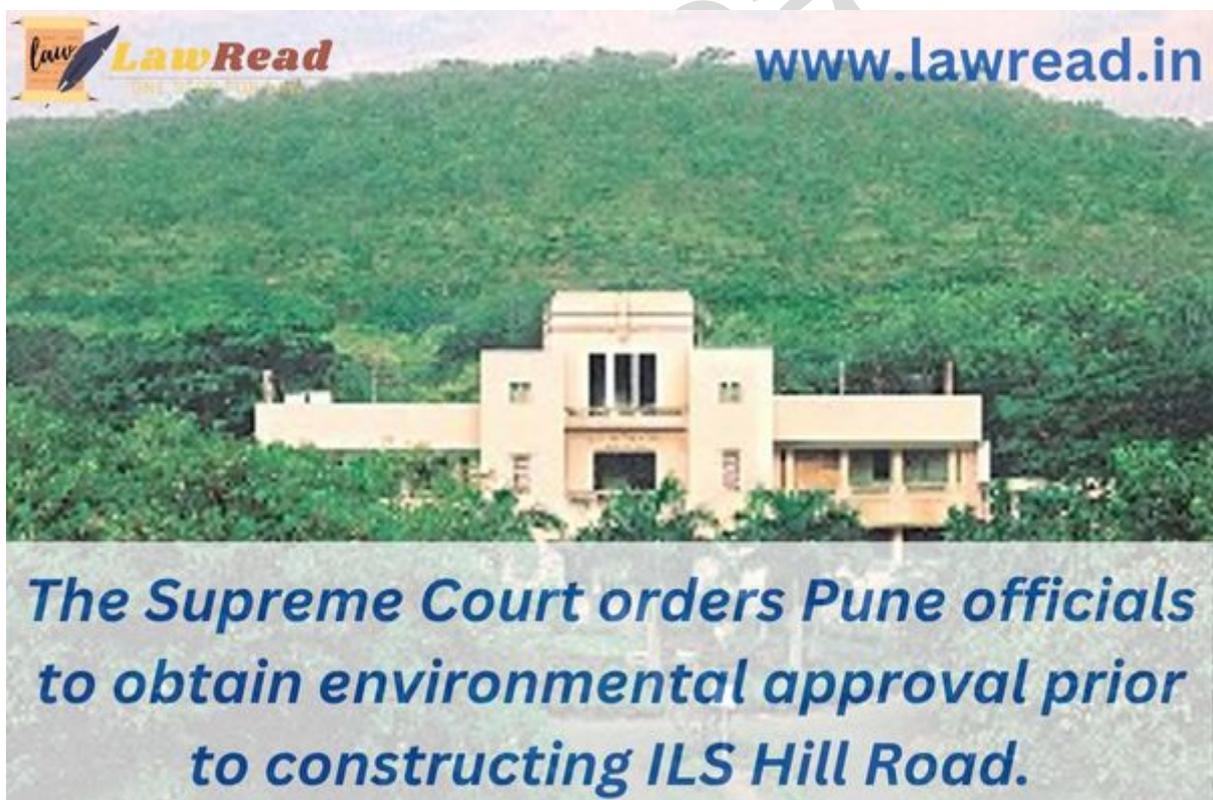


News

The Supreme Court orders Pune officials to obtain environmental approval prior to constructing ILS Hill Road.



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The Supreme Court ruled on Wednesday that the construction of the proposed ILS Hill Road, which is a part of the Balbharati–Paud Phata link road that passes through the Law College Hill and the Indian Law Society (ILS) campus in Pune, must first receive environmental clearance (EC). [Pune Municipal Corporation v. Sushma Date]

A bench consisting of Justice K Vinod Chandran and Chief Justice of India (CJI) BR Gavai held,

"We order that the project not be started until the EIA authorities has given its environmental approval. Given the length of time the project has been languishing, we order the EIA to make a decision on the application for EC grant within three months.

In addition to an intervention filed by the Indian Law Society, which owns the hill through which the proposed alignment passes, the Court was considering petitions submitted by environmentalist Dr. Sushma Date.

In her appearance on behalf of Date, Senior Advocate Anitha Shenoy contended that the alignment passes through the ILS campus and the nearby Law College Hill, which is a component of Pune's natural forest ecosystem. With over 400 different tree species and a natural aquifer that replenishes the groundwater table in western Pune, she referred to it as a "virgin forest hill."

According to her, consultants for the Pune Municipal Corporation (PMC) deemed the current one-season environmental research insufficient and suggested a four-season Environmental Impact Assessment (EIA) in order to fully capture the area's hydrological significance and biodiversity.

Shenoy also mentioned the current forest classification process in Pune, which is being carried out in accordance with orders from the Supreme Court. The Forest (Conservation) Rules, 2023, provide for the designation of "forest-like" regions. She asked the Court to wait for that procedure to be finished before allowing construction.

She cited the Central Empowered Committee (CEC) report, which warned that the project will harm the aquifer system that supports the ecosystem of the hill and split wildlife habitats, stating that development "shall not be permitted at present."

Speaking on behalf of the local authority, Solicitor General of India Tushar Mehta said that

the proposed route was included in the city's approved Development Plan and did not need additional approval. According to him, the alignment was thoughtfully planned to minimize its negative effects on the environment and avoid disturbing the hill's forested area.

Mehta emphasized that the alignment had been planned to merely touch the bottom contours of the hilltop and not to cross it, demonstrating the civic body's awareness of ecological sensitivity.

However, the Bench questioned the distinction, noting that the same principle should have applied if the National Green Tribunal had declared that a road of the same alignment needed an EIA.

It said, "If the NGT has stated that an EIA is required for another road with the same alignment, why not for this one?"

Speaking on behalf of the Indian Law Society, Senior Advocate Devadatt Kamat told the court that a status quo ruling from the Bombay High Court in 2005 regarding the Society's writ case contesting the purchase of its land for the road is still in effect. He claimed that the ILS Hill serves as one of Pune's last surviving green areas and has been protected for almost a century by afforestation.