

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). 2/2019

IN RE FELLING OF TREES IN AAREY FOREST (MAHARASHTRA)Petitioner(s)

VERSUS

Respondent(s)

[ONLY I.A. NO. 265057/2025 IS LISTED UNDER THIS ITEM]
IA No. 265057/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 17-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE N.V. ANJARIA

By Courts Motion

For Petitioner(s) :

For Respondent(s) :

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Ashish Wad, Adv.
Mr. Manoj Wad, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Ms. Swati Arya, Adv.
Ms. Akriti Arya, Adv.
Ms. Nishi Sangtani, Adv.
M/S. J S Wad And Co, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Tushar Mehta, Sr. Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Chirag Shah, Adv.
Mr. Amlaan Kumar, Adv.

Mr. Vinayak Aren, Adv.
Mr. Vishal Prasad, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Ms. Aditi Gupta, Adv.
Ms. Smruthi Gawda, Adv.

Mr. Shree Pal Singh, AOR

Intervenor-in-person

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

I.A. NO. 265057/2025

1. By way of present application the applicant-Project Proponent has sought permission for felling of trees.
2. Vide our order dated 29.07.2025 while allowing the application, we had issued certain directions to Project Proponent i.e., to place on record the report of the experts showing that no other alternative other than felling of 95 trees was available.
3. Vide order dated 14.08.2025, after considering the report submitted by the experts, we found that there was no other alternative than to remove the trees. However, while permitting the same and directing compulsory afforestation, we had recorded the objection of Ms. Pooja Dhar, learned counsel, with regard to the draft permission not containing the requirement of geo-tagging.
4. Subsequently, when the matter was listed on 27.10.2025, we had noted that the State was not sincere in implementing compensatory afforestation. We had therefore passed the following order:-

"8. The Court has always insisted on balancing the competing rights. On one hand the development of the country cannot be stalled, and on the other hand the concerns with regard to the environment and ecology cannot be ignored. Therefore, the Court has always insisted on the principle of sustainable

development.

9. When permissions are granted for felling and transplantation of trees, it is expected that the authorities executing the compensatory afforestation undertake the same with due sincerity. Insofar as the size of saplings being between 1 feet to 20 feet is concerned, Mr. Maninder Singh, learned Senior Counsel appearing on behalf of the State of Maharashtra, tried to justify the same on the ground that the afforestation is undertaken for a period of eight years.

10. We also do not appreciate the saplings of 1 feet being planted. The forestry sector has developed and tall saplings for afforestation are available. If the trees are felled, there should be no reason as to why while undertaking compensatory afforestation the tall saplings cannot be used. The expenditure of the same would be hardly anything compared to the huge cost of the underlying project.

11. We further find that there also appears to be an issue of blaming each other on account of multiplicity of the authorities concerned. Mr. Maninder Singh states that the afforestation and maintenance is handed over to SGNP. If that be so, then we fail to understand as to why vide communication dated 22.09.2025, the Deputy Director of the SGNP itself handed over the 15 hectares of land to MMRCL for undertaking afforestation.

12. If the Court has granted permission for felling of trees taking into consideration the larger public interest, the compensatory afforestation ought to have been done with utmost sincerity. We find that the State or its authorities have not attended to the same with the sincerity required.

13. We, therefore, direct the Chief Secretary of the Government of Maharashtra to come out with a concrete proposal as to what steps would be taken for effective management and protection of the trees that are planted by way of compensatory afforestation and file an affidavit to this effect on or prior to 10.11.2025."

5. In response to the aforesaid order, the Chief Secretary of the State of Maharashtra has filed an affidavit dated 10th November, 2025, it would be relevant to refer to the following averments in paragraph 4 of the said affidavit:-

"4 The measures required for effective management and protection of trees planted for trees felled *outside forest areas* for infrastructure projects were discussed at length with the senior and experienced Forest Officers present in the meeting.

There are instances where, for certain projects (e.g. Metro Rail Shed at Aarey, GMLR tunnel) tree-felling/removal becomes necessary in urban/non-forest areas, to which the provisions of the Van (Sanvardhan evam Sanvrakshan) Adhiniyam 1980 do not apply.

In such areas the local laws relating to regulation of felling of trees viz. Maharashtra Felling of Trees

(Regulation) Act 1964 and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 are applicable.

After detailed discussions the following are the proposed measures to ensure healthy and long-term survival of such all plantations (whether strictly Compensatory Afforestation or otherwise):-

- a) Compensatory plantation proposals shall mandatorily incorporate native and indigenous tree species suited to the local climatic and ecological conditions. The use of native tree species is critical for maintaining habitat integrity, promoting local bio-diversity and ensuring higher survival and ecological sustainability of plantation areas.

