

For Every Tree Removed, Ensure Two Are Grown: Allahabad High Court To State Govt

2022 LiveLaw (AB) 503

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

Devendra Kumar Upadhyaya; J., Saurabh Srivastava; J.

PUBLIC INTEREST LITIGATION (PIL) No. - 789 of 2022; 22.11.2022

Anil Kumar

versus

Union of India Thru. Secy. Ministry Jal Shakti Deptt. Drinking Water and Sanitation New Delhi and Ors.

Counsel for Petitioner:- Piyush Pathak; Counsel for Respondent:- A.S.G.I., C.S.C., Dilip Kumar Pandey

Heard learned counsel for the petitioner and learned State Counsel.

By Instituting the proceedings of this Public Interest Litigation, a prayer has been made to quash the order/letter dated 23.03.2021 whereby a proposal has been made to construct the overhead water tank as well as installation of bore well at an area of 1050 sq. meter of Gata No.355, situate in Gram Panchayat Bargawan, Development Block Pisawan, Pargana Chandara, Tehsil Mohali, District Sitapur. Further prayer made in the petition is that some land other than the land comprised in Gata No.355 be allotted for the purpose of installation of bore well and construction of over head water tank.

Primary submission made by the learned counsel for the petitioner is that the area where the bore well is being installed and the over head water tank is to be constructed is full of trees and as such it will not be appropriate for cutting and falling the trees for the purposes of clearing the ground for installation of over head water tank and installation of bore well.

This Court by means of order dated 16.11.2022 had required the learned State Counsel as also the learned counsel representing the Gaon Sabha to seek instructions as to whether for installing water tank at the venue identified for the said purpose, any trees are going to be uprooted.

Pursuant to the said order passed by this Court, learned State Counsel has received certain instructions from the Sub Divisional Officer, Mohali, Sitapur, which are contained in his letter dated 21.11.2022. The said instructions are taken on record.

As per the said instructions, under the Jal Jeewan Mission Scheme launched by the Government of India, every house hold is to be provided drinking water by pipe line and for the said purpose, a bore well and over head water tank need to be constructed in the Gram Panchayat Bargawan, Development Block Pisawan, Pargana Chandara, Tehsil Mohali, District Sitapur. Instructions further state that for the said purpose, a piece of land admeasuring 30x35 sq. meter has been identified from Gate No.355 which has a total area of 0.174 hectare. It has also been stated by the Sub Divisional Officer that for the purposes of construction certain implements were needed and for transportation of such implements one Neem plant, three Chilwal plants and one Badhal plant have been removed which were about two years old, in presence of a team comprising of the officials of forest department. Instructions clearly state that no tree has been fell; neither any tree shall be fell in future. As per instructions, in case of any need, the plants situated in Gata No.355 in question shall be shifted.

In view of the aforesaid, we **dispose of** this petition with the direction to the authorities concerned that they will abide by the instructions which have been sent to the learned Chief Standing Counsel by the Sub Divisional Officer contained in his letter dated 21.11.2022. We further direct that in case removal of any tree is inevitable, the same will be done only with requisite statutory permission from the forest department and for one such removal of tree, two trees shall be planted by the respondents who shall ensure that such planted trees acquire full growth.