

IN THE HIGH COURT OF ORISSA,CUTTACK

(Original Jurisdiction Cases)

W.P. (C) (PIL) No. _____ of 2025

Code No. :

IN THE MATTER OF:

An application under Article 226 of the
Constitution of India.

AND

IN THE MATTER OF :

An application for Public Interest Litigation.

AND

IN THE MATTER OF:

An application challenging inaction of
authority in not taking appropriate steps for
damaging to the environment and climate
change due to Cutting of age old trees due to
expansion of road from Talabania to Bhoodan
Chhak in Puri

AND

IN THE MATTER OF :

An application praying for issuance of an
appropriate writ of mandamus or order or
direction in the nature of mandamus or any
other order to the opp. Parties to stop

destruction of trees for the purpose of expansion of road from Talabania to Bhoodan Chhak in Puri.

AND

IN THE MATTER OF :

An application seeking urgent consideration by this Hon'ble Court on fundamental rights to justice and intergenerational equity of living entities under Articles, 14, 19, 21 and 48-A of the Constitution of India;

AND

IN THE MATTER OF :

Smt. Jayanti Das, aged about 64 years,
W/o-Sri Kumuda Bandhu Das, At-
Mahamadia Bazar, Po-Chandinichowk,
Ps-Lalbag, Town/Dist-Cuttack
..... Petitioner

-versus-

1. State of Odisha, represented through the Secretary, Forest & Environment Dept., Lok Seva Bhawan, Bhubaneswar, Dist-Khordha
2. Chief Secretary, Govt. of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist-Khordha

3. Principal Secretary, Revenue & Disaster Management, Govt. of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist-Khordha
4. Principal Secretary, G.A. Department, Govt. of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist-Khordha
5. Union of India, through the Cabinet Secretary, Cabinet Secretariat, New Delhi
6. Union of India, through its Secretary, Ministry of Forest & Environment, New Delhi, represented through its Secretary, New Delhi, India
7. Puri Konark Development Authority , represented through its Chairman, Puri , At- Puri, Dist- Puri.
8. Principal Secretary, Housing and Urban Development Department Govt. of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist-Khordha.
9. Chairman, Odisha Forest Development Corporation, Bhubaneswar, At/P.O.- Bhubaneswar, District – Khurda.

....Opp. Parties

To,

The Hon'ble Chief Justice of Orissa High Court
and His Lordship's Companion Justices of the
said Hon'ble Court.

The matter out of which this PIL writ
application arises was never before this

Hon'ble court at the instance of the petitioner in the present form.

The humble petition of the petitioner named above.

MOST RESPECTFULLY SHEWETH

1. That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner questioning the seer inaction of the Opp. Parties in not taking appropriate steps for the propose Cutting of age old trees from Talabania to Bhoodan Chhak in Puri for expansion of road.

2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.

3. That the petitioner is a social activist and always fights for the well-being and development of the general people at large and more concerned for the overall development of the down trodden people of the society. The petitioner is also actively associated for the different cause of the society drastically affecting the well-being of the people, such as illiteracy, blind religious faith and exploitation of people by the group

of religious monarch by exerting fear under the garb of religious faith and customs.

4. That it is humbly submitted that the petitioner is filing the present writ petition on her own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioner herself.

5. That the petitioner in the present writ petition under Article 226 of the Constitution of India is praying for issuance of appropriate writ of mandamus or direction in the nature of mandamus or any other order to the opp. Parties to stop the cutting of trees for the purpose expansion of road from Talabania to Bhoodan Chhak in Puri and also appoint expert scrutiny committee by this Hon'ble Court to report about the cutting of trees and also existing trees.

6. That the facts of the case in brief are as follows :-

That the Govt. of Odisha has planned to expansion of road from Talabania to Bhoodan Chhak in puri and for that purpose, hundreds of age old trees are being cut .

7. That the opp. parties are duty bound to protect lives of not just humans but all living beings who are unable to raise their voice. The opp. parties have also

got a duty to ensure the intergenerational equity of all living beings.

8. That violation of Article 21 of the Constitution, where citizens of Bhubaneswar will be deprived of dignity of life because of rise in pollution and temperature due to cutting of hundreds of trees age old trees which are the source of Oxygen and agent of reducing heat wave. The petitioner came to know from electronics media and print media about 72 nos of trees felled in puri for expansion of road from Talabania to Bhoodan Chhak in puri. Thereafter, the petitioner sent representations through email on dated 26.07.2025 the opp. parties including the higher authorities requesting to provide the relevant documents and not to cut rather to relocate them or use them as divider and expand the road on the vacanted land existing on the other side . The true copy of representation dated 26.07.2025 is annexed herewith as **Annexure-1**,

9. That the petitioner files the present writ petition under Article 226 of the Constitution of India, on the following amongst others -

GROUND S

(a) For that, the petitioner seeks urgent consideration by this Hon'ble Court on the fundamental right to justice and intergenerational equity of living entities under Articles 14,19,21 and 48A of the Constitution of India. All living beings, plants, trees, birds, depending on such eco system have right to life and it cannot be curtailed for the selfish human interest. Violence is not just physical violence but also curtailing the gift of nature to future generation. Cutting of huge number of trees is an intergenerational injustice which must be stopped for ever. This Hon'ble Court may take cognizance of such events and lay down the law that paves the way for permanent halt to all such destruction of nature.

