

Item No. 23

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 390/2023

Deepika

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 30.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. The letter petition dated 30.03.2023 sent by Deepika r/o 121, F.F., Aggarwal City Plaza, Mangalam Place, Sector-3, Rohini, New Delhi-110085 has been registered as Original Application under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010').
2. The grievance is that around the trees standing outside old Rishikesh Railway Station, Adarsh Nagar, Ganga Nagar, Rishikesh, Uttarakhand, concretization has been made by local bodies causing damage to the trees as also blocking seepage of water and contaminating ground water by such construction.
3. The question of concretization of land around trees has already been considered by this Tribunal in *O.A. No. 82/2013, Aditya N. Prasad*

vs. Union of India & Ors. and in its order dated 23.04.2013, this Tribunal has observed as under:-

“(i)...xxx.....xxx.....xxx

(ii) They shall also ensure that **the concrete surrounding the trees within one metre of the trees are removed forthwith and all the trees are looked after well and due precaution is taken in future so that no concrete or construction or repairing work is done atleast within one metre radius of the trunk of trees.** The Vice Chairperson, the Commissioner, the Chief Engineer, the Director General and all other senior most officers of the Departments/authorities concerned shall be personally responsible for carrying out this order.”

4. The Tribunal has also dealt with similar issue vide order dated 08.08.2019 in O.A. No.346/2019, *Environment Protection Society (Regd.) v. State of Punjab* and passed similar order.

5. However, we find that photographs appended to the complaint show that it is interlocking and not concretization. Interlocking is a permissible activity. The applicant has misunderstood the activities taken by the local bodies and from the photographs we are satisfied that it is not a case of concretization around trees but interlocking of tiles which allows water to percolate.

6. In the circumstances, we find no merit in the application. It is accordingly rejected.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 30, 2023
Original Application No. 390/2023
SN