

ITEM NO.18

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. 2/2019

IN RE: FELLING OF TREES IN AAREY FOREST (MAHARASHTRA)

IA No. 121434/2022 - APPLICATION FOR PERMISSION
IA No. 146635/2025 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 106063/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 126011/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 26808/2023 - CLARIFICATION/DIRECTION
IA No. 178235/2019 - CLARIFICATION/DIRECTION
IA No. 163919/2019 - CLARIFICATION/DIRECTION
IA No. 121435/2022 - CLARIFICATION/DIRECTION
IA No. 26810/2023 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 104887/2022 - EXEMPTION FROM FILING O.T.
IA No. 186639/2022 - EXEMPTION FROM FILING O.T.
IA No. 104737/2022 - EXEMPTION FROM FILING O.T.
IA No. 105946/2022 - INTERVENTION APPLICATION
IA No. 126001/2022 - INTERVENTION APPLICATION
IA No. 163906/2019 - INTERVENTION/IMPLEADMENT
IA No. 126016/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON

WITH

SLP(C) No. 31178/2018 (IX)

(IA No. 48960/2019 - CLARIFICATION/DIRECTION
IA No. 169955/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 84393/2025 - EXEMPTION FROM FILING O.T.
IA No. 169956/2018 - EXEMPTION FROM FILING O.T.
IA No. 48969/2019 - INTERVENTION/IMPLEADMENT
IA No. 52988/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 111577/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 176654/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 14933/2019 (IX)

(IA No. 99013/2022 - APPLICATION FOR PERMISSION
IA No. 75721/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 105224/2022 - EXEMPTION FROM FILING O.T.
IA No. 75723/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1132/2019 (PIL-W)
(IA No. 140471/2019 - EXEMPTION FROM FILING O.T.
IA No. 140468/2019 - INTERVENTION APPLICATION)

SLP(C) No. 24849/2019 (IX)
(IA No. 158849/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 158850/2019 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 1283/2019 (PIL-W)
(IA No. 160062/2019 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 24958/2019 (IX)
(IA No. 48544/2020 - CLARIFICATION/DIRECTION
IA No. 48495/2020 - CLARIFICATION/DIRECTION
IA No. 52659/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 48850/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 160312/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 52658/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 160315/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 4002/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 160308/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 29-07-2025 These matters were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

(By Courts Motion)

For Petitioner(s) :
Mr. Shyam Divan, Sr. Adv. (NP)
Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Prerna Priyadarshini, AOR
Mr. Syed Faraz Alam, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushman Aggarwal, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Aditi Gupta, Adv.

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

Dr. J. P. Dhanda, AOR
Ms. Raj Rani Dhanda, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Zaman Ali, Adv.
Ms. Sadhana Madhavan, Adv.
Ms. Kavana Rao, Adv.
Mr. D.P. Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

For Respondent(s) :

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

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.
M/S. J S Wad And Co, AOR

Mr. Tushar Mehta, SG
Ms. Rukhmini Bobde, Adv.
Mr. Chirag Shah, Adv.
Ms. Geeta Oberoi, Adv.
Mr. Naveen Bharadwaj, Adv.
Mr. Amlaan Kumar, Adv.
Mr. Vinayak Aren, Adv.
Mr. Vishal Prasad, AOR

Mr. Tanmaya Agarwal, AOR
Intervenor-in-person, AOR

Mr. Shree Pal Singh, AOR

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

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

IA No. 146635/2025 IN SUO MOTO WRIT PETITION (CIVIL) NO.
2/2019:

1. This application has been filed by the Tree Authority of the Municipal Corporation of Greater Mumbai.
2. The application is necessitated in view of the order passed by this Court on 10th January, 2025, which reads thus:

"We make it clear that the Tree Authority of Mumbai Municipal Corporation will not grant permission for felling of trees within Aarey Colony area without leave of the Court. The Tree Authority may process the applications and thereafter apply for leave."

