

Karnataka High Court stays tree felling in Lalbagh and Lakshman Rao boulevard for Bangalore Metro

In a significant decision, Justice Shri. N. Kumar and Justice Shri. Keshav Narayan constituting the Division Bench (in Vacation Sitting) of the Karnataka High Court directed Bangalore Metro Rail Corporation Ltd. to stop felling of trees in Lalbagh and R. V. Road (till Rajalakshmi Kalyan Mantap Junction including Lakshman Rao boulevard) until further orders. This direction was issued in a PIL filed by Mr. Mahavir Ranka and others challenging the ordinance issued by the Government of Karnataka allocating 1135 sq. Metres of land in Lalbagh for a Metro station.

Arguing for the Petitioners, Mr. Gunjal, Advocate submitted to the Hon'ble Court that Metro had engaged in felling trees without seeking permission of the Tree Officer. With the permission of the Hon'ble Bench and at the request of the Petitioners counsel the undersigned Leo Saldanha submitted that the Detailed Project Report of BMRCL concedes that such park lands are being acquired not only for locating stations, but to also develop such areas commercially to offset the high costs of the Metro. It was submitted that even though the trees felled presently in Lalbagh are Eucalyptus which do not require prior permission of the Tree Officer per the Tree Protection Act, the fact that such trees are in Lalbagh Botanical Gardens constitute an important collection of the biodiversity of the park. The distressing fact was presented that the government order of 25 February 2009 allocating 1135 sq. metres of Lalbagh to Metro, involved a sale from the Horticulture Department at a price fixed by the Deputy Commissioner of Bangalore. The grievance of the public at large was raised whether Lalbagh can be sold by one department to another, allowing the latter to commercially exploit the real estate potential.


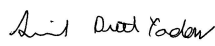
The Hon'ble Bench expressed its concern that trees cannot be felled if the land allocated for a public project was to be commercially exploited. It questioned the Bangalore Metro counsels if it is right for a Public Project to acquire park land for commercial exploitation, more so when the commercial exploitation is by a private entity? The Court was referring to the fact that Metro has outsourced various components of the project to private developers. Consequently, the Hon'ble Bench issued directions to the Respondent BMRCL to file its rejoinder and stayed until further orders any felling of trees in Lalbagh and R. V. Road.

The stay comes as a sign of relief to thousands of concerned residents of Bangalore, and all those who have cherished the sylvan spaces of Lalbagh and Lakshman Rao boulevard. Over the past two weeks since Bangalore Metro illegally encroached Lalbagh and felled over twenty trees, hundreds of protestors have gathered over a dozen times to urge the Government to review the alignment of the southern reach of Metro.

In an effort to convince the Hon'ble Chief Minister of Karnataka that the Metro project can be built in a progressive and long lasting manner without destroying Lalbagh and Lakshman Rao Parks (an alternative possibility that BMRCL has conceded in its DPR), *Hasiru Usiru* will mobilise a large gathering on Saturday, 9th May 2009 between 8 am and 9 am.

Clarification:

There are reports floating around that we have protested against Mr. Vijaykumar, MLA (Jayanagar). This is an utterly false accusation against *Hasiru Usiru*. We want to place on record that Mr. Vijaykumar has actively responded to our appeals for help as a local MLA, has intervened immediately and with concern, and has always stated that he will stand by the wider public interest. *Hasiru Usiru* has requested him to bring to the attention of the Hon'ble Chief Minister the considered and widely subscribed position that the Metro can be built without destroying Lalbagh and Lakshman Rao Parks.

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