

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

PUBLIC INTEREST LITIGATION NO.93 OF 2009

Deepak Balkrishna Vahikar & Anr.

...Petitioners.

Vs.

The State of Maharashtra & Ors.

...Respondents.

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Mr.R.B.Paranjpe i/b. Mr.Vishal V. Kale and Mr.J.D.Khairnar for the Petitioners.

Mr.A.B.Vagyani, AGP for Respondent Nos.1 and 4.

Mr.Ashutosh Kumbhakoni with Dr.Sadhana Mahashabde for Respondent Nos.2 and 3.

Mr.Sunil Bhalchandra Limaye, Director of Sanjay Gandhi National Park and Professor Jitendra Shah, Research Scientist, GIC Lab, IIT, Mumbai present.

Mr.Y.S.Jahagirdsar, Senior Advocate with Mr.V.S.Kapse for the Applicant in CAI 134/10.

Mr.Sameer Khale for the Applicant in CA 189/11.

Mr.Satish Upadhye i/b. M.V.Kini & Co. for the Applicant in CAI 151/12.

Ms.A.R.S.Baxi for the Applicant in CAI 54/13.

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**CORAM : DR.D.Y.CHANDRACHUD AND
A.A. SAYED, JJ.**

March 21, 2013.

P.C. :

The Pune Municipal Corporation has carried out a census of trees covering nearly 32 lakh trees. The process was inordinately delayed and encountered several obstacles including in carrying out of work by the agency selected. There has been a serious grievance by the citizens of Pune about the destruction of the green cover in Pune. The last leg of the survey, covering 8 lakh trees was carried out using photographs. The latitude and longitude of the trees was, however, noted on paper. A statement to that effect has been made before the Court on behalf of the Pune Municipal Corporation by Counsel.

2. The modalities which were employed by the Pune Municipal Corporation for carrying out a census of trees as mandated by the provisions of the Maharashtra Urban Areas (Protection and Preservation of Trees) Act, 1975 has been largely manual without the aid of modern technology. During the course of the hearing, we indicated to the Municipal Corporation that steps should be taken to involve experts in the field in order to ensure that the benefit of modern technology is available in carrying out a mapping of trees. An order was passed by this Court on 29 January 2013 requesting the Director of the Sanjay Gandhi National Park, Mr. Sunil Limaye, and the Chief Conservator of Forests to assist the Court. We indicated in our order that we were requesting the assistance of these experts not because any grievance was made in regard to their respective departments, but in order to elucidate their expert suggestions on the scheme which has been proposed by the Municipal Corporation. In particular, we have sought the assistance of these experts on the modalities for carrying out the mapping of trees and to determine whether the use of modern technology, such as the RFID technique, can be deployed.

3. During the course of the hearing, Counsel appearing on behalf of the Municipal Corporation has informed the Court that he has held meetings with the Chief Conservator of Forests, the Director of the Sanjay Gandhi National Park as well as with Professor Jitendra Shah, who was formerly a member of the Faculty of the VJTI, Mumbai and is presently a Research Associate at the GIC Lab at IIT, Mumbai. The Court has been informed that an effective census of trees can be carried out by utilising a process of geo-

tagging in the course of which the point of latitude and longitude for every tree is available. In the process a photograph of every individual tree can be taken which is automatically tagged to the Global Positioning System (GPS). The approximate cost of a hand held GPS device at present varies between Rs.6,000/- to Rs.12,000/- and the technology is, therefore, cost effective.

4. The Pune Municipal Corporation should take the lead in the State of Maharashtra for deploying a Geographical Information System (GIS) which includes as its components geo-tagging and creation of a data base for an effective mapping and enumeration of trees. Such a system would also ensure the availability of data in respect of each individual tree as well as a systematic collection of data for the entirety of an area with a grading of trees. The Director of the Sanjay Gandhi National Park has informed the Court that on a pilot basis, such a system has been put into place over an area of one hectare at SGNP. Moreover, we find merit in the submissions of the experts that the deployment of such a survey system can be effectively achieved with community participation from the residents of the City of Pune. The Supreme Court has emphasized the importance of environment education. The involvement of academic institutions would be a step in aid of that process. Counsel appearing on behalf of the Municipal Corporation has assured the Court that the Municipal Corporation shall now set up a panel consisting of Professor Jitendra Shah formerly of the VJTI and a Research Associate at the GIC Lab at IIT, Mumbai and Mr.Sunil Limaye, Director of the Sanjay Gandhi National Park for setting up and overseeing the implementation of the project.

5. In the first stage, it is envisaged that two pilots will be taken up in typical urban enclaves of the City of Pune which may either proceed ward-wise or on any other basis as the panel would deem appropriate. The Municipal Corporation shall make available to the members of the panel, all necessary infrastructure and shall bear all the necessary costs, expenses and fees which may be fixed in consultation with the members of the panel. The Court has been assured that funds would be made available for the infrastructural amenities, including for the provision of hand held devices. We direct that Counsel appearing on behalf of the Municipal Corporation shall now finalize the scheme for that purpose in consultation with the panel and that immediate steps would be taken in implementation. The scheme will define the modalities for involving the participation of the community. Details of the scheme as worked out shall be placed before the Court on the next date of hearing which shall be 25 April 2013.

6. On the request of Counsel appearing on behalf of the Municipal Corporation, we also direct that the Additional Municipal Commissioner, Mr. Rajendra Jagtap, shall form part of the panel. The City Engineer of the Pune Municipal Corporation shall cooperate, in all respects, with the work of the panel, including where required by furnishing maps and other data required for carrying out the work. Should any direction of the Court be necessary, we grant liberty to Counsel appearing on behalf of the Municipal Corporation and the members of the expert panel to apply.

7. The work which is to be carried out shall be supervised by such agency as may be decided upon by the Municipal Corporation in consultation with the expert panel.

8. Both, the Director of the Sanjay Gandhi National Park and Professor Jitendra Shah are personally present in Court and the Court appreciates their suggestions and efforts.

S.O. to 25 April 2013.

(Dr.D.Y.Chandrachud, J.)

(A.A. Sayed, J.)