

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 15739 of 2021

(SUNIL PATERIYA AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 10-07-2025

Shri Utkarsh Bajpai-Advocate for petitioners.

*Shri Vivek Khedkar-AAG alongwith Shri Vijay Sundaram-
Government Advocate for respondents No.1, 2 & 5/State.*

Shri K.S. Tomar-Advocate for respondents No.3&4.

1. The instant petition is preferred by the petitioners against their eviction from Government quarters by the respondents when project for re-densification started at Thatipur, District Gwalior. More or less it has trappings of Public Interest.

2. This Court *vide* order dated 31/08/2021 passed an interim order, in which, certain interim directions were given. Later on, vide order dated 11/04/2022, interim directions were modified and further directions were given. Since then, the instant petition is pending consideration.

3. In the present case, M.P Housing & Infrastructure Development Board intends to develop the area of Thatipur under Re-densification Project and at the same time, anxiety of public at large is to maintain green cover existing by way of different trees.

4. In pursuance to order dated 25/06/2025 passed by this Court, status report is filed by respondents/State, in which, through certain statistical representations, respondents/State tried to submit the fact that some trees standing in Thatipur are being translocated to different places and their

survival rate is around 80-90%. Some trees which were meant to be cut down were saved and construction is being carried out in such a fashion where these trees can stand and exist. In addition, around 4,000/- saplings have been planted by Housing Board with the help of Forest Department.

5. Earlier vide order dated 08/07/2025, this Court requested Vice Chancellor of Rajmata Vijayaraje Scindia Agriculture University, Gwalior and Head of Department of Environmental Sciences of Jiwaji University Gwalior to assist this Court.

6. In pursuance thereof, Dr. Arvind Shukla, Vice Chancellor, Rajmata Vijayaraje Scindia Agriculture University, Gwalior & Dr. Nimisha Jadon, Head of Department of Environmental Sciences of Jiwaji University Gwalior appeared through Video Conferencing.

7. Dr. Arvind Shukla elaborates the concept of translocation and submits that the success of translocation of trees depends on many factors including type of tree, season in which tree is translocated as well as rhizosphere, microbiome and root pattern of concerned tree. According to him, translocation is to be carried out with utmost care and caution because trees are very sensitive.

8. Dr. Nimisha Jadon, Head of Department of Environmental sciences, Jiwaji University, Gwalior also submits that translocation is to be done with certain caution with specific protocol.

9. At this stage, counsel for respondents/Board fairly submit that they appointed an Agency which claims that rate of survival of translocated trees is more than 80%. Therefore, according to said Agency, translocation is a

successful endeavour.

10. Considering the rival submissions and the fact that exact position is required to be deciphered regarding translocation of trees so that it may be beneficial for other agencies in future to follow suit, this Court intends to constitute a Committee consisting of Dr. Arvind Shukla, Vice Chancellor, Rajmata Vijayaraje Scindia Agriculture University Gwalior, Dr. Nimisha Jadon, Head of Department of Environmental Sciences of Jiwaji University Gwalior, Shri Vivek Khedkar, AAG/Senior Advocate with Shri Vijay Sundaram, Government Advocate, Shri Ankit Pandey, DFO, Gwalior Division & Shri Manoj Patwardhan, Professor of IIITM, Gwalior as members of said Committee to give a Concept Note in respect of translocation of trees with special stress on Gwalior Region so that looking to its topography/climate/soil pattern etc., meaningful discussion be carried out.

11. Shri Vivek Khedkar, Additional Advocate General, shall be the coordinator of the Committee and will coordinate between the members. All members be intimated by Shri Khedkar. The Committee can also seek inputs and guidance from Dr. Ayyanadar Arunachalam, Director, ICAR-Central Agroforestry Research Institute (CAFRI), Jhansi.

12. The Committee shall convene its meeting either online or in person and would submit its report within one month.

13. If spot inspection is carried out by the Committee members, then the DFO, Gwalior Division with the help of District Administration, would coordinate for conveyance facilities and other logistical support.

14. The matter is placed on 11/08/2025 for further orders.

15. Meanwhile, the Agency which has been hired by M.P. Housing & Infrastructure Development Board shall also submit its report and the manner in which translocation takes place and its different attributes.

(ANAND PATHAK)
JUDGE

(DEEPAK KHOT)
JUDGE

(Dubey)