ITEM NO.32 COURT NO.1 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION(CIVIL) No(s).8/2026

IN RE: PROTECTION OF TREES AND GREEN COVER IN THE TAJ TRAPEZIUM ZONE

(1) I.A. No. 40499/2025 (APPLN FOR PERMISSION REGARDING FELLING OF TRESS IN TAJ PRAPEZIUM(TPZ) ON BEHALF OF 99 ARTILLERY BRIGADE AT MATHURA MILITARY STATION, U.P) AND IA. NO. 308884, 40499 AND 142702/2025 (APPLNS. FOR MODIFICATION OF COURT'S ORDER, PERMISSION FOR FELLING OF TREES (2) IA. NO. 295707, 295717 AND 295719 OF 2024 (APPLNS. FOR IMPLEADMENT, PERMISSION FOR FELLING TREES AND O.T.) (3) IA NO. 99054 AND 99055/2024 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON B/O UPSIDA) (4) IA. NO. 235067 OF 2023 (CEC REPORT NO. 34 OF 2023, APPLN. FOR PERMISSION) IN W.P. CIVIL NO. 4677 OF 1985 (5) IA. No. 292695 OF 2026 (APPLICATION FOR PERMISSION, IA No. 292695/2026 - APPLICATION FOR PERMISSION, IA No.308372/2026 – APPLICATION FOR INTERVENTION/IMPLEADMENT, IA No.309440/2026 – APPLICATION FOR APPROPRIATE ORDERS/DIRECTIONS, IA NOS.237739/2024 – APPLICATION FOR IMPLEADMENT AND IA NO.237765/2024 – APPLICATION FOR DIRECTIONS IN W.P(C) NO.13381/1984 AND CEC REPORT NPO.4/2026

Date : 06-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

PETITIONER-IN-PERSON MS. LIZ MATHEW, SR. ADV. (A.C.) MR. SIDDHARTHA CHOWDHURY, ADV. (A.C.) MR. S GURU KRISHNA KUMAR, SR. ADV. (A.C.) MS. ANITHA SHENOY, SR. ADV. (A.C.) MS. AAKASHI LODHA,AOR MS. KESHVI ARYA, ADV. MR. AMRISH KUMAR, ADV. MR. M.K. MARORIA, ADV. MR. G.S. MAKKER, ADV. MR. VIJAY PANJWANI, ADV. MR. ANKIT GOEL, ADV. MR. KAMLENDRA MISHRA, ADV. (1) MR. RISHI SEHGAL, ADV. (2) DR. RAJEEV SHARMA, ADV. (3) MR. SHISHIR DESHPANDE, ADV. (4) MS. UDITA SINGH, ADV. MR. CHIRAG M SHROFF, ADV. (5). MS. ARUNA GUPTA, ADV.

For Parties :By Courts Motion

Signature Not Verified
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Date: 2026.11.16 09:56:56 IST
Reason:

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Ms. Liz Mathew, Amicus Curiae
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Mr. Ramesh Allanki, Adv.
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Ms. Mamatha Ralla, Adv.
Ms. Nandita Biswas, Adv.

Ms. Sakshi Kakkar, AOR
Mr. Shakti Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. Nos. 40499, 30884, & 40488 of 2025 along with CEC Report No. 33 of 2026

1. These applications have been filed by Administrative Commandant, Station Headquarters, Mathura Cantt. on behalf of Headquarters, 99 Artillery Brigade and its allied units, seeking permission for felling of 60 trees falling within the proposed construction area of Phase-I of the Key Location Plan at Mathura Military Station.

2. This Court, *vide* order dated 22.04.2025, referred the matter to the CEC with a direction to the Applicant to disclose the trees required to be felled for all three phases. The Applicant, thereafter, filed IA No. 30884 of 2025 stating that plans for Phase-II and III are yet to crystallize and sought independent consideration of Phase-I.

3. Consequently, the CEC had submitted Report No.6 of 2026 dated 20.02.2026 recommending felling of 44 trees (instead of 60 trees), subject to the following conditions as recorded in paragraph 17 of the report.