3. In the application it is stated that the Municipal Corporation of the Greater Mumbai (Project Proponent) is undertaking Goregaon-Mulund Link Road Project (GMLR

Project) so as to strengthen the connectivity between Eastern and Western suburbs of Greater Mumbai.

It is also stated in the application that to improve the road connectivity, the Municipal Corporation of Greater Mumbai has developed three major East - West Link Roads, i.e. Santacruz-Chembur Link Road, Andheri-Ghatkopar Link Road and Jogeshwari-Vikhroli Link Road. It is stated that as a part of the same project, need arose for GMLR Project, which has been approved as per the Development Control and Promotion Regulation Plan, 2034.

4. It is stated that for the said GMLR Project, a 6.62 km Tunnel Road is envisaged to strengthen the connectivity from Western Express Highway at Goregaon to Eastern Express Highway at Mulund. It is further stated that the said Project aims to reduce the travel time by almost one hour between Mulund and Goregaon.

5. It is also stated that for digging the tunnel, the work of launching shaft (i.e. a pit structure of about 200 m length, 50 m width and 35 m depth) is required to be created so as to lower down the Tunnel Boring Machine (TBM) underground and initiate the tunnel work.

6. Mr. Mukul Rohatgi, learned Senior Counsel appearing on behalf of the Tree Authority submits that though initially the Tree Authority had proposed felling of 1094 trees, taking into consideration the immediate necessity to

provide for launching shaft to lower the TBM, permission at present is required to be granted only insofar as 95 trees.

7. Mr. Rohatgi further submitted that though the area does not fall in the Aarey Colony, and falls within the Film City area, however, as a matter of abundant precaution, the present application has been moved. He submits that an averment to that effect is also made in the application.

8. The application is vehemently opposed by Mr. Gopal Sankaranarayanan and Ms. Anitha Shenoy, learned Senior Counsel appearing on behalf of the petitioners.

9. Mr. Sankaranarayanan, learned senior counsel submitted that in the affidavit filed by the State on 08th January, 2025, a solemn statement was made that at present there is no proposal for felling of any further trees. It is stated that now a contrary stand is taken.

10. From a perusal of the affidavit filed by the State dated 08th January, 2025, it would reveal that the statement made by the State Government was with regard to the proposal of Mumbai Metro Rail Corporation Limited (MMRCL) with respect to MMRC's construction of Car Depot of Mumbai Metro Line-3 Project at Aarey Colony.

11. The present project is a different project than the one of Car Depot of Mumbai Metro Line-3 Project at Aarey

Colony.

12. At this stage, we do not wish to go into the question as to whether the area falls under Aarey Colony or not.

13. No doubt that the protection of environment is important, as has been consistently held by us that the environmental resources are held in trust for the future generations. However, at the same time, the necessity for carrying out development activities, cannot be ignored.

If a country has to progress, the development of infrastructure is also necessary. Unless proper infrastructure is put in place, a country cannot progress. No doubt that while permitting such development, a caution has to be taken that the least damage is caused to the environment. Further, compensatory measures, so as to compensate the loss caused to the environment have to be undertaken. It has always been necessitated that the number of trees to be planted has to be in multiples of trees felled.

14. Taking into consideration this aspect of the matter, we are inclined to allow the application.

15. We permit the Tree Authority to proceed further with the application of the Project Proponent seeking permission for felling of the trees. However, we clarify that no trees shall be actually felled without permission of this

Court.

16. We direct the Project Proponent to place on record the report of the Experts showing that no other alternative other than felling of 95 trees for launching shaft to lower the TBM is available. The Project Proponent shall also place on record the plan for compensatory aforestation so as to compensate for the loss of trees that would be felled for digging the shaft.

17. The report and the plan for the compensatory aforestation would be filed along with the affidavit of a responsible officer by 07th August, 2025.

18. List for further consideration on 12th August, 2025.

(POOJA SHARMA)
COURT MASTER (SH)

(ANJU KAPOOR)
ASSISTANT REGISTRAR