

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

(By Video Conferencing)

I.A. No. 162/2022
IN
Original Application No. 374/2022

Green Earth
Applicant
Versus

Dy. Commissioner, Kurukshetra & Ors.
Respondent(s)

Kurukshetra Development Board
Applicant in IA 162/2022

Date of hearing: 01.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Harithi Kambiri, Adv. for Original Applicant
Respondent: Mr. Anil Grover, Senior AAG with Mr. Rahul Khurana, Adv. for
Kurukshetra Development Board

ORDER

1. The applicant has filed the present application for issuance of directions to respondents no. 1 to 3 not to cut any tree standing in Jyotisar Tirth, Kurukshetra and to ensure de-concretization of roots of trees (at-least one meter in radius from stem) and no hoarding and wire/cable on trees.
2. The applicant has submitted that about 24 trees of indigenous species (9 Arjun, 1 Banyan, 1 Neem, 8 Siris, 2 Gulmohar and 3 others),

which were planted by former Prime Minister Shri Guljari Lal Nanda and the Chief Minister Haryana Shri Bansi Lal, are standing in Krishana Vatika, Jyotisar Tirth, Jyotisar, Kurukshetra since 1970s. The Tourism Department of Haryana and Kurukshetra Development Board tried to cut the trees on 14.04.2022. The representatives of the applicant and residents of Jyotisar Tirth opposed the move of cutting of full grown green trees. The respondents are bent upon cutting the above said trees. The applicant submitted representation dated 26.02.2022 to the Deputy Commissioner and concerned Department but there is no response to the same.

3. The applicant has also relied on order dated 21.07.2015 passed by this Tribunal in *O.A No. 167/2015 titled as Indian Council for Enviro-legal Action Vs. Deputy Commissioner and another* where by directions were given for protecting the trees standing in Jyotisar Tirth.

4. Considering the matter, vide order dated 25.05.2022, the Tribunal sought response of the concerned parties and also directed that no cutting of trees be allowed and protection of trees be ensured in terms of order of this Tribunal dated 21.07.2015 in *Indian Council for Enviro-legal Action (supra)*.

5. Though the matter was scheduled to be heard on 26.08.2022, IA No. 162/2022 has been filed by Kurukshetra Development Board for vacation of stay. Since the said prayer also involves hearing of the all matter, we have preponed the hearing of the main case to today and considered the entirety of the matter.

6. Case of the respondents is that there is an approved project of 2016 - **Development of Tourism Infrastructure at places related to**

Mahabharata in Kurukshetra including “Jyotisar Tirth, Jyotisar, Kurukshetra” under Krishna Circuit Phase-I of Swadesh Darshan Scheme which involves providing facilities to pilgrims and tourists. Seven trees are proposed to be cut out of which two are dry. 70 trees of same species will be planted.

7. We have heard learned Counsel for the parties. Main contention raised on behalf of the applicant is that proposed cutting of full-grown trees ignores the environmental concerns and no approval has been granted by any authority for the same.

8. Stand of the respondents is that cutting of trees is required for executing a project meant for facilities for pilgrims and tourists. It is, however, submitted that ten times of the trees, proposed to be cut, will be planted as compensatory afforestation.

9. It is undisputed that no permission has been granted for cutting of trees by any competent authority. Learned Counsel for the respondents submitted that there is no regulatory mechanism in Haryana on the pattern of Delhi Tree Preservation Act, 1994 and thus, no permission for cutting trees outside forest area is required.

10. We have considered the rival submissions. Having regard to environmental significance of trees, it is difficult to accept that trees should be allowed to be cut without any regulation or approval. If there is no regulatory mechanism, the State is bound by public trust doctrine to lay down an appropriate regulatory mechanism on the subject. Environmental concerns may be addressed as per laid down mechanism.

11. Accordingly, we direct that the Chief Secretary, Haryana to look into the matter and if no regulation exists, the same be laid down within a month. Regulatory mechanism be complied before cutting the trees in question. An action taken report may be filed with the Registrar General, NGT by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF by 09.09.2022. If found necessary, the RG may place the matter before the Bench for any further direction.

Subject to above, the IA and the main application stand disposed of.

A copy of this order be forwarded to the Chief Secretary, Haryana by e-mail for compliance.

Adarsh Kumar Goel, CP

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 01, 2022
I.A. No. 162/2022
IN OA No.374/2022
DV