

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

Original Application No. 30/2013

Passed on 30th August, 2013

In the matter of

Sajag Public Charitable Trust
Through Mr. Sudhir Sapra
Managing Trustee,
D-67, Vasant Vihar,
Gwalior: 474002 (MP).



.....Applicants

Versus

1. Municipal Corporation of Gwalior,
Through the Municipal Commissioner,
City Centre, Gwalior – 474002 (MP).

2. State of MP
Through the Collector,
Collectorate, Sirol Road,
Gwalior 474011 – (MP).

.....Respondents

NGT

Counsel for Applicant :

Ms. Gazala Khan, Advocate

Counsel for Respondents :

Shri Vijay Shahni, Advocate - Respondent No.1

Shri Sachin K.Verma, Advocate – Respondent No.2



ORDER/JUDGMENT

CORAM:

Hon'ble Mr. Justice Dalip Singh (Judicial Member)

Hon'ble Mr. P.S.Rao (Expert Member)

NGT

Delivered by Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. This application has been preferred by the petitioner, Sajag Public Charitable Trust primarily against the Municipal Corporation, Gwalior and the State of Madhya Pradesh through the Collector, Gwalior seeking a relief that the respondents be ordered to remove the concrete tiles from around the base of the trees in the city and around city of Gwalior where such concretisation has been done so that the trees which are important to the environment may be protected and the environment in turn will also be protected.

2. Notice was issued to the respondents after admission of the application vide order dated 09.07.2013. The respondents, after service, sought time to file their reply on 06.08.2013.

3. Today, the respondents have filed their reply which has been taken on record. Copy of the reply was given to the Learned Counsel for the applicant. The parties agreed that the matter will be heard. Accordingly, we have heard the Learned Counsels for the parties on the merits of the matter. Since, the respondents have not disputed the need to remove the tiles and the concrete from around the base of the trees and have also indicated in the reply that the Municipal Corporation, Gwalior has already undertaken the task of removing the tiles and concrete material from around the trees and details of the same have also been furnished alongwith their reply. Accordingly, so far as the merits of the matter are concerned, there remains not much to be decided except that certain guidelines need to be issued which shall be followed by the respondents while carrying out the

aforesaid work of de-concretisation :

- (1) The work of removing the tiles and the concrete, etc. shall be carried out manually and not by any mechanical process which may endanger the trees itself.
- (2) Such de-concretisation shall be carried out upto the extent of 6'x6' around the trees as far as possible depending on the locality, age and girth of the tree.
- (3) While carrying out the aforesaid task, care will be taken not to damage the trees or expose its roots so as to endanger the trees itself.
- (4) Efforts shall also be made to ensure that no loose soil is left which may result in the uprooting of the tree or causing the tree to fall as a result of the aforesaid work of de-concretisation. The firmness of the soil around the tree would be ensured.
- (5) In parity with the directions issued by the Principal Bench, NGT, New Delhi in Application No. 82/2013 vide order dated 23.04.2013 in the case of *Aditya N.Prasad Vs. Union of India and Ors.*, the respondents shall ensure that all the sign boards, names, advertisements, any kind of boards or signage, electric wires, high tension cables or any such cables or wires and nails and screws are removed from the trees forthwith. The respondent no. 2, Collector, Gwalior shall issue instructions to all concerned departments including telephone authorities and electricity department,

cable operators, etc. to take all necessary prohibitive and precautionary measures to prevent the defacing of trees in any manner, save only its trimming when it becomes absolutely necessary in accordance with law.

- (6) The respondent no.2 Collector, Gwalior shall issue necessary instruction to all departments concerned particularly the Municipal Corporation, PWD, Telephone and Electricity Departments and others to ensure compliance of the above order and directions contained in the order of the Principal Bench, National Green Tribunal dated 23.04.2013 in the case of *Aditya N.Prasad Vs. Union of India & Ors.* so that the above work is completed within two months from today.

4. With the above said directions, this application stands disposed of. However, the matter be listed on 12th November, 2013 on which date Learned Counsel appearing for the respondent no.2 shall apprise us about the compliance of the above order.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member