

\$~1 & 2 (SB)

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

+ CONT.CAS(C) 851/2021, CM APPL. 8253/2022 & CM APPL. 21573/2022

NEERAJ SHARMA

..... Petitioner

Through: Mr. N. Hariharan, Sr. Advocate
(*Amicus Curiae*) with Ms. Punya
Rekha Angara, Advocate.
Mr. Aditya N. Prasad, Advocate.

versus

VINAY SHEEL SAXENA & ORS.

..... Respondents

Through: Mr. Rishikesh Kumar, ASC, GNCTD
along with Ms. Sheenu Priya,
Advocate for Delhi Police.

Mr. Anuj Aggarwal, ASC, GNCTD
along with Ms. Ayushi Bansal,
Advocate and Mr. Ashutosh Singh,
AE, PWD.

Mr. Shadan Farasat, ASC, GNCTD
along with Mr. Shourya Dasgupta and
Mr. Shourya Dasgupta, Advocates for
R-5.

Ms. Vishnupriya Pandey and Mr.
Rohan H., Executive Project
Associates for Dept. of Forests and
Wildlife, GNCTD.

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

NEW DELHI NATURE SOCIETY

..... Petitioner

Through: Mr. N. Hariharan, Sr. Advocate
(*Amicus Curiae*) with Ms. Punya

Rekha Angara, Advocate.

Mr. Aditya N. Prasad, Advocate
along with AR of Petitioner Trust.

versus

SHRI VINAY SHEEL SAXENA & ORS. Respondents

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

Mr. Satyakam, ASC, GNCTD along
with Mr. Krishnashree Devee,
Advocates for Delhi Police.

Ms. Vishnupriya Pandey and Mr.
Rohan H., Executive Project
Associates for Dept. of Forests and
Wildlife, GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **02.06.2022**

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

1. The city has suffered extensive damage to many old trees due to a thunderstorm, two evenings ago. Many a grand trees fell and succumbed to strong winds primarily because their roots had weakened, courtesy the road-owning agencies who permitted concretization of the earth around the trees and indeed, callously disregarded their care and maintenance. Lack of care and breach of court's directions is under examination in CONT CAS. (C) 660/2020 apropos Meera Marg and CONT CAS. (C) 851/2021 apropos Vikas Marg. In both cases, PWD's officer is the same. In another case

(CONT CAS. (C) 220/2022), the Executive Engineer and Engineer-in-Chief of the PWD have been held guilty for having committed contempt of court directions. The court is informed orders on sentencing are awaited.

2. The learned ASC, GNCTD, representing the Executive Engineer, PWD submits that 177 trees have been freed of concrete around them and protective bollards and screens have been put around them. However, compliance affidavit has not been filed neither has a copy of any affidavit been supplied to the learned *Amicus Curiae* or the learned counsel for the petitioners. Let it be supplied to them in the course of the day and be filed, upon deposit of Rs.25,000/- by the Executive Engineer concerned for the delay in filing it. The said monies shall be deposited into the following bank account of DCF(South) to be used for plantation in the Central Ridge forest lands.

