

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CMs-1 & 6-CWPIL-2022 in/and
CWP-PIL-156-2021 (O&M)
Date of decision:- 01.02.2022

H.C. Arora, Advocate

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. H.C. Arora, Advocate (petitioner-in-person).
Ms. Sunaina, Advocate.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Himanshu Malik, Advocate,
for respondent No. 4.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

CM-1-CWPIL-2022

For the reasons mentioned therein, the application for impleading Union of India, Ministry of Road Transport and Highways, New Delhi as respondent No. 6 is allowed.

Amended memo of parties is taken on record.

CM-6-CWPIL-2022 in/and CWP-PIL-156-2021

Issue notice on the application for vacation of the interim order dated 07.09.2021 (Annexure A-1) passed by this Court to the petitioner; respondents No. 1 to 3 and 5 as well as the newly added respondent No. 6.

The petitioner, appearing in person, accepts notice; Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab accepts notice on behalf of respondents No. 1 to 3 and 5; Mr. Satya Pal Jain, learned Additional Solicitor General of India assisted by Mr. Dheeraj Jain, learned counsel accepts notice on behalf of respondent No. 6.

At this stage, the petitioner points out that CWP-PIL-128-2021 was disposed of by this Court on 26.07.2021 directing the respondent-authorities to examine and modify the scheme with a purpose and object of saving maximum number of trees and till a decision in that regard is not taken not to cut trees and go ahead with the project. He submits that similar orders

may be passed in the present writ petition as well in view of the application for vacating stay filed by respondent No. 4.

With the consent of learned counsel for the parties, the present writ petition is pre-poned for today.

Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, appearing for respondents No. 1 to 3 and 5; Mr. Himanshu Malik, learned counsel, appearing for respondent No. 4 and Mr. Satya Pal Jain, learned Additional Solicitor General of India, appearing for respondent No. 6, submit that the writ petition may be disposed of in similar terms as CWP-PIL-128-2021. It is submitted that in the application for vacation of stay, the respondent No. 4 has stated that they have now cut down the project and only eleven thousand odd trees would be cut. However, they would still examine the feasibility of saving further trees and take a decision thereon at the earliest and thereafter proceed in the matter. It is further submitted that the decision would be communicated to the petitioner accordingly.

In view of the submission made by the petitioner as well as the statement made by Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, appearing for respondents No. 1 to 3 and 5; Mr. Himanshu Malik, learned counsel appearing for respondent No. 4 and Mr. Satya Pal Jain, learned Additional Solicitor General of India, appearing for respondent No. 6, the writ petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.02.2022

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 128 of 2021 (O&M)
Date of decision:- 26.07.2021

H.C.Arora, AdvocatePetitioner
Versus
State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. H.C.Arora, Advocate-petitioner in person.
Mr. P.S.Bajwa, Addl. Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition by way of Public Interest Litigation has been filed by the petitioner alleging that the respondent-authorities are proposing to cut the trees on either side of the road between the village Kahneke to Rurehke Kalan, District Barnala, Punjab, although they fall within the width of 18 feet which is proposed width of the road.

Petitioner appearing in person submits that the authorities before cutting the trees are required to consider the petitioner's representation/demand notice dated 19.07.2021 (Annexure P-2) as well as the feasibility of drawing or modifying the entire plan with a view to save the trees in question.

Learned Additional Advocate General appearing for the respondent-State of Punjab on advance copy submits that the representation of the petitioner as well as the possible alternative proposal or scheme for widening of the roads by saving trees would be examined and considered by the authorities and they shall proceed in the matter only after considering the aforesaid aspects.

For Subsequent orders see CM-45-CWPIL-2021 Decided by HON'BLE THE CHIEF JUSTICE; HON'BLE MR. JUSTICE ARUN PALLI

In the light of the statement made by learned Additional Advocate General, Punjab, the petition filed by the petitioner is disposed of with a direction to the respondent-authorities to examine the matter and also for the purposes of modifying the scheme, if necessary, for the purpose of saving the trees in question and till such decision is not taken on the representation as well as on the scheme concerned, no trees would be cut by the respondent-authorities.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.07.2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

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