

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8939 of 2019**

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Gaurav Kumar Singh Son of Anjani Kumar Singh, resident of Flat No. 302, Shashi Sudama Niketan, Road No.- 02, Rajendra Nagar, P.O.- Rajendra Nagar, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban and Development Department, Government of Bihar, Bihar at Patna.
3. The Principal Secretary, Environment and Forest Department, Government of Bihar, Bihar at Patna.
4. The Principal Secretary, Road Construction Department, Government of Bihar, Bihar at Patna.
5. The Principal Secretary, Electricity Department, Government of Bihar, Bihar at Patna.
6. The Commissioner, Patna Municipal Corporation, Patna, Bihar at Patna.
7. The State of Bihar through District Magistrate-cum-Collector, Patna, Bihar at Patna.
8. The Senior Superintendent of Police, Patna, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Gaurav Prakash, Advocate Mr. Kundan Kumar Singh, Advocate Mr. Bishwajeet Singh, Advocate
For the Respondent/s	:	Mr. Prasoon Sinha, Advocate Mrs. Binita Singh, Advocate Mr. Vijay Kumar Verma, Advocate Mr. Bindhyachal Singh, Advocate Mr. Vipin Kumar Singh, Advocate Mr. Janmejy Girdhar, Advocate

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**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.

Petitioner has prayed for the following relief(s):-



- I. That the present application is being filed in the nature of *Mandamus* for a direction to the Environment and Forest Department, Patna, Bihar to not grant NOC/approval for cutting and trimming of trees and plants from the road side, golambers, and on the dividers etc to the Patna Municipal Corporation, Patna, Bihar or any other authority in arbitrary manner which is directly increasing the air and sound pollution level in the city;
- II. That the present writ application is being filed for the issuance of writ, order or direction in the nature of *Mandamus* to command and direct the Patna Municipal Corporation, Patna, Bihar and the Department of Environment and Forest, Patna, Bihar for planting more trees and plants and also necessary measure should be taken to protect it from dying by providing nutrients required for its growth such as water, fertilizer, etc on road side and dividers, which helps in reversing the health hazard impact of pollution to the people at large; as it is a fundamental right guaranteed under Article 21 of the Constitution of India, which speak about Right to life and good health is considered to be as base of right to life;
- III. That the present writ application is being filed for the issuance of writ, order or direction in the nature of *Mandamus* for a direction to the respondent authorities especially to the Forest Department to mention appropriate details of the trees and to mark number on the trees;
- IV. That the present writ application is being filed for the issuance of writ, order or direction in the nature of *Mandamus* for a direction to the Urban Development, Patna Municipal Corporation and Road Construction Department to stop them from cutting the trees from footpath, road side, etc and make circle on the area where trees is planted, and left space on the roadside and on the divider for plantation of more trees or plants.



V. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.

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 5<sup>th</sup> 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

<b>AFR/NAFR</b>	
<b>CAV DATE</b>	
<b>Uploading Date</b>	20.09.2022
<b>Transmission Date</b>	

