

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

WP No. 17144 of 2024
(*NEERAJ GARG Vs UNION OF INDIA AND OTHERS*)

WP/42565/2025

Dated : 26-11-2025

Shri K.K. Pandey – Advocate in W.P. No.17144/2024.

Shri Harpeet Singh Gupta – Advocate (through VC) with Shri Manan Agrawal, Ms. Nancy Chaturvedi, Shri P.S. Gupta, Shri Shubham Mishra and Shri Hemant Gupta – Advocates for Interveners in W.P. No.42565/2025.

Shri Sunil Jain – Additional Solicitor General (through VC), Shri Suyash Mohan Guru – Deputy Solicitor General with Shri Abhishek Dwivedi, Shri Dev Sharma and Shri Deepanshu Rai – Advocates for Union of India.

Shri Swapnil Ganguly – Deputy Advocate General with Shri Ritwik Parashar – Government Advocate for the State.

Shri Amalpushp Shrotri – Advocate as Amicus Curiae.

Shri Sushobhit Kacchi on behalf of Shri Krishna Rohanda – Advocate for respondent No.3/NHAI.

Shri Aditya Khandekar – Advocate (through VC) for Intervener/MPMKVVCL.

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Pursuant to order dated 20.11.2025 passed in W.P. No.42565/2025, Shri Anupam Awasthi, Chief Project Manager, Gati Shakti, Bhopal, Shri Pankaj Tyagi, Divisional Railway Manager, Bhopal Division, Bhopal, Ms. Sanskriti Jain, Commissioner, Bhopal Municipal Corporation, Shri V.N. Ambade, Principal Chief Conservation of Forests, M.P., Shri Arvind Sharma, Principal Secretary, M.P. Vidhan Sabha, Shri Ajay Shrivastava, Executive Engineer, PWD, M.P. Vidhan Sabha, Shri Ravindra Nath Dubey, Under Secretary, M.P.

Vidhan Sabha and Shri Harish Kumar Shrivastava, Administrative Officer, M.P. Vidhan Sabha are present in Court today.

2. I.A. No.22845/2025, an application seeking exemption from personal appearance of the General Manager, West Central Railway, is filed and it is informed by Shri Suyash Mohan Guru, Deputy Solicitor General that Divisional Railway Manager, West Central Railway, Bhopal Division, Bhopal who is the project incharge itself, is present in Court. Considering the reasons assigned in the application, the personal appearance of the General Manager, West Central Railway is exempted.

3. Shri Swapnil Ganguly, learned Deputy Advocate General appearing for the State candidly submits that some infraction has taken place in the past. However, he submits that the same was a *bonafide* error and for the purposes of infrastructural development. He further submits that there is no tree transplantation policy in the State of Madhya Pradesh which could regulate the cutting and transplantation of trees. He submits that several trees have been cut, however, there are further more trees which are required to be cut or transplanted for the purposes of the ongoing project.

4. Respondents are directed to file an affidavit indicating the number of trees that have been cut, the trees that are proposed to be cut/transplanted for the purposes of the ensuing project and also the place where the trees are proposed to be transplanted. Respondents are also directed to file an affidavit indicating the proposal to restore/rehabilitate the green cover that have been lost on account of cutting of trees as also the cutting of further trees that are

coming in the way of the development project. The affidavit shall indicate the number of trees, their location, the nature, age and size of the trees that are sought to be planted.

5. We note that under Section 4 of the Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001 (*hereinafter referred to as “Adhiniyam, 2001”*) permits the State Government to appoint one or more Forest Officer of the rank not below that of a gazetted forest officer, Commissioner, Municipal Corporation or Chief Municipal Officer as the Tree Officer for the purposes of the said Act for each urban area. It is informed that such notification has been issued. It is pointed out by the learned counsel for the intervener that in cases where Municipal Commissioner has been appointed as the Tree Officer, the Municipal Commissioners have delegated the power to subordinate officers exercising the provisions of Section 69(4) of the Municipal Corporation Act, 1956 (for short **“Act of 1956”**).

6. Reference may be had to Section 69(4) of the Act of 1956 which reads as under:

“69. Functions of several Municipal Authorities.-

(1) *The functions of the several municipal authorities shall be such as are prescribed in this Act.*

(2) **Municipal Government of the city vests in the Corporation.-** *Except as otherwise expressly provided in this Act the Municipal Government of the city vests in the Corporation.*

(3) **Special functions of the Commissioner.-** *Subject to the approval or sanction of the corporation or of the Standing Committee, whenever it is in this Act expressly sp directed and subject also to all other restrictions, limitations, and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in Commissioner who shall also- (a) perform all the duties imposed or conferred upon him by this Act;*

(b) prescribed the duties, and exercise supervision and control over

the acts and proceedings of all municipal officers and servants other than the officers and servants of Corporation office and subject to the rules or byelaws for the time being in force, dispose of or questions relating to the services of the said officer and servants and their pay, privileges and allowances

(c) on the occurrence of any accident of unforeseen event or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of Corporation or danger, to human and animal life, take such immediate action as the emergency shall appear to him to justify and require reporting forthwith to the Standing Committee or the Corporation, as the case may be, when he has done so, the action he has taken and his reasons for taking the same and the cost if any incurred or likely to be incurred in consequence of such action and not covered by a current budget grant.

