

Tribunal On Its Own Motion Under The ... vs The Chief Secretary To Govt. Of ... on 24 December, 2021

Bench: K Ramakrishnan, K. Satyagopal

Item No.5:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 172 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on the
News item published in The New Sunday Express
News Paper, Chennai Edition Dated: 11.07.2021, "Highway
Expansion project bypasses axing long-standing trees."

...Applicant(s)

Versus

The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort, St. George,
Chennai and Ors.

...Respondent(s)

Date of hearing: 24.12.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R8.

ORDER

1. The above case has been disposed of this Tribunal by Judgment dated 03.09.2021 with following directions:-

"So, the application is disposed of as follows:-

(i) The report submitted by the District Forest Officer and the 8th respondent are accepted and recorded.

(ii) The 8th respondent is directed to strictly comply with the terms of contract in respect of replantation of trees which they are going to cut and remove for the purpose of road widening project and if there is any violation committed by the contractor, then they are directed to take appropriate action against the contractor for the default committed.

(iii) As regards cutting of trees in a private land is concerned, the project proponent/8th respondent is directed to obtain details of number of trees cut in Patta lands, from the concerned Collectors and plant the trees at the ratio of 1:10 as being done in the case of cutting of trees from the public land and also with the provision for seven years maintenance and 80% survival, so as to protect the green cover which is likely to be lost on account of cutting of large number of trees for this project and necessary provisions will have to be made in the project to meet the expenses and also prepare appropriate environment management plan for this purpose and implement the same in its letter and spirit.

(iv) The concerned District Green Committee established as per the G.O. (Ms) No.39 dated 02.07.2021 is directed to arrive at the number of trees cut in the Patta lands for the project and to monitor the implementation of replantation scheme (for trees cut in public and patta lands) as directed by this Tribunal as also undertaken by them in its letter and spirit and if there is any violation/default committed by any of the responsible persons who have to carry out the plan, take appropriate action against them for getting it implemented in its letter and spirit in accordance with law.

(v) The Principal Secretary for Environment is also directed to consider as to whether any permanent legislation will have to be passed for the purpose of regulation of cutting and replanting of trees and the mechanism and procedure to be adopted for that purpose and penal provision for violation (if any) as has been observed by the Tribunal while admitting the matter so as to have a permanent solution for curbing or regulating indiscriminate cutting of trees and also to provide mechanism to regulate the same both from the public land and private land (for public purpose) in addition to the existing regulations, if any.

(vi) The concerned District Green Committee and the Project Proponent/8th respondent are directed to submit the report to this Tribunal through the concerned District Collector regarding the total number of trees cut in both public and patta lands and the compliance of the directions of replanting of trees as directed, as and when the replantation is completed.

(vii) The Registry is directed to communicate this order to the official respondents, State Green Committee and the District Green Committees constituted as per the

G.O. (Ms) No.39 dated

02.07.2021 relating to this area, including the Chief Secretary, State of Tamil Nadu and Principal Secretary for Environment, Public Works Department for their information and compliance of the direction.

(viii) As and when such report is filed, the Registry is directed to place the same before this Bench for consideration and giving further directions (if any) required in this regard. With the above observations and directions, this application is disposed of."

2. As per the above directions, this Tribunal had directed the concerned District Green Committee and the Project Proponent/8th Respondent to submit a report to this Tribunal through the concerned District Collector regarding the total number of trees cut in both public and patta lands and the compliance of the directions of replanting of trees is completed.

3. There is no specific timeline provided for submission of the report.

4. The learned counsel appearing for the State Departments submitted that direction may be given to submit an interim report regarding the present status, so that it will be helpful for this Tribunal to evaluate the progress of the work done and compliance of the directions issued by this Tribunal.

5. The concerned District Collector is directed to submit an interim report of work so far done in this regard on or before 28.01.2022 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF and also by e-mail, if e-filing is not possible and produce necessary hardcopies.

6. The Registry is directed to communicate this order to the official respondents, State Green Committee and District Green Committee including the Chief Secretary, State of Tamil Nadu, Principal Secretary for Environment, Principal Secretary for Public Works Department by e-mail immediately for their information and compliance of the direction.

7. For consideration of compliance report, post on 28.01.2022.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. Satyagopal Korlapati) O.A. No.172/2021 (SZ), 24th December, 2021. Mn.