



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 18852/2025

Shri Jambeshwar Paryavaran And Jeev Raksha Pradesh Sanstha,
Having Its Registered Office At Shri Guru Jambeshawars Birth
Place, Peempasar, Tehsil And District Nagaur Through State
President Shri Ramratan Bishnoi S/o Harchand, Aged About 62
Years, R/o Sri Balaji, Tehsil Sri Balaji, District Nagaur
(Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Chief Secretary,
Government Of Rajasthan, Government Secretariat,
Jaipur.
2. Department Of Forest, Through Head Of Forest Force
(Hoff) Cum The Principal Chief Conservator Of Forests
(Pccf), Jaipur.
3. Department Of Environment And Climate Change,
Through Director, Room No. 8325, SSO Building.
Government Secretariat Jaipur, (Raj.)
4. Additional Collector 1, , Officer In Charge-Revenue, First
Floor, Collectorate, Bani Park, Jaipur.
5. The Secretary, , Energy Department, Government Of
Rajasthan.
6. The Rajasthan Renewable Energy Corporation Limited,
(Rrecl) Through Its Director, Having Its Office At E-166,
Yudhistir Marg, C-Scheme, Ashok Nagar, Jaipur.
7. Central Arid Zone Research Institute, , Jodhpur (Cazri).
8. District Collector, Bikaner, Sambar Lake, District, Jaipur.
9. District Collector, Hanumangarh.
10. District Collector, Barmer.
11. District Collector, Jodhpur.
12. District Collector, Bikaner.
13. District Collector, Phalodi.

----Respondents

For Petitioner(s)	:	Mr. Vijay Bishnoi
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG assisted by Mr. Harshvardhan Singh Mr. N.S. Rajpurohit, AAG assisted by Mr. Kanchan Jodha Mr. Nimesh Suthar



Mr. Ankur Sood, through VC
Mr. Prajwal Suman
Mr. Manish Priyadarshi
Mr. Purshottam Saraswat

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP SHAH
Order

portable

08/05/2026

1. Petitioner-organization, claiming itself to be promoting the general public cause, has filed the instant writ petition to protect the public interest seeking following relief:

"a) By issuance of a suitable writ, direction or order, the Hon'ble Court may kindly be pleased to stop illegality of cutting tress specially Khejri Tree without due procedure.

b) By issuance of a suitable writ, direction or order, the Hon'ble Court may kindly be pleased to direct the State Government to Entactment of New Tree Protection Act as like other states or make suitable Guidelines for protection of Khejri Trees.

c) By issuance of a suitable writ, direction or order, the Hon'ble Court may kindly direct the authority to promoting Agroforestry on the non-forest/ private land situated in the all over Rajasthan to increase its green cover to curb Air Pollution and improve ambient Air Quality.

d) By issuance of a suitable writ, direction or order, the Hon'ble Court may kindly be pleased to frame universal guidelines to be followed for the purpose of removal/cutting of trees, so that the objective of Article 21, 48A & 51A of the Constitution of India be achieved and the balance be made between the environmental conservation and protection at one hand and the right to development on the other hand. The balance must be striked and maintained for all times to come so that that doctrine of "sustainable development" be given due effect before its too late in the day.

(e) In the alternative, the Hon'ble Court by issuance of 2 a suitable writ, direction or order, the Hon'ble Court may kindly be pleased to direct the respondent to plant 10 times of the trees for which permission was granted and in particular direct: the plantation of Khejri Trees."

2. Heard and perused the case file.

3. Learned counsel for the petitioner submits that under the guise of the State Government's solar power policy, projects are being set up by indiscriminately clearing existing greenery. He points out that the affected land is largely infertile, and the trees being felled, colloquially named "khejri" i.e., *Prosopis cineraria*, are the only species environmentally suited to withstand the region's harsh climate.





4. He further submits that these trees also hold deep religious and emotional significance for local communities, as would be borne from historical mass suicide¹ of over 300 people sometime in the 18th century in protest against their felling by a prior regime.

