
(2017) 05 BOM CK 0004
In the Bombay High Court
Case No : Writ Petition (L) No. 365 of 2017

Nina Deepak Verma

APPELLANT

Vs

Tree Officer, MCGM

RESPONDENT

Date of Decision : 26-05-2017

Acts Referred:

Citation : (2017) 05 BOM CK 0004

Hon'ble Judges : Prakash D. Naik and M.S. Karnik, JJ.

Bench : Division Bench

Advocate : Raj Patel a/w Sayeed Mulani i/b Mulani & Co, for the Org. Petitioner; Mustafa Doctor, Senior Advocate, for the Respondent No.2-MMRCA.; Y.S. Bhate, Advocate, for the Respondent No.5.; D.V. Deokar i/b M/s. Parimal K. Shroff & Co, for the Respondent No.6.; A.Y. Sakhare, Senior Advocate a/w R.S. Mirpuray, Mrs. Shital Mane and J.J. Xavier, Advocates, for the BMC.; Asif Patel, Additional G.P, for the State.; Kunal M. Birwadkar, Advocate, for the Intervenor In-person

Final Decision : Disposed Off

Judgement

1. The petitioner has moved this Court with a grievance that there is indiscriminate cutting of trees and that the wrong trees have been cut by authorities. The petitioner relied upon certain photographs in support of her grievances. Similar grievance is also addressed by the intervenor vide Notice of Motion (L) No. 318 of 2017.

2. This Court by order dated 05/05/2017 had directed MMRCL to file an undertaking in terms of paragraphs 3 & 5 of the affidavit of Mr.Ashok Bhasme, Deputy General Manager, MMRCL dated 09/03/2017 within a period of one week. The Court further directed the appointment of the Member Secretary of the Maharashtra Legal Services Authority and the Deputy Registrar to oversee the compliance in regard to re-plantation, transplantation of the trees in terms of undertaking as contained in paragraphs 3 & 5 of the affidavit of Mr.Ashok Bhasme, Deputy General Manager, MMRCL dated 09/03/2017 and also directed to file undertaking. It is further directed that compliance be reported by these

officers from time to time and preferably every month to a Committee of two Hon"ble Judges of this Court as would be nominated by the Chief Justice.

3. Learned Counsel for the Corporation submitted that the process of cutting the trees have been carried out by following due process of law and after grant of permission by the Tree Authority. He further stated that the authorities are cutting only those trees of which permission has been granted by the Tree Authority of Mumbai. Learned Counsel for the MMRCL reiterated submissions made by the learned Counsel for the Corporation. He further on instructions submitted that the trees are being cut in accordance with the plan and sanction given by the Tree Authority. He further submitted that if the petitioner has any grievances with regard to cutting of trees without following due process of law, she can approach the Member Secretary of the Maharashtra Legal Services Authority and the Deputy Registrar referred to in order dated 05/05/2017.

4. It is further stated by the Corporation that Junior Tree Officer of the concerned Ward shall oversee the compliance with regard to the re-plantation, transplantation of the trees to which respondent No.2 is agreeable. In view of the aforesaid, matter be kept for further hearing on 05/06/2017.

5. Learned Counsel for the petitioner submitted that in the meantime the process of cutting of trees be stayed. However, in view of the aforesaid circumstances, we are not inclined to grant any stay as prayed for.

6. Stand over to 05/06/2017.