

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.61/2023(WZ)
[I.A No.03/2024(WZ)]
[(Earlier I.A. No.896/2023(PB))
Earlier Original Application No.549/2022(LP)**

Mr. Firdos Cambatta

.....Applicant

Versus

State of Gujarat & Ors.

....Respondents

Date of hearing: 18.11.2024

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

Applicant : Ms. Ranu Purohit, Advocate along-with
Ms. Niharika Singh, Advocate

Respondents : Mr. Simranjit H. Virk, Advocate for R-2/PP & R-3/AMC
Ms. Khyati Chau, Advocate h/f
Mr. Parth H. Bhatt, Advocate for R-4/Collector, R-5 &
R-7/Forest Deptt., State of Gujarat

ORDER

1. In compliance with our previous order, rejoinder affidavit dated 13.11.2024 to the reply affidavit of respondent No.2 has been filed by the applicant saying therein that on 26.10.2024, a company identified as PSP Project Ltd., reportedly acting as an agency/contractor on behalf of respondent No.2, deployed a JCB-cum-bulldozer to clear trees located on plot bearing Survey Nos.322 & 323 in Hansol, adjacent to the river Sabarmati and uprooted 10 large and fully grown trees. Even fully grown Gaando Bawal tree has significant value for the entire ecosystem and biodiversity of the region. Respondent No.2 is also doing the Sabarmati River Front Project and is unable to produce any official documentation

or permissions from the competent authorities for felling of the trees. The JCB utilized for this operation lacked RTO registration, on the basis of which, it is presumed by the applicant that illegal cutting of tree is happening at the site in question. It is also recorded that Police was informed about the same at helpline no.100, following which the Airport Police Station dispatched a team to verify the reported facts. A written request was also made to the local Police Station for the registration of an official FIR in relation to this incident. It is absolutely clear that the permission is mandatory to be obtained for felling trees under the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951.

2. Learned counsel Mr. Simranjit H. Virk representing respondent No.2-Sabarmati Riverfront Development Corporation Ltd. through its Managing Director submits that he wants to file reply to the rejoinder filed by the applicant, for which two weeks' time is prayed to be allowed and the same is allowed.

3. From the side of newly impleaded party i.e. respondent No.5-Gujarat State Aviation Infrastructure Company Ltd as well as respondent No.4-The Collector-Cum-District Magistrate, Ahmedabad and for respondent No.7- Forest Department, State of Gujarat, learned counsel Ms. Khyati Chau, holding brief of learned counsel Mr. Parth H. Bhatt, has appeared before us, who submits that she has filed reply affidavit dated 16.11.2024 on behalf of respondent No.5 before this Tribunal and a copy of the same has not been served upon the learned counsel for applicant. Therefore, we direct that the same be served upon the said learned counsel, who may file rejoinder affidavit against the same, if any, within two weeks.

4. In the reply affidavit dated 16.11.2024 of respondent No.5, it is made clear 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., "Ganda Bavad". Further, it is mentioned that 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 Bavad/bushes on the present land, after obtaining approval from Director, Civil Aviation, it issued a tender for Land clearing work for development of Heliport for Survey Nos.313, 322 and 323.

5. It is further mentioned in this affidavit by the respondent No.5 that after evaluating all the technical bids, Letter of Intent dated 01.11.2022 was issued by the answering respondent in favour of M/s Gajanand Services for removal of "*Gard Bavad*", "*Khakhri*", bushes (*Acaica*) from the land. In para no.4, sub-para no.4.18, it is recorded that pursuant to the aforesaid letter, the answering respondent issued a letter dated 13.12.2022 to M/s Gajanand Services directing therein not to take any steps for clearing the present land till the final disposal of the Original Application No.549/2022 pending before this Tribunal. Thereafter, a site inspection was made on 12.11.2024 and as per that, no activity in respect of cutting and felling of prohibited trees has taken place on the present land. Besides, it is also stated that at the site in

question, Gando Baval (Prosopis Julifora) is the only species present on the present land.

6. Learned counsel Mr. Simranjit H. Virk representing respondent No.2-Sabarmati Riverfront Development Corporation Ltd. through its Managing Director has also submitted before us that he is also representing respondent No.3- The Commissioner, Ahmedabad Municipal Corporation in the present matter and he would be filing Vakalatnama as well as reply affidavit on behalf of respondent No.3 today itself. We direct that a copy of the reply affidavit, which is to be filed, be served upon all other parties, who may file rejoinder affidavit against the same, if any, within two weeks thereafter.

7. We direct the respondent No.7- Forest Department, State of Gujarat to specify clearly on an affidavit as to whether permission for cutting of 'Gaando Bawal' tree is required in Gujarat or not, within one week and a copy of the same be also served upon all other parties.

Put up this matter for further consideration on 22.01.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 18, 2024
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