

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 17446 of 2024

(*DR. AMAN SHARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS*)

Dated : 02-02-2026

Shri Abhinav Dhanodkar - Advocate for the petitioner.

Shri Rishabh Singh Chauhan, counsel for the respondent No.5.

Shri Manoj Munshi, Senior Counsel with Shri Vikram Malviya,
counsel for the respondent No.6.

Shri Sudeep Bhargava Dy.A.G. for respondent/State.

This Court on 18.12.2024 passed the following order :-

"The petitioner has challenged the constitutional validity of Section 4 and 6 of Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001. Section 4 provides for appointment of a 'Tree Officer', which reads as under:

"4. Appointment of Tree Officer.- The State Government may appoint one or more forest officers of the rank not below that of a Gazetted Forest Officer, Commissioner Municipal Corporation or Chief Municipal Officer as "Tree Officer" for the purpose of this Act, for each Urban Area."

Vide notification No.F-30-4-X-3-2001, dated 02/01/2002, the Commissioner, Municipal Corporation has been appointed as 'Tree Officer'. In the present case, Municipal Corporation is undertaking development projects of Malhar Ashram and MOG Lines. For these development works, certain old trees are there in the campus which are required to be cut, for which the Commissioner, Indore Municipal Corporation has granted permission under Section 6 of the Act.

The petitioner is challenging the action solely on the ground that the Commissioner, who is a notified 'Tree Officer' cannot grant permission to the Commissioner, Indore Municipal Corporation. According to the petitioner, State Government is

required to appoint any Forest Officer not below the rank of Gazetted Forest Officer as Tree Officer also in the cases where the Municipal Corporation comes under the category of 'any person'.

We find substance in the aforesaid contention, the Commissioner, Municipal Corporation, who is implementing authority for development of these two projects could not have acted as a 'Tree Officer' to grant permission for cutting the trees to itself specially for the projects implemented and undertaken by the Indore Municipal Corporation.

We hereby direct the State Government to immediately notify any Forest Officer not below the rank of Gazetted Officer as 'Tree Officer' before whom the Commissioner, Indore Municipal Corporation may apply for the permission for cutting the trees. It is further directed that till this entire procedure is completed, no tree shall be cut on the basis of the permission granted by the Commissioner, Indore Municipal Corporation as Tree Officer in these two projects viz. Malhar Ashram and MOG Lines.

List after four weeks in the second week of January, 2025."

The petitioner has filed I.A.No. 761/2026 stating that till this date in compliance with the order passed by this Court, the State Govt. did not appoint any 'Tree Officer'. The Collector, Indore had issued an order on 25.4.2025 and on 2.6.2025 appointing Forest Officer as Tree Officer. He argued that appointment of the 'Tree Officer' by the Collector is contrary to the provision of section 4 of the Adhiniyam itself, without jurisdiction and also the order passed by this Court on 18.12.2024 as the competent authority is the State Govt. to appoint 'Tree Officer'. He argued that number of trees are being cut in Indore town without there being any valid permission by legally appointed 'Tree Officer' by the State Government.

Counsel for the State prays for time to seek instructions whether the Tree officer has been appointed by the State Govt. or not though the order by this Court was passed on 18.12.2024.

Counsel for the respondents could not show any legal provision which empowers the Collector to appoint a Tree Officer. From perusal of section 4 of the Madhya Pradesh Vrikshon Ka Parirakshan (Nagariya Kshetra) Adhiniyam, 2001, it is manifest that power of appointment of Tree Officer has been conferred to the State Govt..

In view of aforesaid, we direct that the trees will not be cut in the town on the basis of permission granted by the 'Tree Officer' appointed by the Collector.

It is informed that there is another matter i.e. W.P.No. 954/2026 relating to Rani Sarai touching the same issue is listed on 16.02.2026.

Considering the same, list this matter along with W.P.No. 954/2026 on 16.02.2026.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE

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