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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 660/2020, CM APPL. 26651/2020 & CM APPL. 5145/2021

NEW DELHI NATURE SOCIETY Petitioner

Through: Mr. Aditya N. Prasad, Advocate.

versus

SHRI VINAY SHEEL SAXENA & ORS. Respondents

Through: Mr. Shadan Farasat, ASC with Mr. Shourya Dasgupta, Advocate for R-1 and R-2.

Mr. Gautam Narayan, ASC for GNCTD with Mr. Adithya Nair, Advocate for Forest Department.

Mr. Satyakam, ASC with Mr. Krishnashree, Advocate.

Mr. N. Hariharan, Sr. Advocate with Mr. Vaibhav Sharma and Ms. Punya Rekha Angara, Advocate.

Mr. Santosh Kumar Tripathi, SC for PWD.

Mr. Tushar Sannu, SC for NDMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **03.06.2022**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The court is assured by the learned Standing Counsel for NDMC that prompt measures will be taken, possibly in the course of the day, to ensure that a large tree outside the court premises, on Sher Shah Road, which has tilted quite a bit, is duly supported by tripod poles, etc. to ensure that it regains its foundational strength so as to survive. Let an



affidavit be filed before the next date.

2. The petitioner has filed a report-‘Standard Operating Procedure’ (SOP) on “How to save a Fallen Tree”. Photographs of instances of successes in this regard are reproduced as under:



