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

+ W.P.(C) 12398/2021

N HARIHARAN

..... Petitioner

Through: Mr. Kamal Mehta, Mr. M.A.Niyazi,
Mr. Siddharth S.Yadav, Mr. Prateek
Bhalla, Advocates with petitioner in
person.

versus

MCD AND ORS

..... Respondents

Through: Mr. Abhinav S.Aggarwal, ASC,
North DMC.
Mr. Gautam Narayan, ASC with Mr.
Adithya Nair, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

11.11.2021

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1. The hearing was conducted through video conferencing.
2. Pursuant to order dated 28.10.2021 petitioner has filed a formal petition in accordance with the rules. Copy of the petition be furnished to learned counsels appearing for the respondents.
3. Learned counsel appearing for the North Delhi Municipal Corporation submits that an application was filed with the forest department for the permission for felling of the subject tree stating that it had become dangerous due to digging of nearby basement.
4. Learned counsel appearing for the Deputy Conservator of Forest submits that the permission was not granted for felling of the tree but for transplantation. He submits that the perusal of the photographs show that instead of taking steps for transplanting the

tree, attempt was made to cut the tree and its branches which was not the permission granted. He in any case submits that since the permission was valid only for 30 days from the date of grant of permission i.e. 05.10.2021, the same has already lapsed.

5. Perusal of the photograph annexed with the application filed by NDMC of the subject tree *prima facie* shows that there was no danger to the said tree of falling down as there is no tilt or sagging of the tree observed in the photograph. Be that as it may, it is an admitted position that the building adjoining the tree has already been constructed and the basement has already been filled up, thus there *prima facie* does not appear to be any immediate danger, if any, of the tree falling any more however, it would be expedient for the Deputy Conservator of Forest to have the subject tree examined and to submit a report as to whether the said tree is dangerous or not.

6. Let a report be filed before the next date of hearing.

7. List on 26.11.2021.

8. Interim order to continue.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 11, 2021

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