

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14184 of 2019

1. Tarumitra Through Shashi Darshan, Coordinator at Tarumitra, Tarumitra Ashram, XTTI, Digha Ghat, Patna- 800011.
2. Aruni Charitable Trust Through its Trustee, D-1, Shakuntala Apartment, Road No. 37, Anisabad, Patna- 800002.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Chief Secretary, Government of Bihar, Main Secretariat, Patna- 800015.
2. Building Construction Department Government of Bihar, Through its Principal Secretary, Visheshwariya Bhawan, Bailey Road, Patna- 800015.
3. Department Environment Forest and Climate Change, Government of Bihar, Through its Principal Secretary, Aranya Bhavan, Riding Road, Patna- 800014.
4. Patna Municipal Corporation Through its Commissioner, Patna Nagar Nigam Bhavan, Near Rajendra Nagar Over Bridge, East Lohanipur Golambar, Rajendar Nagar, Patna, Bihar 800003.
5. Bihar Urban Infrastructure Development Corporation Ltd. Through its Managing Director, BUIDCo, West Boring Canal Road, Raja Pul, Patna- 800001.
6. Urban Development and Housing Department Government of Bihar, Through its Principal Secretary, Vikas Bhawan, Bailey Road, Patna- 800015.
7. Bihar State Pollution Control Board Through its Chairman, Parivesh Bhavan, Mall Road, Patliputra Industrial Area, Digha, Patna- 800010.
8. Patna Smart City Limited Through its Managing Director, Patna Municipal Corporation, Floor-2, Block-C, Maurya Lok Complex, Dakbunglow Road, Patna- 800001.
9. Ministry of Environment Forest and Climate Change, Government of India, Through its Secretary, Indira Paryavarn Bhavan, Jorbagh Road, New Delhi- 110003.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akash Keshav, Advocate Mr. Deepak Kumar Singh, Advocate Mr. Gyan Abinav, Advocate Mr. Shashwat, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Rabindra Kumar Priyadarshi, Advocate Mr. Prasoon Sinha, Advocate Dr. K.N. Singh, ASG Mr. Parijat Saurav, Advocate Mrs. Binita Singh, Advocate



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 19-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

1. That the present writ application is being preferred in public interest by Tarumitra, which is an organisation registered at Patna under Society Registration Act 1860 and managed by Patna Jesuite Society working with a mission to promote a healthy environment on Earth and Aruni Charitable Trust, a Charitable Trust registered under Indian Trust Act which actively works for Environmental issues in Patna. It is brought to the notice of petitioners that Respondent No. 2 has designed, developed and approved several multi storey residential complex and that are planned to be built in the Gardanibagh area along with several other commercial and non-commercial buildings and the same requires felling of majority of the trees located in that area. That the said area has hundreds of indigeneous green trees. If the aforesaid mentioned plan executed it will lead to axing down of hundreds of trees. Thus the petitioners pray for issuance of a writ in the nature of a writ of mandamus or any other appropriate writ, order or directing the respondent authorities to restraint from felling down trees at the proposed site i.e. Gardanibagh area, to identify the actual number of trees along with its age, its impact upon the environment, to issue a writ order or direction for the formation of an Impact Assessment Committee to conduct independent enquiry and supervise the



situation and provide a detailed insight of the ground reality by the experts including the number of trees and submit its report before the Hon'ble Court. The petitioner further prays for issuance of writ order or direction to the Respondent Authorities to declare Gardanibagh as Reserved Forest Area and furthermore declare plants as Sentient Beings.

We are of the considered view that with the passage of time, the present petition can be closed for in pursuance to the direction issued by the Court, the respondent and more particularly the Forest Department (Municipal Limits, Patna) has taken effective steps for translocating the trees which were necessarily required to be felled for planned development of the city as is evident from the last affidavit dated 5th of September, 2022 filed by the Bihar State Pollution Control Board, a large number of trees stand translocated, the surviving rate is approximately 68%. The relevant portion of the affidavit is extracted as under:-

“7. That the committee again met on 30.12.2020 when on basis of filed report it was suggested that survival rate of trees is 88%. The committee decided that some of the plantation activities can be done before next monsoon without waiting for all the constructions to be completed.

8. That on 25.08.2021 when the committee met next, the concerned Executive Engineer, Building Construction Department, Govt. of Bihar, informed that as on 25.08.2021 total of 344 trees had been translocated out of



which 277 trees were surviving and as such survival rate was 80%. Further, it was informed that 260 new saplings were also been planted.

9. That the committee next met on 30.01.2022, when it was informed that total of 395 trees had been translocated, out of which 303 trees were surviving and as such survival rate was 76.71%.

10. That the DFO, Patna has also by his report dated 29.07.2020; 13.04.2021; 03.08.2021; & 22.08.2022 had informed the committee about the survival rate of the translocated trees. In the latest report dated 22.08.2022 it is informed that total 412 trees had been translocated out of which 281 are surviving and 131 had died, as such survival rate as on now is around 68%.

11. That a total of 451 trees were to be translocated, out of which 412 trees had been translocated. Further, in Ministers quarter area in addition to landscaping a total of 818 trees is proposed to be planted, out of which 324 trees had already been planted.”

In this view of the matter, we close the present proceeding reserving liberty to the petitioner to highlight the surviving grievances, if any, as also the consequential issues which may arise for consideration of the authorities.

We are hopeful that the authorities, being mindful of the ecological balance required to be maintained in the city, accounting for the environmental loss, shall take all steps on expeditious basis.

As such the present petition stands disposed of



reserving aforesaid liberty to the petitioner.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Anjani

AFR/NAFR	
CAV DATE	
Uploading Date	20.09.2022
Transmission Date	