(b) For that, the actions are taken in the dark night as in case of chopping of thousands of trees with mala fide intention.

(c) For that, the trees are one of the there sources of Oxygen. Trees are pro-life performers any climate change. Destruction of huge number of trees is direct assault on intergenerational equity.

(d) For that every living being has the right to life. Trees are living entities. Moreover , trees support a

wide variety of Eco system. (e) For that by felling such huge number of trees, which takes several decades to grow, an injustice is caused not just to the present generation of human, but also, the future generation of humans and all other living beings depend on the eco-system.

(e) For that, Govt of Odisha had filed an affidavit in WPC PIL 14046/2022 pending before Hon'ble Orissa High Court related to cutting of age old trees in MLA Colony Bhubaneswar where they have stated that they are planning to relocate and shift the trees to other places and they had assured that they will further not cut more trees and the design of construction will be made by keeping the age old trees in view which is violated in this particular plan of cutting of 72 age old trees.

(f) For that, the authorities did not provide the blueprint of the design of expansion of road from Talabania to Bhodan Chhak in Puri and preventive steps proposed to be taken for safeguard and protect large number of age old trees which act as a prevention of soil erosion and protection to the existing road which are stronger than the man made barricades.

(g) For that, it is pertinent to mention herein that a matter relating to cutting of age old trees all over India

in still pending before Hon'ble Supreme Court of India bearing case No- SLP(C) No- 25047 OF 2018 .

(h) For that, the trees are negotiators of Cosmic energy. There are number of numerous strata of energy above the planet: ultra violate rays, ozone layer , thermal layer amongst others.

(i) For that, Article 21 of fundamental right where the constitution guarantees right to life and dignity which is going to be disturbed if such valuable trees are cut in the name of road expansion and people will suffer physically due to pollution and lack of oxygen as well as high temperature due to global warming and climate change .

(j) For that, trees keep atmosphere cool. A cluster of trees nurtures a comprehensive environment . They provide food to human, animals creatures. They shelter families of birds, animals and creatures. Parts of many trees have a medicinal value and trees are national resource.

10. That there being no other equally speedy and efficacious remedy available, the petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble Court under Article-226 of the Constitution of India.

P R A Y E R

The petitioner, therefore prays that this Hon'ble Court be graciously pleased to admit this Public Interest Litigation and issue a Rule NISI calling upon the Opp. Parties to show cause as to why a writ of mandamus or any other appropriate writ/writs shall not be issued to the Opp. Parties :

(i) Direct the Opp. Parties to stop cutting of trees in and around the from Talabania to Bhoodan Chhak in Puri.

(ii) Direct the Opp. Parties to make fresh blueprint and design by considering 72 age old trees to be treated as divider and expand the road on the vacant land existing on the other side.

(iii) Direct the opp. parties not to damage, fell, uproot, cut down, burn down or otherwise, destroy part of trees;

(iii) Direct the opp. Parties to provide satellite pictures of the area before and after cutting the old age trees;

(iv) Direct the opp. Parties If relocation is necessary then to form an expert committee to prepare a plan of proper execution with necessary machines required, location identified for shifting, assuring the chance of survival of the trees after relocation, data of prior experience of Opp.parties in such type of relocation mentioning the name of the company hired for the activity with its profile of rate of success in past in other projects, data with visuals of the relocated trees done in Odisha and it has to be presented through an affidavit to the court to assure the court that proper execution of relocation will be done scientifically and after the court is satisfied then only relocation will be executed .

(v) Direct the opp. parties to file affidavit about the number of trees already cut and deposit the compensation according to Hon'ble Supreme Court Guidelines for the trees already cut to the agencies as deemed fit by this Hon'ble Court for protection of environment;

(vi) And If the Opp. Parties fail to show cause or show insufficient cause, to make the said rule absolute.

And pass an order(s)/direction(s) as this Hon'ble Court deem fit and proper.

And for this act of kindness the petitioner as in
duty bound shall ever pray.

Cuttack

By the petitioner through

Date :01.8.2025

Advocate

BIJAYA KUMAR RAGADA

Enrl No.O-1154/1995

