

Item No.2

(Pune Bench)

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

[Through Physical Hearing (with Hybrid Option)]

ORIGINAL APPLICATION NO.179 OF 2023 (WZ)

Vikas Dinesh Badolia

.... Applicant

Versus

The Chief Electoral Officer & Ors.

.... Respondents

Date of hearing : 20.11.2023

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

Applicant : Mr. Vikas Shinde, Advocate

ORDER

1. This application has been filed with the prayer that respondent No.1 – Chief Electoral Officer be directed to stop the construction work of EVM machine godown/storage which is going on at Akurdi Metro Eco Park Survey Nos.192, 194 Plot No.29, situated at Ravet, Pune and simultaneously a prayer is also made that a Joint Committee be constituted to verify the spot panchanama and actual situation of Akurdi Eco Park land.

2. The applicant is claiming to be an Engineer and supports sustainable development. He also claims to be directly affected by the destruction of Metro Eco Park in Akurdi, Pune. According to him, on 11.10.2017, Pimpri-Chinchwad New Town Development Authority (PCNTDA) handed over 5 acre open land bearing Survey Nos.192, 194, Plot No.29, situated at Ravet to Maha Metro for development of eco-park. Later on, PCNTDA was dissolved by the Government and its all movable

and immovable assets and liabilities were transferred to the State Government through Urban Development and Pimpri-Chinchwad Municipal Corporation (PCMC) and subsequently to the Pune Metropolitan Region Development Authority – respondent No. 5. On the said piece of land, over the past 6 to 7 years, the trees were successfully grown on the mostly rocky land and an eco-system has been created, consisting of over 1000 trees belonging to 250 species in the said Eco Park. In March, 2023, the applicant noticed the construction work in the land in question of the said Eco Park and when he made a query, he came to know that the said land belongs to Election Commission and the work of EVM godown is going on. The applicant came to know that respondent No.1 in consultation with respondent No.2 – District Collector, Pune and other respondents held a meeting on 10.02.2022 and decided to take over the land belonging to Akurdi Eco Park situated in the above survey numbers, for raising construction of a godown to make a storage of EVM machines. Respondent No.2 – District Collector, Pune asked the Tahsildar, Pimpri-Chinchwad to make a panchanama of the said land in which the said land has been shown as open and unfertile land. According to the applicant, this is a false and fabricated panchanama as it has ignored the existence of the Eco Park and 1000 trees belonging to 250 species. The applicant apprehends that due to construction of said godown, there is likelihood that more than 200 trees would be cut, which needs to be protected.

3. The learned counsel for the applicant has drawn our attention to panchanama, which is annexed at Annexure-E (page 42 of the paper-book), wherein the land Survey Nos.192 and 194 admeasuring 3 hectares 29 R is currently shown as vacant and open. The learned counsel states that this panchanama, which is dated 17.03.2022, is an erroneous panchanama and has been wrongly prepared. Thereafter, the learned

counsel has drawn our attention to Annexure-C (page 32 of the paper-book), which is a document dated 02.01.2023, styled as “Handing Over Document for Akurdi Eco Park” PCMC. This document would show that five acres of open land was handed over to Maha-Metro – respondent No.4 to PCMC – respondent No.6 on 02.01.2023. and indicates therein that plantation of 1000 trees was done. It is quite likely that after preparation of panchanama, which is of earlier date, when the handing over of this five acres land was done on 02.01.2023, which is a subsequent date, and tree plantation might have been done.

4. The main grievance, which appears in this application, is with respect to the cutting of tree in the course of construction of the godown meant for storing the EVM machines. When we enquired the learned counsel for the applicant as to what is the law that whether, in an area where an Eco-Park is located, such kind of construction can be permitted, nothing is shown in this regard. We are not convinced with the argument made by the learned counsel for the applicant that respondent No.1 be directed to stop the construction of the godown, but we are certainly of the view that the trees which have already been planted and are in existence need to be taken care of adequately by respondent No. 6 – PCMC. They should water the trees and that the trees should not be cut absolutely without obtaining prior permission from the Tree Authority.

5. We have also come across a news item published in Daily Sakal wherein the District Collector, Pune has already instructed the PMRDA to take care of the trees. We take this news item on record (marked as “X” for identification purpose).

6. In the result, we dispose of this Original Application with a direction that the respondent No.2 – District Collector, Pune shall take care of the trees which have already been planted and would ensure that

no tree is allowed to be cut without prior permission from the Tree Authority in accordance with law and the trees will be taken care of.

7. No order as to costs.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 20, 2023
O.A. No.179/2023(WZ)
npj