

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.2/2024

Date of Order : 05.03.2025

Geraldine G. Shabong Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr. S. Khyriem, Adv with
Mr. B. Snaitang, Adv

For the Respondents : Ms. R. Colney, GA

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation (PIL) seeks to prevent illegal or irregular felling of trees in the Lower New Colony area, Laitumkhrah.

By our order dated 7th February, 2025, we directed the State respondents to file an affidavit by 28th February, 2025 disclosing all pending applications for felling of trees in the above region. We also said that those applications should be proceeded with in accordance with the Meghalaya

Tree (Preservation) Act 1976 and the Meghalaya Tree (Preservation) Rules, 1976. The decision in each of these applications was also directed to be disclosed in the affidavit together with decisions already made allowing felling of trees but not executed. Felling should be kept in abeyance and the decision reviewed by the respondent authorities, we also ordered.

The affidavit has been filed. The annexures to it show that some systematic action is being taken by the State respondents. Annexure-1 shows the number of pending applications, the number of trees to be felled requested in each of the applications, the reason cited by each applicant for such felling, an inspection and a status report for each application.

We find that all the applications are pending consideration. The number of trees requested to be felled in an application ranges from 2 to 89. The reason cited by each and every applicant for felling of trees is “tree posing danger to human life”.

Now, these applications are in accordance with a format prescribed at Form-1 to Rule 3(1) Meghalaya Tree Preservation Rules, 1976. The reasons to be advanced for felling of trees are indicated in serial number 6 of the form. One of the reasons is “(5) has become dangerous to life and property”.

This form is prescribed by the Rules. We cannot order alteration of the form.

Nevertheless, we direct the State respondents to instruct each and every applicant to append as an annexure to the form, in explanation of the reason: “has become dangerous to life and property” the details how the tree has become dangerous to life and property. The State respondents shall

thereafter inspect the property and the tree or trees standing thereon. If they do find that a tree “has become dangerous to life and property”, first of all they will try to preserve it by taking appropriate measures like clipping the trunk and branches or chopping a part of it and retaining the rest. Only if that does not suffice, a decision be taken to fell the tree. Only in case of a tree which is so dangerously situated that danger or damage is imminent, should the respondents fell it immediately. The respondents shall process the applications in the above annexures in accordance with our observation and direction above and file a report in this Court before the returnable date. At the moment, no tree should be felled unless it is imminently dangerous and would cause substantial damage if allowed to stand, even before this Court is in a position to hear out the PIL.

List this PIL on 9th April, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
05.03.2025
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