Standard Operating Procedures





CASE 1

LOCATION: NEW FRIENDS COLONY

NAME OF THE TREE: PEEPAL TREE

CAUSE OF DAMAGE: CONCRETISATION OF THE TREE



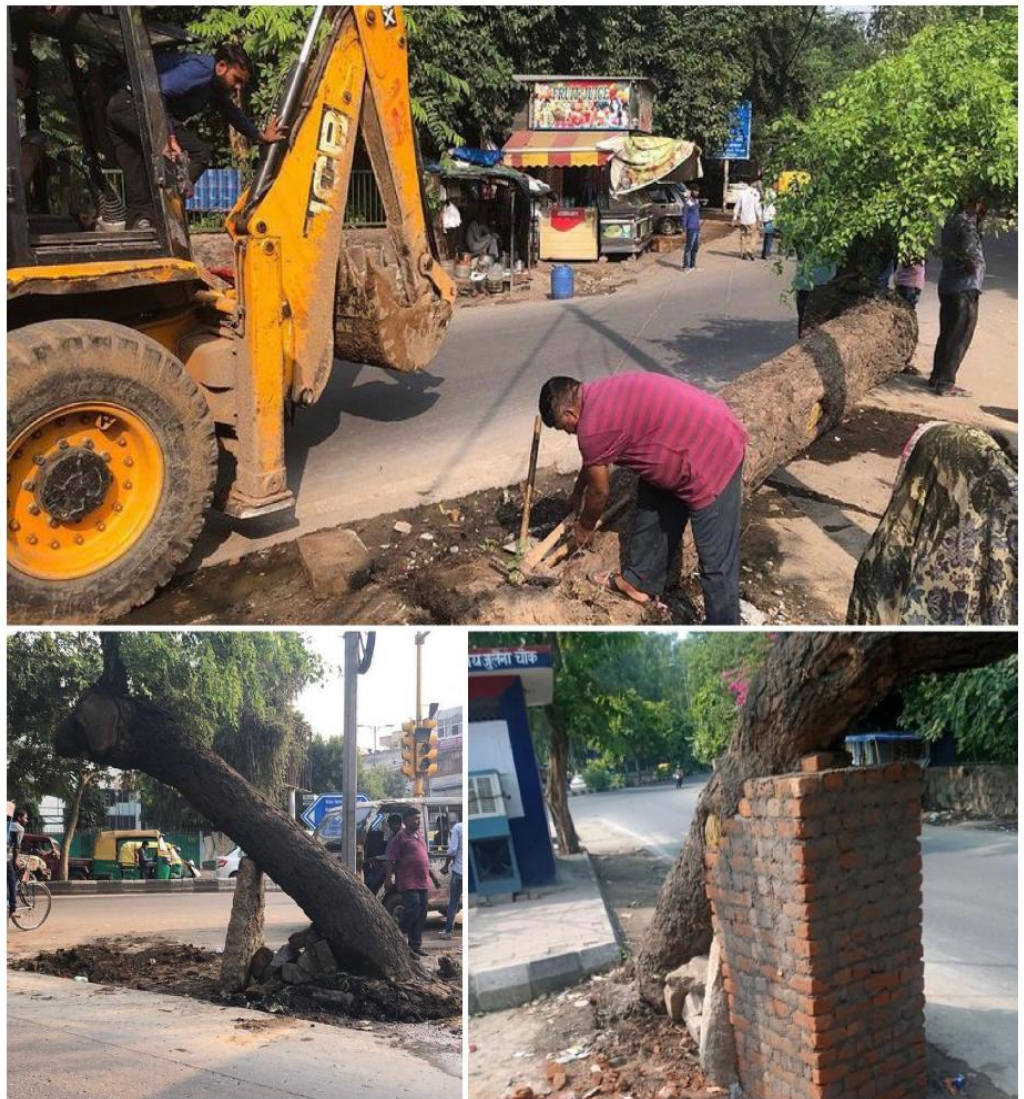


CASE 2

LOCATION: NEW FRIENDS COLONY

NAME OF THE TREE: SHEESHAM TREE

CAUSE OF DAMAGE: CONCRETISATION





CASE 3

LOCATION: MAHARANI BAGH

NAME OF THE TREE: GOOLAR AND PILKHAN TREE

CAUSE OF DAMAGE: CONCRETISATION





CASE 4

NAME OF THE TREE: SHEHTOOTH TREE

LOCATION: NEW FRIENDS COLONY

CAUSE OF DAMAGE: TOO CLOSE TO THE WALL, ROOTS
COULDN'T EXPAND AND THE TREE GOT HEAVY ON ONE SIDE





CASE 5

LOCATION: NEW FRIENDS COLONY

NAME OF THE TREE: PILKHAN TREE

CAUSE OF DAMAGE: CONCRETISATION





3. The photographs show diligent and companionate efforts by citizens to save trees in their residential neighbourhoods. Some of the trees were possibly 30–40 more years old. Surely, the land-owning agencies, under whose respective jurisdictions trees have grown in the city, would take inspiration from the work carried-out by concerned citizens like the petitioner and RWAs (New Friends Colony, Maharani Bagh, etc.) and other like them. A copy of the said SOP has been shared with the learned counsel for the parties. PWD, which is the land-owning agency of Mathura Road, assures the court that the requisite space around all trees, from the Supreme Court to Ashram flyover will be de-concretised. A census, regarding the same, shall be carried out within one week with the assistance of Mr. R.D. Chaudhary, AE(civil), SDMC. Two tree ambulances shall be made available to him, by the Municipal Corporation/ PWD, along with sufficient personnel to ensure that the necessary restorative work is accomplished within the next two weeks, lest we lose some more trees in the next thunderstorm or to strong monsoon winds.
4. The learned Standing Counsel for GNCTD has been directed to accept notice. Let compliance affidavit be filed by the end of this month. In case the affidavit is not filed, Secretary, PWD, shall be present in court on the next date.
5. Mr. Shadan Farasat, the learned ASC for GNCTD submits that in compliance of the order dated 19.05.2022, Government has issued directions to 43 departments and sub-departments of governmental entities in Delhi that no further felling of trees be done. The said communication order reads as under:



*“To,
All Govt, departments / User agencies
Under NCT of Delhi,
(As per list attached)*

Sub:- Compliance of Order dated 19.05.2022, of the Hon'ble High Court of Delhi, in Contempt Case No. 851/2021, titled as "Neeraj Sharma Vs. Vinay Sheel Saxena & Ors"- regarding.

*Madam/ Sir,
I am directed to inform that Hon'ble High Court has passed an order dated 19.05.2022. The operative part of the order is reproduced below:-*

“Remedial measures are warranted. It would, therefore, be in the fitness of things, in the public interest as well as for the sake of the environment for the present and future generations that tree-felling in Delhi is not permitted till the next date, so as to ensure that felling is done only when it is fully ensured by the applicant that the trees would at least be transplanted. Surely, there is no other way to mitigate Delhi's daily ecological and environmental degradation. Let the data be collated and filed by DCF (Headquarters) or an officer of equivalent or higher rank and an affidavit apropos exemptions granted under section 29 of the Act and of offence cases filed by the Tree Officer, for the years 2019, 2020 and 2021”.

You are requested to follow the above order scrupulously. Copy of the order is enclosed for ready reference.

Encl: As above.

*(Amit Anand)
Deputy Conservator of Forests (P&M)/
Member Secretary (Tree Transplantation Cell)”*



6. Interim orders apropos no cutting of trees shall continue.
7. List on 07.07.2022.

NAJMI WAZIRI, J

JUNE 3, 2022
SS