*(4) **Municipal officers may be empowered to exercise the powers of Commissioners.**-Any of the powers, duties or functions conferred or imposed upon or vested in the Principal Officer by this Act may be exercise, performed or discharged under the Principal Officer control and subject to his superintendence and to such conditions and limitations if any, as he may think with to prescribe, by any municipal officer whom the Principal officer may generally or specially empower in writing, in this behalf."*

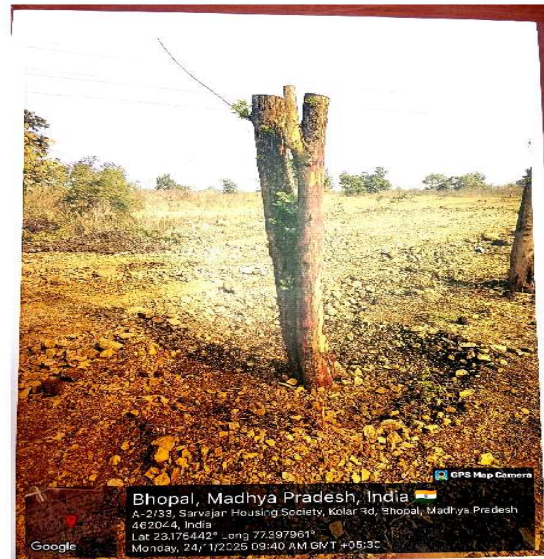
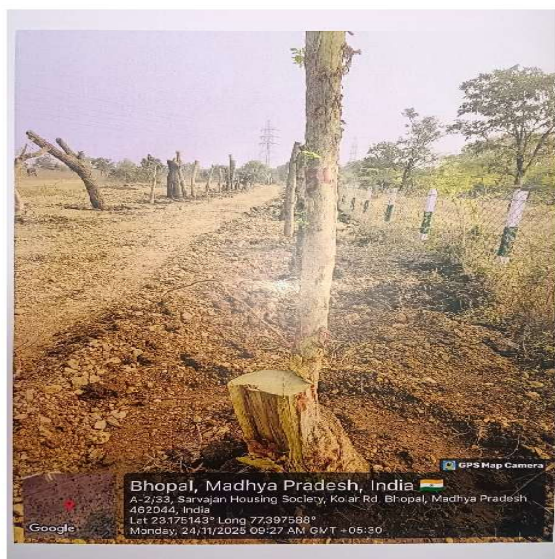
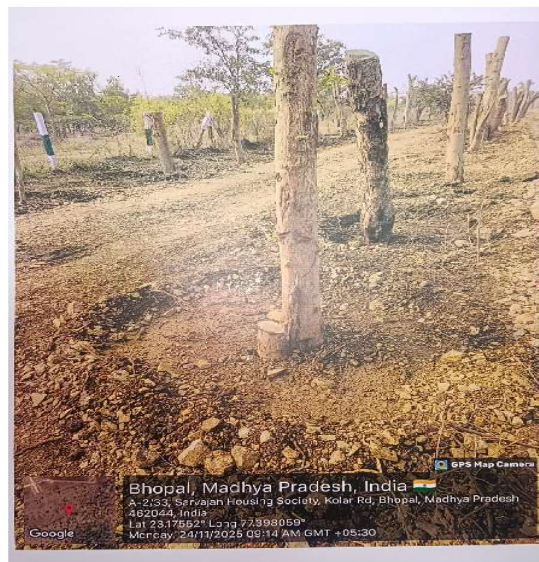
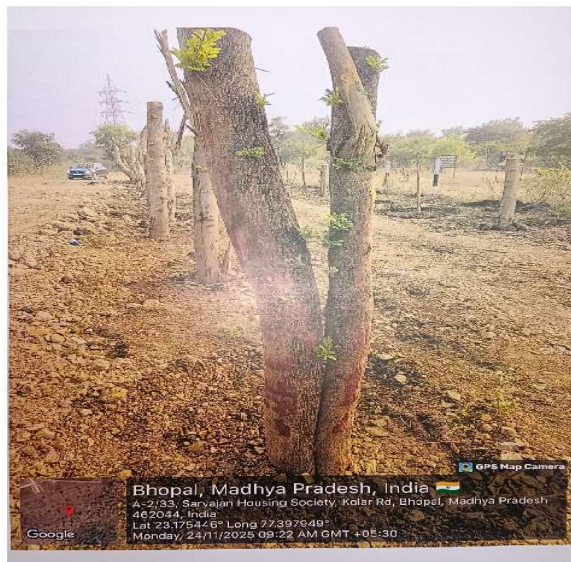
7. Section 69(4) of the Act of 1956 empowers the Principal Officer to delegate the power to any other municipal officer under the control and superintendence of the Principal Officer. In our view, appointment of a Tree Officer is under Section 4 of the Adhiniyam, 2001 and not under the Act of 1956. Since the appointment is by the State Government, there can be no delegation of the said power under Section 69(4) of the Act of 1956 to any other municipal officer. We are fortified in our view by Section 5 of the Adhiniyam, 2001 which empowers the State Government to appoint such other officers/employees of the Forest Department or local authority, as may be necessary, however, they shall be subordinate to the Tree Officer.

