

(2025) 02 MEG CK 0939

In the Meghalaya High Court

Case No : Public Interest Litigation No. 2 Of 2024

Geraldine G. Shabong

APPELLANT

Vs

State Of Meghalaya & Ors

RESPONDENT

Date of Decision : 07-02-2025

Acts Referred:

Citation : (2025) 02 MEG CK 0939

Hon'ble Judges : I.P. Mukerji, CJ; W. Diengdoh, J

Bench : Division Bench

Advocate : K. Decruse, K. Paul, N.D. Chullai, E.R. Chyne

Judgement

This public interest litigation (PIL) seeks orders from this Court to stop illegal or irregular felling of trees by the respondent State authorities in and around the Lower New Colony area, Laitumkhrah. However, considering the nature, scope and impact of the writ petition, we include the entire East Khasi Hills District within the purview of the petition and this order.

In the writ petition, the writ petitioner relies upon the Meghalaya Tree (Preservation) Act, 1976 and the Meghalaya Tree (Preservation) Rules, 1976 framed thereunder which, inter alia, provide that before according permission to fell a tree in the State, an application has to be made by the Divisional Forest Officer in Form-I of the said Rules, followed by an enquiry by the Divisional Forest Officer before such permission is granted. The Nagar Van Yojana (NVJ) scheme of the Government of India in 2020, restrained felling of trees and promoted "urban forestry", the writ petition averred.

By citing certain examples, the writ petitioner has tried to impress upon us that without following due procedure, the State respondents have indiscriminately felled trees in the above area, on complaints being made by individuals that the trees were either obstructing ingress or egress or were standing dangerously. Such felling of trees also include felling of heritage trees which are over a century old.

Mr. N.D. Chullai, learned AAG appearing for the respondents has filed an affidavit-in-opposition affirmed on 18th June, 2024 attempting to deal with the allegations. We do not find any indication therein as to whether the procedure in the above rules has been followed.

If any felling of trees has already been done irregularly or illegally it is irreversible. We direct that wherever such felling has taken place, the respondents will take steps to plant trees more or less of the same type or description, so as to restore the ecology of the area.

The State respondents are directed to disclose all pending applications for felling of trees in the above region. They shall ensure that all these applications are processed and disposed of strictly in accordance with the said Act and Rules. It should state the status the procedure followed and the outcome of each and every pending application. In respect of decisions already made allowing felling of trees but felling of trees not done till today, the respondent authorities shall keep the felling of trees in abeyance and review such decisions to ensure that they have been made in accordance with law. The above information and action shall be contained in an affidavit to be filed by the State by 28th February, 2025 with a copy served on the Advocate-on-Record for the petitioner.

List this PIL once again on 5th March, 2025.