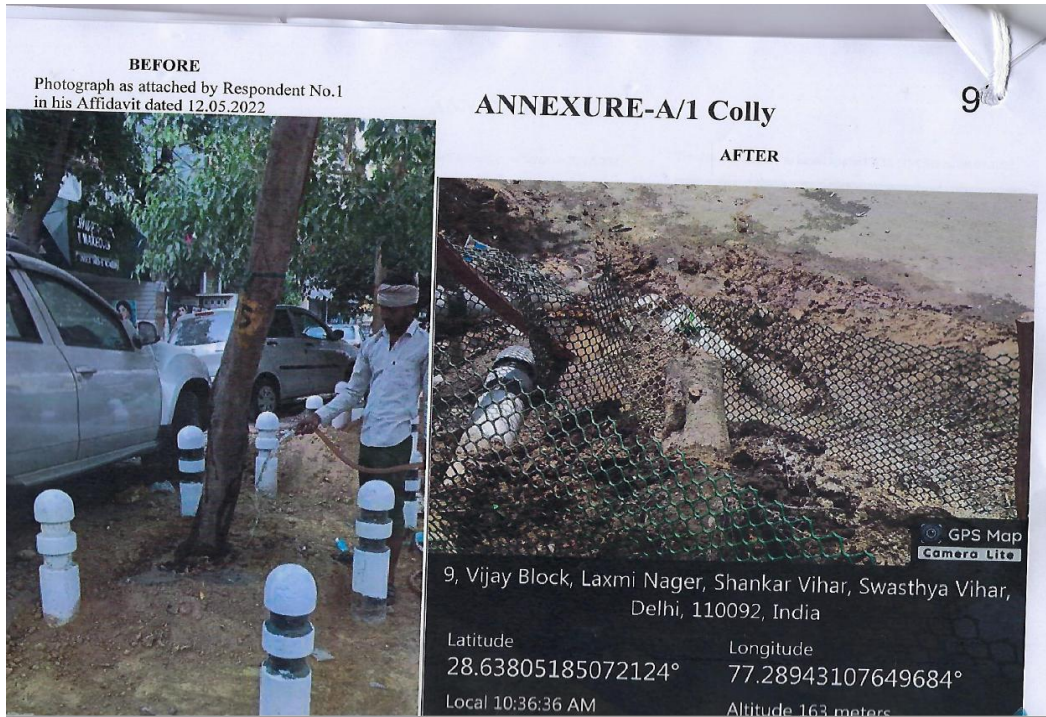
Account details

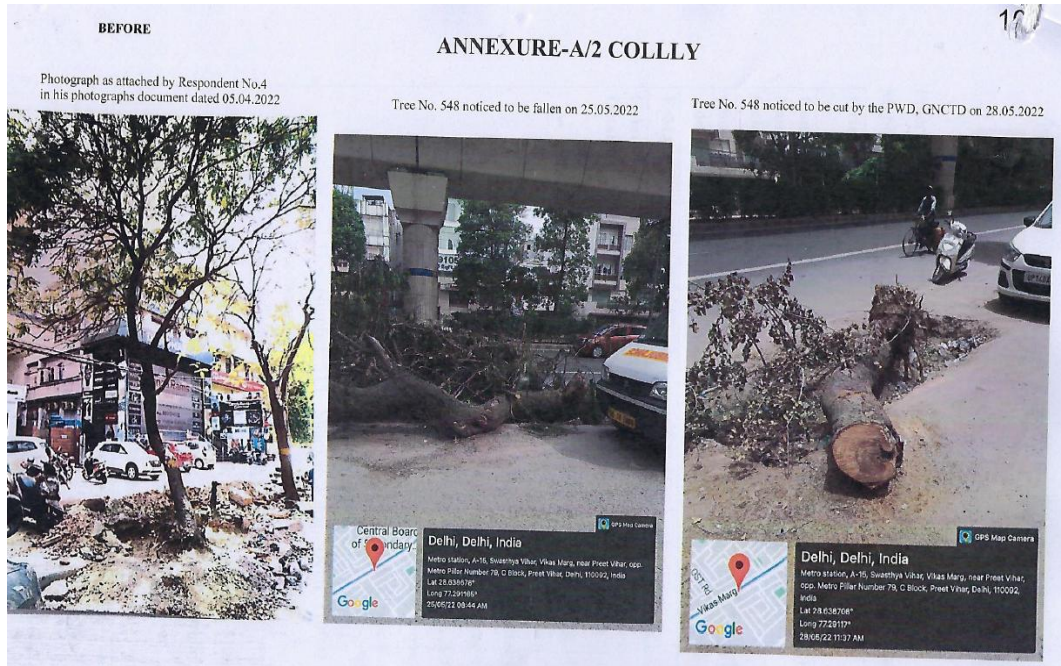
Name – Office of Conservator of Forests
Bank Name- UCO Bank, Delhi High Court
A/c Name- South Forest Division
A/c No. – 15530110156933
IFSC Code- UCBA0001553

3. A set of photographs have been shown to the learned *Amicus Curiae*. He submits that the interim protection around the trees is far too flimsy and the trees need to be protected with stronger bollards. The court is assured by the learned counsel for the respondent that better protective bollards will be affixed around all the trees by the 30th of this month. Let it be so done, failing which the Engineer-in-Chief

shall be present on the next date, along with the compliance affidavit.

4. Mr. Aditya Narayan Prasad, the learned counsel for the petitioners draws the court's attention to a tree which fell due to the recent storm and was thereafter cut into pieces. The sequence of its obliteration is evident from the photographs, reproduced hereunder:





5. He also refers to para 3 of the court's order dated 23.03.2022. An affidavit shall be filed by the Executive Engineer with the concurrence of the Engineer-in-Chief.
6. List on 03.06.2022.
7. Interim orders to continue.

NAJMI WAZIRI, J

JUNE 2, 2022

RW