

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**ORIGINAL APPLICATION NO.61 OF 2023 (WZ)
[I.A. NO.03 OF 2024 (WZ)]
[(EARLIER I.A. NO.896 OF 2023 (PB))
[EARLIER ORIGINAL APPLICATION NO.549 OF 2022 (LP)]**

Mr. Firdos Cambatta

.....Applicant

Versus

State of Gujarat & Ors.

....Respondents

Date of hearing: 03.12.2025

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Applicant : Ms. Niharika Singh Advocate h/f
Ms. Ranu Purohit, Advocate.

Respondents : Mr. Gursharan H. Virk, Advocate along-with
Mr. Simranjit H. Virk, Advocate for R-2 & R-3/AMC
Ms. Khyati, Advocate h/f
Mr. Parth H. Bhatt, Advocate for R-4/Collector, R-5 &
R-7/Forest Deptt., State of Gujarat
Mr. Maulik Nanavati, Advocate along-with
Ms. Manvi Damle, Advocate for R-6/GPCB.

ORDER

1. We are passing this order in continuation to the earlier orders dated 05.09.2023, 11.12.2023, 01.03.2024, 01.07.2024, 12.09.2024, 18.11.2024, 22.01.2025 and 03.06.2025.
2. The cognizance of this matter has been taken *suo motu* by the Principal Bench of this Tribunal, on the basis of a letter petition written by the applicant- Mr. Firdos Cambatta, resident of Hansol village on Plot No.314/3 Ahmedabad.

3. The issue raised in the present Original Application pertains to massive destruction of the green cover in Ahmedabad District due to the implementation of the second phase of River Front Development, which led to felling of large number of trees.

4. In this matter, the State of Gujarat through its Chief Secretary has been impleaded as Respondent No.1; Sabarmati Riverfront Development Corporation Ltd. as Respondent No.2; the Commissioner, Ahmedabad Municipal Corporation as Respondent No.3; The Collector-Cum-District Magistrate as Respondent No.4; and Gujarat State Aviation Infrastructure Company Ltd. as Respondent No.5. Later on vide order dated 11.12.2023 passed by this Tribunal, Gujarat State Pollution Control Board has been impleaded as Respondent No.6; and Forest Department, State of Gujarat as Respondent No.7 in the present Original Application.

5. During our consideration of this matter on 01.07.2024, we had mentioned that we have already a Joint Committee Report on record, which says that in Plot Nos.313, 322 and 323 (Plots in question), trees do not fall under the reserved category and mainly belong to the category of Gaando Baawal (Prosopis Julifora) trees. According to the reply affidavit of Respondent No.6- GPCB, Respondent No.1 did not require permission for these trees being cut and that whatever number of trees being cut belong to the category of Gaando Baawal trees.

6. Thereafter, the applicant had filed an additional affidavit dated 10.09.2024, indicating therein the total number of trees, which have been cut or which have been identified to be cut and had also annexed few photographs of the trees, which have been cut, in order to show that they were fully grown trees and should not have been cut for the local ecology. All these aspects had been considered by this Tribunal while passing the

order dated 12.09.2024. In that order, we had also recorded that in the reply affidavit dated 04.09.2024 of Respondent No.2- Sabarmati Riverfront Development Corporation Ltd., it was mainly submitted that this matter relates to the Survey Nos.313, 322 and 323, with which the Answering Respondent does not have concern and that the applicant has no specific case against the Answering Respondent and hence, prayer was made for their name to be deleted from the array of parties of the present Original Application. On that date, Respondent No.4- The Collector-Cum-District Magistrate, Ahmedabad and Respondent No.7- Forest Department, State of Gujarat were granted time to file their reply affidavits.

7. Thereafter, we had considered the reply affidavit dated 16.11.2024 of Respondent No.5 in the order dated 18.11.2024, in which it was noted that the land in question was re-allotted to the Gujarat Industries and Mines Department for the purpose of developing Helipad. An illegal encroachment on the part-land bearing Survey No.329 was made because of which the Director, Civil Aviation, Government of Gujarat had issued a letter dated 31.03.2022 to the Collector, Ahmedabad to take steps for removing the encroachment on the said land and to get the land measured by the Office of District Inspector Land Record. At present, land is an open land and only one species of plant/tree is growing over the land i.e., "Gaando Bawal". Further, the Survey Numbers in question were taken over by the Answering Respondent for the purpose of developing Heliport and that considering the uncontrolled growth of Ganda Bawal/bushes on the present land, after obtaining approval from Director, Civil Aviation, tender was issued for land clearing work for development of Heliport in Survey Nos.313, 322 and 323.

8. Thereafter, in our order dated 22.01.2025, we had considered the reply affidavit dated 06.01.2025 of Respondent No.7- Forest Department,

State of Gujarat, in which it was made clear that no permission is required for cutting of “Gaando Bawal” tree on the non-forest land.

9. Thereafter, this matter was listed for final hearing. But learned counsel for the applicant is seeking adjournment consistently without having any good ground.

10. Respondent No.7- Forest Department, State of Gujarat has filed latest affidavit dated 06.01.2025 in response to our direction dated 18.11.2024, wherein it is submitted that as per the Revised Notification dated 20.10.2015 issued by the Forest and Environment Department, Government of Gujarat, the plant species *Prosopis juliflora* (commonly known as ‘*Gaando Bawal*’) is exempted from felling and transit regulations when grown on non-forest or private land. Further, as per the Government of Gujarat, Forest and Environment Department Resolution No.PEN/2014/51/W dated 20.05.2016, special provision for cutting of Gaando Bawal is written as per the provision, permission for cutting of "Gaando Bawal" and/or for making charcoal in the areas of Reserved Forest, Protected Forest or area notified under Section 4 of the Indian Forest Act 1927, areas up to 1.6 km from Sanctuary and National Park and 2 km from sea-coast is required from the Forest Department. In view of these facts, it is submitted that no permission is required for cutting of “Gaando Bawal” on the non-forest land in question being Survey Nos.313, 322 and 323 Mouje: Hansol, Taluka: Asarva of Ahmedabad District.

11. Rejoinder affidavit dated 02.06.2025 has been filed by the applicant against the reply affidavit of Respondents, wherein he has asserted the position that the said category of trees also require permission for being felled when they are found to be in Ecological Sensitive Zone, particularly, we find recorded in their rejoinder affidavit dated 02.06.2025 that the site

in question is said to be located in close proximity of the Sabarmati River. But we are not in agreement with his view point for the area in question to be treated as Ecological Sensitive Zone, because for that Notification is required to be issued by the State Government/Appropriate Authority, but till date, no such Notification appears to have been issued so far.

12. After having heard the arguments of learned counsel for the parties and having considered all the reply affidavits of the parties, we are of the view that the land in question is not an Ecological Sensitive Area and that the plant species i.e. "Gaando Bawal" is a variety of tree, which does not require prior permission for felling as per the stand taken by the Forest Department. Therefore, no violation is found to be there on the part of Respondent No.1 in the case in hand and accordingly, we dispose of this application.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

December 03, 2025
ORIGINAL APPLICATION NO.61 OF 2023 (WZ)
[I.A. NO.03 OF 2024 (WZ)]
P.Kr.