

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

Original Application No. 167/2015

Indian Council for Enviro-Legal Action (ICELA) Vs. Dy. Commissioner & Anr.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant/Appellant(s) :Mr. Rahul Shukla, Adv.
Respondent No. 1 & 2 :Mr. Krishna K. Singh, Ratnesh K. Shukla, Advs.**

	Date and Remarks	Orders of the Tribunal
	Item No. 2 July 21, 2015	<p>Heard. Perused.</p> <p>The Applicant is seeking directions to the respondents – Deputy Commissioner Kurukshetra and Kurukshetra Development Board to de-concretize/remove the marble flooring around the ancient holy Banyan tree at Kurukshetra and expose the soil for aeration and absorption of nutrients and also for spread of its aerial roots; and for further direction to remove all the electric wires, sound fixtures, chains, nets, bells, sign boards or any other superficial attachment thereon; and for restraining the respondents from according any sanction or any permission or to do any act which would disturb/pollute/contaminate/degrade the health and ecology of the trees and generally to de-concretize the area around the trees in other parts of Kurukshetra. On the first day appearance, the learned Counsel appearing for the Respondents fairly conceded to the case of the applicant that trees at Kurukshetra need to be de-concretized and assured us of such acts which would free trees from concretization and other artificial things threatening their growth.</p> <p>Today, the learned Counsel appearing for the</p>

Respondents has filed the affidavit dated 20.07.2015 sworn by the Chief Executive Officer, Kurukshetra Development Board and made a statement that the prayers at prayer clause (a) & (b) have been duly complied with and as regards the general prayer at prayer clause (c) steps would be taken as have been taken or advised in respect of the trees referred to in the prayer clause (a) and such actions/steps would be limited to the trees falling within the limits of Respondent No. 2 – Kurukshetra Development Board.

We have perused the affidavit dated 20.07.2015. It reveals that on the directions issued by the Hon'ble High Court of Punjab and Haryana, Respondent No. 1 had appointed a Committee to take over the management of Tirath Jyotisar and also appointed the Additional Deputy Commissioner as its Nodal Officer and the Committee so constituted took over the control of the Tirath and consulted the scientists of Forest Research Institute (FRI in short), Dehradun for preservation of Holy trees at Tirath Jyotisar. It further reveals that the Expert Committee from FRI visited the Tirath site on 16.08.2012 and suggested measures as discussed in para-4 of the affidavit. We find from the advice of the Expert Committee of FRI that following measures need to be taken for the purpose of maintaining health of the trees i) opening of covered area below the tree covered with the marble stones or concrete in order to expose the soil and facilitate aeration and water percolation as well as for the spread of aerial roots; ii) drilling holes in the uppar chabutara, if any, around the trees for making openings for

aeration and water percolation; iii) periodical irrigation at the base of the trees; iv) removal of wire-electric and sound fixtures attached to the tree; v) removal of chains, bells, clamps, sign boards attached to the tree; vi) pruning of top dead branches, followed by application of Choubatia Paste; vii) removal of net, if any, from canopy; viii) provide props to support inclining tree; ix) canopy size-pruning for balance; x) reduction, removal of fruiting body of fungi, parasites, etc.

All these measures need to be taken for maintaining health of every tree. As regards the trees around historical Shiva temple, we are told that there are three trees and their care as suggested by the Committee would be undertaken and completed within 30 days.

We see no reason for continuing with this application, moreover when no dispute of any nature exists between the parties. We, therefore, pass the following direction:

1. The Respondents shall de-concretize and take all such measures as recorded hereinabove in respect of the trees standing within their limits expeditiously and without any laxity.

Accordingly, Original Application No. 167/2015 stands disposed of without any order as to costs.

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

.....,EM
(Ranjan Chatterjee)