities and Respondents have failed to discharge their</p>

statutory obligations. They have not only violated various statutes but in turn have also infringed their legal obligations arising out of the Environment Act. It is the obligation of the State to provide healthy environment to the citizens and prevent reckless injury to the trees, which ultimately results in their felling. This is a clear infringement of law and failure on the part of the authorities concerned to discharge their statutory obligations.

The learned counsel appearing for Respondent No.1 and 14 submits that they have issued directions under the Central Laws but still the authorities concerned in this regard are not carrying out orders in true spirit.

In the light of the above and at the oral request of the applicant, DTC is also impleaded as Respondent No.15.

In the meanwhile, we direct all the public authorities, more particularly Municipal Corporation of Delhi, DDA, DTC, DMRC, NHAI and all Government respondents in this petition including the Director General of CPWD, the Chief Engineer, PWD, to ensure that

- (i) All the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension cables or otherwise are removed from the trees forthwith.
- (ii) They shall also ensure that the concrete surrounding the trees within one metre of the trees are removed forthwith and all the trees are looked after well and due precaution is taken in future so that no concrete or construction or repairing work is done atleast within one metre radius of the trunk of trees. The Vice-Chairperson, the Commissioner, the Chief Engineer, the Director General and all other senior most officers of the Departments/authorities concerned shall be personally responsible for carrying out this order.
- (iii) The Departments/authorities concerned shall

take all and every prohibitive measures to prevent the defacing of the trees in any manner whatsoever, save only its trimming in accordance with law.

- (iv) All the respondents whose boards are fixed on the trees shall be prosecuted by the respective authorities under in accordance with the relevant law.

Copy of this order be given Dasti today itself.

List on 17th May, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D. K. Agrawal)

.....,EM
(Dr. G. K. Pandey)

.....,EM
(Dr. R. C. Trivedi)

