

**(2018) 12 P&H CK 0089**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition-PIL No. 4 Of 2018 (O&M)**

Jahangeet Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

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**Date of Decision :** 14-12-2018

**Acts Referred:**

**Citation :** (2018) 12 P&H CK 0089

**Hon'ble Judges :** Krishna Murari, CJ;Arun Palli, J

**Bench :** Division Bench

**Advocate :** Aalok Jagga, S.P. Jain, Dheeraj Jain, Deepali Puri

**Final Decision :** Dismissed

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## **Judgement**

Krishna Murari, CJ.

1. This public interest litigation has been filed seeking a writ to restrain the respondents and in particular respondents No.2 and 3 from cutting down the trees in Chandigarh without any basis which is detrimental to the environment and ecology. A further writ of mandamus has been prayed to command respondents No.2 and 3 to place on record the permission for removal of 42 numbered trees from Serial Nos. 395 to 519 and quash the same as healthy eucalyptus trees are being cut down without any rhyme or reason.

2. A written statement has been filed on behalf of respondents No.3 and 6 stating therein that during the census of trees in the year 2017 it was noted that some trees are standing in a very dangerous position and likely to fall at any time during high winds which may result in loss of property and human life. The said trees were identified by the concerned Sub Divisional Engineer and he sought permission to remove the same. The concerned Executive Engineer after examining the matter and inspecting the site submitted its report dated 02.05.2017 for seeking permission for removal of the trees. Relevant part of the report reads as under:-

"Accordingly the sites were inspected by the concerned S.O./S.D.E.-2 alongwith undersigned and found that 42 nos. dangerous trees are existing in Sector 27 to 31, 46, 47, Industrial Area Ph.I and II, Mango Garden Ram Darbar, Chandigarh. These trees are in such a position that may fall during rain or windstorm and cause loss of life and property, hence required to be removed to avoid untoward incident. The detail of 42 nos. dangerous trees attached at F/A. Snaps showing the location and position of trees attached at F/A. Site inspection report at F/C and checklist at F/D.

Since, there is a ban on removal of trees, it is requested that the permission for removal of these trees may be sought from the competent authority and convey to this office for further necessary action".

3. The report of the Executive Engineer was submitted before the Superintending Engineer who after approval forwarded the same for further approval to the Chief Engineer, Municipal Corporation, Chandigarh, who accorded approval to the same on 08.05.2017. Accordingly, the matter was referred to the Chief Conservator of Forest, Chandigarh Administration for arranging the necessary approval from the competent authority to remove the 42 trees which were found standing in a dangerous position.

4. The matter was again examined by the officers of the Forest Department who after site inspection submitted its report dated 08.06.2017. The matter went up to the level of the Deputy Conservator of Forest, who got the entire issue re-examined by another Range Officer who also submitted a report that trees are shallow rooted trees and are dangerous to life and property and accordingly recommended their removal. Thereafter the proposal for removal of the trees was then forwarded to the Secretary,

Forest Department, Chandigarh alongwith the proposal that the concerned Department will have to plant five times of the trees which were to be felled. The proposal was finally accepted by the Advisor to the Administration on 14.08.2017 and on the basis thereof the permission was accorded for cutting down of 42 trees which were identified. It is also mentioned in the written statement that the work for removal of the trees is in progress and till date 24 out of 42 Eucalyptus trees have been removed.

5. Learned senior counsel appearing for the respondents vehemently urged before us that Eucalyptus trees are prone to falling because they have shallow spreading roots and these trees can be a particular hazard in high winds. He also submitted that report was also sought from the Forest Research Institute, Dehradun which appointed two Scientists, namely, Dr. Amit Pandey and Dr. Sudhir Singh, both working as Scientists in Forest Entomology, Forest Research Institute, Dehradun, who after inspection submitted a report, relevant part of which reads as under:-

"The Eucalyptus is a short rotation commercial/Industrial species. In agroforestry system, the Eucalyptus trees are generally harvested between the age of 7 to 10

years. However, by appearance, most eucalyptus trees in Sector 27 and Industrial area seemed to be much older.

The two most common hazards of eucalyptus species to people and property are fire and falling branches. Serious fire injuries were noticed in one of the three. Fire injuries often serve as infection court for pathogens and insect-pests.

The dying and dead branches were observed in some trees. They are the indicator of root problem. With the increasing age of roots and stem become more susceptible to diseases and other problems. Thus the branches and trees become more vulnerable to fall. However, in absence of definite external indicators, it is very difficult to predict that when the tree will fall in future."

6. In view of the facts discussed hereinabove, we are of the considered opinion that since the trees in question were found to be standing in dangerous position and hazardous to human life and property, the permission for felling was accorded in accordance with the procedure prescribed and thus there is no illegality which may warrant any interference in the matter.

Petition accordingly fails and stands dismissed.