8. In view of the above, State Government is directed to appoint the Tree Officer in terms of Section 4 of the Adhiniyam, 2001 and in cases where Tree Officer has been appointed, said power shall be exercised by the Tree Officer so appointed and not by any subordinate or delegated authority.

9. In view of the submission of the State that there is no Tree Transplantation Policy in the State of Madhya Pradesh, we direct the State

Government to take immediate steps for formation of such a policy.

10. We further note that the following photographs produced by the State Government with regard to transplanted trees are far from reality:



The photographs show dismal state of affairs with regard to transplantation.

11. We also take note of a newspaper article dated 25.11.2025 published in the Dainik Bhaskar, Jabalpur edition which shows that the Collector of Sagar District has permitted cutting of 1000 trees in the Collectorate itself.

12. Shri Swapnil Ganguly, learned Deputy Advocate General appearing for

the State disputes the number of trees that have been cut and states under instructions that it was only shrubs that have been pruned and not the trees that had been cut. Collector, Sagar is also directed to file an Affidavit indicating the number of trees that have been cut and steps taken for transplant/restoration of green cover.

13. Let the Affidavit also be filed within a period of two weeks.

14. Learned Additional Solicitor General appearing for the Railway submits that it has been wrongly cited that 8000 trees have been cut for railway project. He submits that only 435 trees have been cut. He further submits that no permission was required for cutting of the trees. He prays for time to show the relevant Regulation to substantiate the submission.

15. For the purposes of completeness, reference may be had to the order of the National Green Tribunal dated 23.05.2025 in O.A. No.68/2025(CZ) (Nitin Saxena vs. Madhya Pradesh Road Development Corporation Limited and others) wherein the National Green Tribunal has constituted a Joint Committee and held as under:

“16. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:

- (i) One Representative from the Ministry of Environment Forest and Climate Change, integrated office at Bhopal (M.P.)*
 - (ii) One Representative from the Central Pollution Control Board, Bhopal. (M.P.)*
 - (iii) One representative from the Addl. Chief Conservator of Forest, State of MP, Bhopal(M.P.)*
 - (iv) One representative from the State Pollution Control Board, Bhopal(M.P.)*
- The State PCB will be the nodal agency for coordination and logistic support.”*

Further, the National Green Tribunal by the said order has directed the Committee as under:

17. We further direct the Committee to ensure as follows:

- i. Compliance of the Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001.*
- ii. The Principal Chief Conservator of Forest is directed to constitute a High Level Centrally Empowered Committee, (CEC) to examine the permission and justification of cutting of trees where the permission is sought for more than 25 trees within the State of Madhya Pradesh.*
- iii. The Principal Chief Conservator of Forest and the DFO range are directed to ensure the Geo tagging of all trees to be made mandatory so that accurate records of their location, type and number can be maintained. Geo tag data should be published and be made available and reported to the O/o Chief Conservator of Forest.*
- iv. There should be tree census within the State city wise and district wise to be monitored by the Principal Chief Conservator of Forest or official nominated by the PCCF.*
- v. Centrally Empowered Committee before granting the permission may also consider the alternate to the plan of cutting the trees which could necessitated felling of fewer number of trees or if option is available or not.*
- vi. Centrally Empowered Committee will also ensure the compensatory afforestation to compensate for the trees that have been cut down and to ensure their survival upto five years with records and progress city wise, district wise.*
- vii. The PCCF, State of MP must have to ensure that there shall not be any cutting of trees without sanction from the competent authority and necessary directions be issued at the district headquarter and in case of any cutting of trees without due permission of competent authority necessary action must be initiated promptly and immediately.*
- viii. The Centrally Empowered Committee may also ensure the compensatory afforestation and forestation @ 10 times to 100 times to the ratio of availability of the land in the same area within a time frame.*

- ix. *It will take a minimum of 70 years to 100 years to again re-generate or re-create the green cover created by cutting of 700 trees and thus the destruction of so many trees adversely affect the environment and life of several human beings. Accordingly, the compensation of compensatory afforestation should be in ratio to that period and ratio to the oxygen generated by the plant during the lifetime of the trees.*

16. We are informed that subsequently, a clarification has been issued and the reference to Principal Chief Conservator Officer in paragraph 17(2) has been replaced with Additional Chief Secretary, Urban Administration and Development for the urban areas of the State of Madhya Pradesh.

17. Re-notify on 17.12.2025.

18. In the meantime, we direct that no tree shall be cut, pruned or transplanted in any manner in the State of Madhya Pradesh except with the prior permission of the Committee constituted by the National Green Tribunal and the concerned Tree Officer till the next date of hearing.

19. The officers who were directed to be present in Court are exempted from personal appearance till further order.

20. Respondents shall also, in the meantime, file a reply in W.P. No.17144/2024 with regard to the allegations pertaining to the cutting of trees and not planting of alternate trees in their place.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE