

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL**

**Original Application No. 126/2013 (CZ) (THC)**

**Vijay Saini Vs. State of Rajasthan & Ors.**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER

**PRESENT :** Applicant : Shri Vijay Saini  
Respondent No.3 : Shri Om. Shankar Shrivastav, Advocate  
R.P.C.B. : Shri Suman Mandal, Advocate for  
Shri Sandeep Singh, Advocate  
Respondent No.2 : Shri Pramod Pandey, JDA

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Order no. 2</b></p> <p><b>29<sup>th</sup> January, 2014</b></p> <p><b>O.A. 126/2013</b></p>	<p>Applicant, Shri Vijay Saini is present in person. Shri Pramod Pandey, Dy. Conservator Forests and Officer in-charge on behalf of the Respondent No. 2 Jaipur Development Authority is present. Shri Om Shankar Shrivastav, Learned Counsel appears on behalf of the Respondent No.3, Municipal Corporation, Jaipur. Shri Suman Mandal, Learned Counsel is directed to take notice since he is appearing on behalf of the Rajasthan Pollution Control Board (RPCB) before this Tribunal. Here one of the reliefs which has been prayed is for taking effective measures for the protection of the trees including de-concretisation at their base where either the roads have been built or concrete tiles were laid all around the trees preventing percolation of water in the soil and choking the trees completely. The Principal Bench, National Green Tribunal at New Delhi in the case of Misc. Application No. 474/2013, in Original Application No. 82/2013 (Shri Aditya N. Prasad Vs. Union of India) passed an order on 12.07.2013 in this regard which was a follow up of the earlier order dtd. 23.04.2013 in the aforesaid case. We would accordingly direct Shri Pramod Pandey who is appearing on behalf of</p>

**29<sup>th</sup> January,  
2014**

Respondent No. 2 and Shri Om Shankar Shrivastav, Learned Counsel for the Respondent no. 3 to undertake the task in accordance with the directions issued by the Principal Bench of National Green Tribunal in Original Application No. 82/2013 for de-concretisation at the base of the trees for a minimum of atleast 1 mt. X 1 mt. area in the city of Jaipur.

The Ministry of Urban Development, Govt. of India has also, issued guidelines on greening and landscaping in Urban Areas to all the State Governments in the year 2000 and reiterated in 2013 for ensuring compliance. Accordingly we would direct the Secretary, Urban Development & Housing, State of Rajasthan to comply with the aforesaid directions issued by the Govt. of India and also by the National Green Tribunal in the case of Shri Aditya N. Prasad Vs. Union of India . We also direct all the local authorities covered under the Rajasthan Municipality Act as well as the Panchayati Raj Act to carry out the necessary task of removing the concrete / pakka road at the base of the trees and clear the area 1 mt. Around. We grant 4 weeks time to the Respondents to complete the aforesaid task and submit a compliance report. The Registrar is directed to immediately send a copy of our order to the Secretary, Urban Development & Housing, Govt. of Rajasthan, Jaipur. Shri Suman Mandal, Learned Counsel appearing on behalf of the RPCB is also directed to convey our order to the Member Secretary, RPCB as well as the Secretary, Urban Development & Housing, Govt. of Rajasthan.

**O.A. 126/2013**

We also find from the material placed before us that debarking of the trees has been going on in the cities causing slow death of the

**29<sup>th</sup> January,  
2014**

trees which was noticed by the Hon'ble High Court of Rajasthan which issued necessary directions on 28.11.2011 in Writ Petition which was pending before the Hon'ble Court before it was transferred to this Tribunal. The Respondents shall submit a compliance report in terms of the aforesaid order dtd. 28.11.2011 passed in DB Writ Petition (PIL) No. 7693/2011. We have also been informed that the State Government had prepared a draft Bill under the name and style 'Rajasthan Trees (Plantation and Protection in Urban Areas) 2013'. It was stated that this Bill was approved in the State Cabinet and the same is likely to be tabled before the newly elected Vidhansabha constituted after the elections held in the year 2013. We would like to know from the respondent that can the State Government promulgate an ordinance for immediate implementation of this Bill.

The importance of protecting trees in the urban areas need not be emphasized, more particularly when it is observed that the survival rate of the newly planted trees is generally low and hardly any site is left in urban areas due to expansion of colonies and laying and expansion of the roads and close proximity of residential buildings as well as concretisation of the entire compounds and pavements along the roads. Therefore, the need for protecting, preserving and allowing the existing trees to survive is utmost important and since these trees provide much needed greenery and reduce air Pollution in the fast expanding Urban Areas they become virtually the lungs of the cities and towns. The problem which has been highlighted by the Applicant who has taken all the trouble of following up the matter at his own cost and even approaching this Tribunal from Jaipur, is laudable as he has no personal interest in this matter. The indifference shown by the Administration needs to

**O.A. 126/2013**

**29<sup>th</sup> January,  
2014**

be removed and it is shaken up and the aforesaid issues are taken up in all earnest.

Matter be listed on **04.03.2014**.

.....,JM  
**(DALIP SINGH)**

.....EM  
**(P.S.RAO)**