5. While we are one with the public cause sought to be achieved through this petition and share the petitioner's sentiments in instituting these proceedings, but it may be noted that the desired result of the judicial intervention seems to have been achieved already.

6. State Government has also taken cognizance of the matter. By order dated 09.03.2026, it has constituted a Special Committee mandated to examine the issue in its entirety and recommend protective measures, including possible legislation.

7. For ready reference, English translation of the order passed by the State Government by which the Committee has been constituted reproduced herein below:—

"With the permission of the Hon'ble Chief Minister, keeping in view the public aspirations and public sentiments regarding the state tree Khejri, subject to the decision of the State Government to bring an Act for the protection of Khejri, a committee is hereby constituted as follows to propose the draft of the Tree Protection Act -

1. *Shri Jogaram Patel,*
Hon'ble Minister, Law and Parliamentary Affairs Department.
-Member
2. *Shri Hemant Meena,*
Hon'ble Minister, Revenue and Colonization Department
- Member
3. *Shri Sanjay Sharma,*
Hon'ble Minister of State, Forest and Environment Department
-Member

¹ The Bishnoi community's historic act of sacrifice known as the Khejarli Massacre of 1730 AD. Amrita Devi, a Bishnoi woman, along with her three daughters, gave her life to protect *Khejri* trees (*Prosopis cineraria*) when soldiers of the Maharaja of Jodhpur, Maharaja Abhay Singh, came to fell them for timber to burn lime for his new palace. Her act inspired 363 Bishnois from 84 villages to sacrifice their lives by hugging the trees. However, the soldiers brutally felled the trees along with the people clinging to them. The then Maharaja, upon learning of the tragedy, reportedly visited the village, apologised, and issued a royal decree (*farman*) permanently prohibiting the felling of trees and hunting of animals in Bishnoi villages.





4. *Principal Secretary,
Law and Parliamentary Affairs Department* -Member
5. *Shri Mahavir Vishnoi,
Additional Advocate General, High Court, Jodhpur* -Member
6. *Shri Kunal Vishnoi,
Advocate, Rajasthan High Court-* -Member

The scope of the above committee will be as follows:

1. *To make a comparative study of the laws applicable in different states.*
2. *Consulting stakeholders as required while preparing the draft proposal.*
3. *To propose a draft by studying various judicial decisions and existing provisions regarding tree conservation.*

The above committee will propose the draft of the Act within a month.

The administrative department of the said committee will be the Revenue Department and its Member Secretary will be the Government Secretary, Revenue Department."

8. In the aforesaid circumstances, no further judicial intervention is warranted at this stage. However, it is directed that no trees shall be felled without prior approval to be obtained in accordance with law, but with due intimation to the above Committee.
9. The petitioner is at liberty to assist the Committee in its deliberations. Should any grievance persist, further liberty is granted to revive or reinstitute proceedings before this court.
10. Writ petition stands disposed of accordingly.
11. All pending applications stand disposed of.
12. Before we part, we feel compelled to add, for the persuasive benefit of the above committee constituted, that, as a humanity, our march through technological evolution appears to have left a trail of environmental destruction. The case before us is a stark example. The Khejri, a rare desert tree of ecological significance, grows in sparse isolation, barely one tree per half a square kilometer. Yet it is slated for felling. The reason? To make way for solar power generation. The irony





is breathtaking, to say the least. Are we as a society clearly not destroying nature in the name of technology, is the question for the committee to ponder ? It is time we, as a community, faced this uncomfortable truth head-on and find a solution. This court hopes and trusts that the committee will explore every viable alternative to avoid any further felling of even a single tree and permitting what would be an irreversible loss. Maybe, it is time again, like it was done in 1730 AD, that the rulers of today issue "*farmaan*" as was directed by the then Maharaja to save the trees and protect the ecological balance. Disposed of with these observations.

(SANDEEP SHAH),J

45-charul/mohit/-

(ARUN MONGA),J