



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 12432 of 2013

Jayant Singh Tomar

.....Petitioner(s)

Versus

State Of U.P.Thr.Prin.Secy.Environment Lucknow
And Others

.....Respondent(s)

Counsel for Petitioner(s) : In Person, Gaurav Mehrotra, Maria Fatima
Counsel for Respondent(s) : C.S.C., A K Verma, Abhinav Singh, Arjun Gupta, J B S Rathore, Jyotsana Singh, Ratnesh Chandra, Vimlesh Kumar

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Shri Gaurav Mehrotra, learned Senior Counsel assisted by Ms. Shreya Agarwal appear for the petitioner, Shri A.K. Verma, learned counsel appears for U.P. Pollution Control Board, Shri Abhinav Singh, learned counsel appears for National Highway Authority of India and Ms. Isha Mittal, learned Additional Chief Standing Counsel appears for the State-respondents.

2. Shri A.K. Verma states that he has already filed counter affidavit. Shri Abhinav Singh states that he had filed affidavit in the Registry but it could not be placed on record as it was defective. He further states that defects have been removed and the affidavit shall be uploaded on the E-Court during the course of the day.

3. On 12.11.2025, we had passed the following order :-

"1. Heard.

2. In spite of the order dated 02.01.2025 neither National Highways Authority of India nor U.P. Pollution Control Board have filed counter affidavits. Shri A.K. Verma, learned Counsel

for the U.P. Pollution Control Board says that it has no role to play in the matter. If it is so then it should have been mentioned in black and white on affidavit. We do not appreciate non compliance of our orders. We also asked learned Additional Chief Standing Counsel for the State as to whether a scientific methodology for geo-tagging of trees in the mango belt can be adopted along the line of the judgment of Bombay High Court in Deepak Balkrishna Vahikar & Another vs. The State of Maharashtra and Others; Public Interest Litigation No.93 of 2009 decided on 20.09.2013 as was required to be informed to this Court on 03.01.2014 she says that she will have to seek instructions.

3. The matter has remained pending for eleven years and the State Counsel still wants time to seek instructions, we do not appreciate this also. We impose a cost of Rs.15,000/- on the State Authorities for not complying our earlier orders. As regards, the National Highways Authority of India and U.P. Pollution Control Board we will consider this aspect on the next date as Counsel for N.H.A.I. is not available today and Shri Verma, learned Counsel for the U.P. Pollution Control Board says that he will bring the affidavit on record as desired by this Court before the next date.

4. Cost be paid by the State Authorities before the next date which in turn shall be remitted by the Senior Registrar of this Court to the Drishti Samajik Sansthan which runs a juvenile home for girls and boys at Lucknow. The Senior Registrar may collect the details of the said society from Shri Apoorav Tewari, learned Amicus Curie appearing in one of the P.I.Ls where Drishti Samajik Sansthans interests apart from those of other societies are also under consideration.

5. List this case on 25.11.2025."

4. Shri A.K. Verma and Shri Abhinav Singh jointly state that their clients have no role to play in the matter.

5. On being asked, Ms. Isha Mittal, Additional Chief Standing Counsel informs that she has no instructions as to whether the cost has been deposited or not. She has not received any instructions nor any affidavit has been filed by the State authorities after the order dated 12.11.2025.

6. This is the apathy shown by the State authorities after such a stringent order being passed on 12.11.2025 as quoted herein-above. No other option is left with us but to summon all the State authorities who are impleaded herein, as, it appears that, in such an important matter involving public interest, they are not only not co-operating but their conduct displays certain intransigence which needs to be addressed.

7. Let the Additional Chief Secretary/ Principal Secretary, Forest, Government of U.P., Lucknow (respondent no.2), as the case may be, the Principal Chief Conservator of Forests, U.P., Lucknow (respondent no.5) and the Divisional Forest Officer, Lucknow, who are said to be the authorities required to assist the Court in the light of the observations made by this Court in its orders dated 13.01.2014 and 12.11.2025, **appear before this Court in person on January 13, 2026 at 10.15 am.** For their non-cooperation in the proceedings and failure to comply our order and file required affidavits we impose a further cost of Rs.25,000/-, especially as none of the affidavits filed by the State authorities after 03.01.2014 addresses the query of the Court regarding Geo tagging. The entire cost, ordered earlier vide order dated 12.11.2025 and today, shall be paid by the State authorities before the next date which in turn shall be remitted by the Senior Registrar of this Court to the Drishti Samajik Sansthan, which runs a juvenile home for girls and boys at Lucknow. The Senior Registrar may collect the details of the said society from Shri Apoorva Tewari, learned Amicus Curie appearing in one of the P.I.L.s where Drishti Samajik Sansthans interests apart from those of other Homes are also under consideration.

8. At this stage, Ms. Isha Mittal, learned Additional Chief Standing

Counsel informs that she has telephonic instructions from Chief Executive Officer, State Compensatory Afforestation Fund Management and Planning Authority that Geo tagging details have to be submitted by the department of Horticulture, that is, respondent no.3 and the Geo tagging is already taking place since 2018, however, we fail to understand that if it is so, why could he not provide written instructions or file an affidavit in this regard, so that factual aspect be clear and the respondent no.3 be confronted in this regard and why the cost already imposed has not been deposited, therefore, this statement of Ms. Isha Mittal does not persuade us to change our order.

9. Let the respondent no.3- Principal Secretary of Horticulture and Food Processing, Government of U.P., Lucknow also appear before this Court **in person on January 13, 2026 at 10.15 am.**

10. Shri Gaurav Mehrotra, learned Senior Counsel informs us that in the order dated 03.01.2014 the issue discussed by this Court was not only pertaining to Geo tagging but also felling of trees, etc. which is directly relatable to the forest department.

11. List on **January 13, 2026.**

12. Let a copy of this order be provided to the parties within 24 hours on payment of usual charges.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 5, 2026
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