- b) Local urban bodies to create and maintain suitable Land Bank comprised of open lands within their jurisdiction well in advance with special consideration as to health and depth of soil in such areas and its suitability for plantation, without disturbing areas like Recreation Grounds, important natural biomes (geographical areas with distinct climate, floral and faunal species e.g. wide grasslands). The extent of the Land Bank should be proportional to the requirement of plantation to be done in relation to the area on which trees are to be felled. In any case, unless afforestation is permitted in the Protected Areas as per approved Management Plans, such plantation should not be done in any Protected Area (i.e. Wildlife Sanctuary or National Park). As required by section 7(j) of the Maharashtra (Urban Areas) Protection and

Preservation of Trees Act 1975 it must be "ensuring that compensatory afforestation is carried out and survival of trees, including the compensatory plantation in all lands within the jurisdiction of the urban local authority". However it is a fact that there is acute scarcity of open land within Mumbai city limits, hence compensatory afforestation for BMC and other Government infrastructure projects of larger public interest should be considered on suitable lands available within the Mumbai Metropolitan Region (MMR). Such locations may be identified by the Project Proponents and prior permission for the same shall be obtained by them from the owner of the land.

- c) The saplings of indigenous plants only suitable to local climatic and soil conditions, having a height of not less than 12 feet, shall be planted and as stipulated by sec.8(5A) Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 the Tree Authority or Tree Officer shall ensure that such compensatory plantation trees will survive for a minimum period of seven years; any mortality during this period shall be compensated by replanting an equal number of new trees.
- d) All details of such plantations, including GPS coordinates and geotagged photographs, indicating site before and after planting, should be made put up on an easily and freely accessible dedicated website of the concerned Project Proponent; all subsequent reports of each plantation are to be updated on the said website after every SIX MONTHS.
- e) Any matter of concern such as plant disease, sudden inexplicable drop in survival, vandalism / damage

(caused by humans or animals) to be made reportable by any person/ members of public on the website. The concerned plantation manager to address the same within 30 days and report action taken on the website.

- f) The plantation will be evaluated periodically by a Committee consisting of the Divisional Forest Officer (Social Forestry) as Chairman, the jurisdictional Assistant Conservator of Forests (Territorial), the Officer under Maharashtra Felling of Trees (Regulation) Act 1964 or the Maharashtra (Urban Areas) Protection and Preservation of Trees Act 1975 where applicable as members, the representative of the Project Proponent as Member Secretary and a representative of a recognized and well-known local Non-Government Organization having expertise in plantations, as member.
- g) A Consolidated fund for non-CA plantations (i.e. not related to forest land under *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*) be created, sourced from the Project Proponent, exclusively to meet expenses of the plantation including honorarium allowances to experts. Accounts of this fund to be audited independently.
- h) Assistance of scientific experts in soil science, Botany, and related aspects of the science to be taken whenever required.
- i) All such plantations should be fenced and guarded by a permanent fence of at least 8 feet height with CCTV surveillance and with tree guards to prevent damage by grazing, encroachment and other factors.

j) Each of such plantations if taken on the public non-forest land having an area exceeding 1 ha and are adjacent to the forests shall be declared as protected Forests under Section 29 of Indian Forest Act 1927 after the project is completed. All other planted areas, during and after completion of the plantation activity, be provided appropriate legal protection under the relevant Urban laws, preferably as "Urban green Belt" or with 'No development zone' reservation conferred by the respective urban authorities.

A Government Resolution will be issued on the above lines for compliance by all concerned."

6. We find that the aforesaid aspect along with other averments made in the said affidavit amply address the issues with regard to compensatory afforestation. We further find that the measures with regard to compensatory afforestation have been now made a part of the Government Resolution dated 16th November, 2025.

7. We treat the averments made in the affidavit dated 10th November, 2025 by the Chief Secretary, Government of Maharashtra as an undertaking to this Court. We direct that the measures as mentioned in the said affidavit shall be scrupulously given effect to while undertaking compensatory afforestation.

8. We further clarify that if we note that any of the officers dealing with compensatory afforestation do not comply with the aforesaid measures, strict action would be liable to be taken against such officer as found appropriate.

9. Vide order dated 27th October, 2025, we had directed the Conservator of Forest, Mumbai to also examine the suitability of the site proposed by the Project Proponent i.e. BMC for the purpose of afforestation.

10. The communication dated 06th November, 2025 addressed by the Conservator of Forest and Director, Sanjay Gandhi National Park would reveal that the said site has been found suitable for

compensatory afforestation.

11. We, therefore, allow the present application in terms of prayer clause (a), which is extracted below:-

“a. Allow the present application and permit the Tree Authority to grant permission for felling/transplanting of 1039 trees to the Project Proponent on an urgent basis in the second phase for GMLR Project;”

12. We, however, direct the Project Proponent i.e. BMC to scrupulously follow the measures for compensatory afforestation and complete the same within a period of eight weeks from today.

13. We further clarify that the lacunae found in the compensatory afforestation already undertaken shall be removed and the compensatory afforestation, as per the measures undertaken in the affidavit will be carried out within a period of 12 weeks from today.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
ASSISTANT REGISTRAR