

ITEM NO.2

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. 265057/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 27-10-2025 This matter was called on for hearing today.

CORAM :

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

For Petitioner(s) : By Courts Motion

For Respondent(s) : Intervenor-in-person, 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.
Ms. Chitransha Singh Sikarwar, Adv.
Ms. Preet S. Phanse, 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

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

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

IA No. 265057/2025:

1. The present application pertains to the 'Goregaon-Mulund Link Road Project (GMLR Project). This application has been filed by the Tree Authority of the Municipal Corporation of Greater Mumbai for permission for felling and transplantation of 1039 trees.

2. Though the application pertains to the permission for felling of trees for second phase of GMLR project, it was brought to our notice that the plantation carried out as a measure for compensatory afforestation insofar as Mumbai Metro Rail Corporation Limited (MMRCL) project in the last decade is concerned, was not up to the mark. We had, therefore, *vide* our order dated 14.08.2025 directed the Forest Conservator, Mumbai, to place on record an affidavit showing as to what is the present status of the compensatory afforestation undertaken within the area

falling under the MMRCL for the last decade, including the photographs showing the current status of the compensatory afforestation taken by the authorities.

3. Accordingly, in compliance of our aforesaid order, Ms. Anitta Patil, presently working as the Conservator of Forests and Director, Sanjay Gandhi National Park (SGNP), Forest Department, Maharashtra, has filed an affidavit sworn on 21.10.2025. Along with the affidavit, an inspection report dated 15.10.2025 conducted by Mr. Kiran Patil, Deputy Director (South), SGNP, is also placed on record. It will be relevant to refer to certain observations made in the said report, which reads thus:

“It was found that out of total planted 20,460 seedlings, approximately 50% of the saplings have been survived based on field verification and available records. During the inspection of the plantation, the following observations were recorded:

1. The overall growth and condition of the surviving plants is irregular and stunted.
2. During the inspection, it was noted that the certain patches exhibit stunted growth and moderate survival, indicating the need for continued maintenance and care.

3. In some areas, natural factors such as poor soil depth, water scarcity, and other external disturbances have adversely affected the growth and survival of the seedlings.

4. Furthermore, the chain-link fencing constructed around the plantation area has partially collapsed or deteriorated at several points, exposing the plantation to grazing and encroachment risks.

To ensure the long-term sustainability and full establishment of the plantation, it is recommended that adequate protection measures be implemented to safeguard the site from biotic interference and external damage, and regular monitoring and maintenance should continue to achieve the objectives of the C.A. and CSR plantation schemes, thereby supporting ecological restoration and environmental improvement in the region."

4. It can thus be seen that the Project Proponent or the Authority entrusted with the management of compensatory afforestation has not attended to the task with due sincerity, as required. The aforesaid observations would reveal that the overall growth and condition of the surviving plants is irregular and stunted. It is also noticed that in certain patches the survival is moderate and in want of continuous maintenance and care. It is also noticed that certain natural factors such as poor

soil depth, water scarcity and other external disturbances have adversely affected the growth and survival of the seedlings. The authorities have not even taken care to have proper chain-link fencing constructed around the plantation area and have chosen to leave it exposed to grazing and encroachment risks.

5. The inspection report further shows that on inspection of the plantation area on 19.09.2025, it was observed that the height of the surviving saplings varied with an average ranging from 1 feet to 20 feet. Out of 20,460 saplings originally planted, only 10,230 saplings were found to have survived.

6. It is further relevant to refer to the communication dated 17.06.2025 issued by Ms. Anitta Patil, Conservator of Forests and Director of SGNP, to the Director, Planning, Real Estate Development/NFBR, MMRCL. A perusal of the said communication would reveal that the survival rate was found to be low in areas such as Satara Camp, Lahugad, Gautamnagar, and Damunagar. The letter recommends handing over 15 hectares of land in Village Magathane for planting 11,000 saplings.

7. The communication dated 22.09.2025 addressed by

Mr. Kiran Patil, Deputy Director (South), SGNP, to the Conservator of Forests and Director, SGNP, would also reveal that the possession of 15 hectares of land in South Magathane Beat, Krushnagiri Upvan Range, has been handed over to MMRCL for executing the plantation work.

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 foot 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 foot 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.

14. The Chief Secretary, Government of Maharashtra, while formulating the policy will take all the stakeholders on board including the Commissioner of Brihanmumbai Municipal Corporation (BMC), MMRCL and other related bodies.

15. Insofar as the present project is concerned, though there is a favourable report with regard to compensatory afforestation submitted by the Director of the Bombay Natural History Society (BNHS) dated 13.10.2025, we find that it would be appropriate that the Conservator of Forests, Mumbai, inspects the compensatory afforestation as well as transplantation already done. The said officer shall also examine the suitability of the site proposed by the Project Proponent, i.e. BMC for the purposes of afforestation.

16. List on 11.11.2025.

(POOJA SHARMA)

(ANJU KAPOOR)

AR-CUM-PS

ASSISTANT REGISTRAR