



## **Supreme Court nixes panel's view that roadside trees 'not forest'**

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NEW DELHI: The Supreme Court on Thursday expressed scepticism on the view of a committee it had itself set up when the panel submitted that extending the definition of 'forest' to 'planted trees on non-notified land' will only discourage planting of trees along roadsides on common lands.

The reply by the committee was filed on an application by Delhi Metro Rail Corporation (DMRC) seeking the court's permission for felling of trees for construction of Phase IV of the Metro Rail project, which would be 20 km long, from the Aerocity to Tughlakabad. Around 10,000 trees will have to be axed for the project.

A bench of Justices L Nageswara Rao, B R Gavai and B V Nagarathna, which is examining DMRC's plea, said the stand taken by the committee could not be accepted. "We are not going to accept that all planted trees are not forest. It would lead to chaos. Who will decide whether a tree is planted one or grown naturally?" it asked. Advocate A D N Rao, appearing for the committee, contended that the panel took the stand on the basis of the apex court's earlier verdict in 1996 that trees planted in a project area cannot be branded as forests.

"The Government of India guidelines specifically exclude all plantations raised outside the notified forests/recorded forests from the purview of the Forest (Conservation) Act, 1980. Only lands with naturally grown trees outside the notified/reserved forest are treated as deemed forest," the committee said.

"It is therefore recommended for consideration of this court that the prayer of the applicant to declare that the 5.34 km stretch of Road No. 26 between Vikaspuri to Peeragarhi, 1288.973 sqm land at Najafgarh drain, 16097.75 sqm land located at Mangolpuri and 55.78 sqm of Krishna Park are nonforest areas is allowed, subject to the condition that the DMRC will fell the trees only after obtaining permission under the Delhi Preservation of Trees Act, 1994 from the concerned authorities and after complying with the conditions associated with such approvals, including compensatory planting of 10 times the number of trees close to the site from where the trees are being felled," the committee said.

Shroff also raised an objection to Mehta appearing for DMRC, saying that there was a conflict of interest between the Centre and DMRC. Mehta, also appearing for the environment ministry, told the bench that the Centre was not against the project like the Delhi government. "If my appearance is the problem, then some other counsel can appear in the case but the project should not be affected. Objection to my appearance seems to be the best ground for Delhi to object to the Metro project," Mehta said.

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