> **"17…….xxx……...xxx…….xxx**
>
> **a) The Applicant shall undertake compensatory plantation of not less than 550 saplings, in terms of the undertaking submitted, and shall ensure their maintenance and survival for a minimum period of five (05) years. The plantation shall be carried out within the Applicant's Campus, the KML file of which shall be shared with the CEC.**
>
> **b) The felling of trees shall be permitted only after the aforesaid compensatory plantation has been carried out and duly verified by the Forest Department.**
>
> **c) In addition to the aforesaid compensatory plantation, the Applicant shall undertake plantation of at least 1,000 saplings of the following native species at appropriate locations within its campus, in consultation with the Divisional Forest Officer, Mathura, and shall maintain the same for a period of five (05) years:**
>
> - **100 trees each of Ficus religiosa, Ficus benghalensis, and Ficus virens. (Total 300 Ficus species);**

• 500 trees of Azadirachta indica (Neem), Terminalia arjuna (Arjun), Butea monosperma (DhaklPalash), Zizyphus mauritiana (Ber), and Mangifera md/ca (Mango);

• 200 trees of Bauhinia variegata (kachnar) and Cassia fistula (Amaltas), which are pollinator-friendly and flowering native species.

d) The Chairman, TTZ Authority shall ensure strict compliance with all the conditions imposed by this Hon'ble Court and further ensure that no trees other than those expressly permitted by this Hon'ble Court are felled. In the event of felling or damage to any additional tree, a penalty of Rs. 1,00,000/- (Rs. One Lakh only) per tree shall be recoverable from the Applicant."

4. IA No. 30884 of 2025 was disposed of on 03.09.2026 after recording a statement on behalf of the applicant that the aforesaid conditions imposed by CEC have been complied with. The CEC, however, was subsequently directed to independently verify the said compliance.

5. Thereupon, CEC has submitted Report No.33 of 2026 dated 30.10.2026, *inter alia,* pointing out that the Divisional Director, Social Forestry Division, Mathura inspected the site on 27.08.2026, and CEC independently inspected it on 23.09.2026, finding that all 1,550 saplings (550 compensatory and 1,000 additional saplings of the prescribed species) were present, alive, healthy, and adequately protected. Condition No.17(d) stipulated in the Report No. 6 of 2026 dated 20.02.2026 is yet to operate, as no felling has

taken place. The CEC has accordingly made the following recommendations:

> **"5. In view of the above, the CEC submits that the Applicant has complied with the conditions stipulated in paragraphs 17(a), 17(b) and 17(c) of CEC Report No. 06 of 2026 dated 20.02.2026, relating to compensatory and additional plantation, as independently verified by the CEC during its site inspection on 23.09.2026. Accordingly, the CEC respectfully recommends that this Hon'ble Court may consider granting permission to the Administrative Commandant, Station Headquarters, Mathura Cantt., for felling of 44 (forty-four) trees, as identified by the CEC in its Report No. 06 of 2026, falling within the proposed construction area of Phase-I of the Key Location Plan (KLP) accommodation at Mathura Military Station, subject to strict compliance with the conditions stipulated in the aforesaid CEC Report, the directions of this Hon'ble Court and all applicable statutory requirements."**

6. Ms. Liz Mathew, learned Senior Counsel and *Amicus Curiae*, has also submitted a self-explanatory note where she has recommended that permission may be accorded to the applicant to fell the 44 trees, subject to strict compliance with the continuing obligation to maintain the saplings for five years and the penalty under Condition 17(d) of Report No. 6 of 2026. The said condition, as reproduced above, specifies that no additional tree shall be felled, and in the event any such felling or damage takes place, there shall be a penalty of Rs.1 lakh per tree on the applicant.

7. Subject to the conditions reproduced above, which are to be followed and complied with, the application(s) are allowed, and

necessary permission for felling of 44 trees is accorded. The compliance report of CEC shall be uploaded on the MIS module.

<u>IA Nos.295707, 295719 & 295717 of 2024 along with CEC Report No.34 of 2026</u>

8. These applications have been filed by Rajasthan State Road Development and Construction Corporation Limited, seeking felling of 401 trees for widening and strengthening of BOT Road, Bharatpur-Bayana-Gangapur-Bhadoti Road from KM 7/0 (Sewar) to 33/055 (Salabad). The matter was referred to the CEC for examination *vide* order dated 24.01.2025. The CEC thereafter submitted Report No.64 of 2025 dated 27.11.2025, recommending felling of 236 trees (215 green and 21 dry), against the original request of 418 trees. This permission had been accorded subject to the conditions as contained in paragraph 15 of the said report. The 215 green trees comprise trees on the proposed road (33), within 0-50 cm of its edge (66), and leaning towards the road (116). The CEC had also recorded that 14 of the originally enumerated green trees, and 4 of the 17 dry trees, were missing.

9. Thereafter, *vide* order dated 03.09.2026, this Court noted the Applicant-Corporation's submission that at least 335 trees were required to be felled for widening the road from 7 to 10 meters. The Applicant was directed to comply with the compensatory afforestation condition and file a compliance affidavit. The CEC was accordingly directed to reconsider the request for felling of 335 trees.

10. In deference thereto, CEC has filed Report No.34 of 2026 dated 02.11.2026, observing that the widening of 10 meters was part of the original proposal and had already been accounted for. The additional requirement arises because the Applicant has since modified the road design, increasing the paved shoulders from 50 cm to 100 cm on either side of the road for safety, and has also sought felling of 99 additional trees on that account. Upon inspection, the CEC found that 6 of these trees can be saved, and recommended felling of 329 trees, with the following conditions contained in paragraph 9 of the Report.

> **"9…….the CEC recommends that this Hon'ble Court may consider granting permission for felling of 329 trees (308 green and 21 dry), comprising the 236 trees (215 green and 21 dry) recommended earlier and 93 out of 7 99 additional green trees sought by the Applicant, for the work of widening and strengthening of the Bharatpur-Bayana-Gangapur Bhadoti Road from KM 7/0 (Sewar) to KM 33/055 (Salabad), falling within the Tai Trapezium Zone (TTZ). The Applicant had thus sought permission for a total of 335 trees: however, the CEC has recommended felling of only 329 trees, as 6 of the additional green trees can be saved. The permission for felling of 329 trees may be granted subject to the following conditions:**
>
> **i) Compensatory plantation of 4,180 trees of indigenous species, as committed by the Applicant, shall be undertaken by the Divisional Forest Officer, Bharatpur, at the cost of the Applicant on the land identified for this purpose in Village Katariyapur, District Bharatpur.**
>
> **ii) The total area of 4.5 hectares identified for compensatory plantation in District Bharatpur shall be notified as Protected Forest by the State Government**

within six months, and compliance in this regard shall be filed before the CEC.

iii) The boundary of the compensatory plantation site shall be secured with a six-feet-high chain-link fence fixed on a two-feet-high concrete wall so as to protect the young saplings from grazing by cattle and other animals.

iv) Provision for proper watering of the planted saplings during summer and their maintenance for a period of ten years shall be included in the plantation estimate to ensure a better survival rate.

v) The funds required for raising the compensatory plantation, including the cost of fencing and maintenance, as estimated by the State Forest Department, shall be deposited by the Applicant with the Divisional Forest Officer, Bharatpur, in an interestbearing bank account before any permission is granted for felling of the trees by the Forest Department.

vi) In addition to the aforesaid compensatory plantation, upon completion of the road-widening work, both sides of the road shall be planted by the Forest Department with tall saplings of suitable indigenous species, such as Ficus religiosa (Pipal), Holoptelea integrifolia (Papdi), Ficus virens (Pakar), Ficus racemosa (Gular), Azadirachta indica (Neem), Butea monosperma (Dhak), Phyllanthus emblica (Aonla), Terminalia bellirica (Baheda), Terminalia chebula (Harad), Bauhinia variegata (Kachnar), Syzygium cumini (Jamun), Terminalia arjuna (Arjun), Albizia lebbeck (Sins) and Dalbergia sissoo (Sheesham), at a spacing of 5 meters. The saplings shall be at least 8-10 feet in height and shall be protected by brick or iron tree guards. The entire cost of plantation and subsequent maintenance shall be deposited by the

Applicant with the Forest Department before any permission is granted for felling of trees.

vii) The Forest Department shall undertake an extensive exercise to identify the missing trees and submit its findings to the CEC.

viii) The Chairman, TTZ Authority, while ensuring strict compliance with all the conditions imposed by this Hon'ble Court, shall also ensure that no trees other than those permitted to be felled by this Hon'ble Court is felled or damaged during the execution of the project. In case any additional tree is accidentally felled or damaged, a penalty of Rs. 1,00,000/- (Rupees One Lakh only) per tree shall be recovered from the Applicant.

ix) The Applicant shall also comply with the directions contained in paragraph 31 of the order dated 03.09.2026 passed by this Hon'ble Court and file the requisite compliance affidavit."

11. Ms. Liz Mathew, learned Senior Counsel and *Amicus Curiae*, in her self-explanatory note, has stated that compensatory afforestation in this matter has not yet been carried out. Report No.64 of 2025 merely records the Applicant's undertaking to plant 4,180 saplings on the land identified in village Katariyapur. The learned *Amicus* has accordingly suggested that the Applicant may be directed to first carry out the compensatory afforestation of the aforesaid trees, in terms of the conditions stipulated in paragraph 9 of Report No.34 of 2026 of CEC. It is further stated that the Applicant may be directed to file a compliance affidavit, and CEC may thereafter examine the compliance, including by conducting a site inspection, and place its report before this Court.

12. Learned counsel for the Applicant informs that the requisite amount of Rs.1,07,33,630 has already been deposited with the Forest Department and that the land for compensatory afforestation has also been identified.

13. Accordingly, we direct the Forest Department, Government of Rajasthan to immediately commence the compensatory afforestation and inform CEC in writing on completion of the entire exercise. On doing so, the CEC is directed to inspect the site and submit a report regarding compliance of the same. Once CEC submits that report, permission is granted to the Applicant for felling of the trees.

14. The needful shall be done within a period of two months.

15. Similarly, the Forest Department shall also submit a report to CEC with respect to the missing green and dry trees.

16. The applications are, accordingly, disposed of.

<u>IA Nos.99054 and 99055 of 2024 along with compliance affidavit of the TTZ Authority and additional affidavit of UPSIDA</u>

17. List on 19.11.2026.

<u>IA No. 292695 of 2026</u>

18. This application has been filed by Executive Engineer, Construction Division No. 2, Public Works Department (Lok Nirman Vibhag), Firozabad, seeking permission to fell 739 trees for the 4-lane widening and strengthening of Tundla-Awagarh Road, i.e. State Highway No. 31. The existing road is stated to be 7 meters wide. However, learned Senior Counsel for the applicant states that the

actual width of the road is 14.4 meters. The project involves diversion of 8.7335 hectares of protected forest land. Further, the forest clearance proposal submitted on PARVESH portal on 24.04.2026 was recommended by the Divisional Director, Social Forestry Division, Firozabad on 20.06.2026, and is still pending consideration before the competent authority.

19. Owing to this, we find it appropriate to direct the CEC to submit a self-explanatory report-cum-recommendation, including the status of approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as well as the width of the road.

20. Post on 19.11.2026.

IA No. 235067 of 2026

21. In light of the note submitted by the learned *Amicus,* this application be de-tagged and be listed along with SMW (C) No. 11 of 2026 (*In Re: Curbing Air Pollution in the National Capital Region – Conservation and Enhancement of Green Cover*).

CEC Report Nos.30 and 31 of 2026

22. With reference to CEC Report Nos. 30 and 31 of 2026, we grant permission to POWERGRID Ghiror Transmission Limited (PGTL) to move an appropriate application along with its undertaking, especially in light of the recommendations made by CEC pursuant to PGTL's Application Nos.1679 and 1686 of 2026. The learned *Amicus* has also submitted a note.

23. The Registry is directed to list the applications filed by PGTL, including fresh IAs, on 19.11.2026. The IAs filed by Railways

and Ministry of Defense are also directed to be listed on the date fixed, i.e. 19.11.2026.

24. All the IAs, including those listed through mentioning, as well as CEC Report No.4 of 2026, are directed to be listed on 19.11.2026. The applicants are directed to supply copy of the IAs to learned *Amicus Curiae* on amicusttz@gmail.com well in advance.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR