

ITEM NO.21

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (CIVIL) Diary No(s). 21171/2024

(Arising out of impugned final judgment and order dated 09-05-1996 in W.P.(C) No. No. 4677/1985 passed by the Supreme Court Of India)

BINDU KAPUREA

Petitioner(s)

VERSUS

SUBHASISH PANDA

Respondent(s)

MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY,
SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR.
SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

(IA No. 117930/2024 - APPROPRIATE ORDERS/DIRECTIONS IA
No.111340/2024 - EX-PARTE AD-INTERIM RELIEF IA No. 135723/2024 -
INTERVENTION/IMPLEADMENT IA No. 124040/2024 - INTERVENTION/
IMPLEADMENT)

WITH

SMC(CrI) No. 2/2024 (XVII)
(FOR PERMISSION TO FILE APPLICATION FOR DIRECTION ON IA
185946/2024)

Date : 24-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) By Courts Motion, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.
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Mr. Vishal Sinha, Adv.
Mr. Tushar Shrivastava, Adv.
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 Mr. Barun Dey, Adv.
 Mr. Rony John, Adv.
 Mr. Vansh Kalra, Adv.

Mr. Atul Kumar, AOR
 Ms. Sweety Singh, Adv.
 Ms. Archana Kumari, Adv.
 Mr. Rahul Pandey, Adv.
 Mr. Harsh Kumar, Adv.
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 Mr. Himanshu Raj, Adv.

Mr. Vidhan Vyas, Adv.
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For Respondent(s)

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Mr. Chaitanya Ahuja, Adv.**

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**Mr. Siddhant Buxy, AOR
Ms. Shambhavi Padhye, Adv.**

Mr. Deepak Goel, AOR

**Mr. Ameet Siingh, Adv.
Ms. Aditi Singh, Adv.
Mr. Sukhamrit Singh, Adv.
Mr. Hari Sahteshwar, Adv.
Mr. Devesh Maurya, Adv.
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**Mr. Rahul Shyam Bhandari, AOR
Ms. Bani Dikshit, Adv.
Ms. Harshita Sukheja, Adv.
Mr. Nishank Tripathi, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 An affidavit dated 22 October 2024 has been filed by the Chairperson of the Delhi Development Authority (DDA) in pursuance of the order dated 16 October 2024. In the order of this Court, the Chairperson was specifically called upon to disclose :

“Re: Whether during the course of the site visit on 3 February 2024, there was any discussion with or intimation furnished to the Chairperson of DDA on the permission required to be obtained from this Court for the felling or removal of trees.

(Para 10(i) of the order dated 16.10.2024)”

2 In response to this query, the Chairperson has stated in paragraph 18 of his affidavit that when he visited the site on 3 February 2024 while coming from the CAPFIMS Hospital, he had stopped at the site of road widening but no one present at the site on the date of the visit brought to his notice legal requirements for the felling of trees. The relevant extract from the affidavit reads thus :

“The Deponent, while coming back from the CAPFIMS Hospital, had stopped at the site of the road widening. It is stated with utmost respect, that no one present at the said site on the date of the visit, brought to the notice of the Deponent, the legal requirement of obtaining permission from this Hon’ble Court for felling of trees. Upon enquiring the progress of work, the Deponent was informed that permission for felling / translocation of trees is awaited from the competent authority, therefore, the work of felling of trees has not been initiated. On this, the Deponent informed that for the trees falling under DPTA, 1994, the Forest Department had already taken approval of the Minister (Environment & Forests) and Hon’ble Chief Minister with my concurring opinion. The Deponent had observed that the concerned officials should expedite the communication of the approval in this regard to the DDA. In any event, the direction of the Deponent, by no stretch of imagination, was to by-pass the mandate of law. The Deponent had also not issued any instructions to not take any permission, wherever it was required in law. On the other hand, the visit on 03.02.2024, wherein the Deponent asked that the project be completed expeditiously meant that all necessary actions required to be taken, be expedited, given the seminal nature of the project.”

3 The next aspect on which a disclosure was sought was about when the Chairperson of DDA was made aware of the fact that

- (i) a permission for the felling of the trees from this Court was required and
- (ii) The actual act of felling had commenced on 16 February 2024 before the application for permission was moved before this Court and which was eventually dismissed on 4 March 2024.

- 4 On this aspect, the disclosure in the affidavit of the Chairperson of DDA is set out in para 20. The relevant part is extracted below :

“It is stated that the Deponent was first time made aware of the fact that permission for the felling of trees from this Hon’ble Court was required, only on 31.03.2024 when a proposal of DDA was received for constitution of a Committee of Experts in compliance with the directions of the Hon’ble Supreme Court in W.P. (C) No. 4677/1985 wherein the application bearing I.A. no.40494/2024 had been filed by the Delhi Development Authority (DDA) seeking permission for felling of trees for the said project. As regards the fact that the actual act of felling of trees had commenced on or about 16.02.2024 was brought to the notice of the undersigned vide letter of Vice Chairman, DDA dated 10.06.2024 which was issued pursuant to the directions of this Hon’ble Court.”

- 5 The above extract seems to indicate that the Chairperson was made aware of the fact that the actual act of felling of trees had commenced from 16 February 2024 by a letter addressed to him by the Vice Chairman of the DDA on 10 June 2024. The letter dated 10 June 2024 addressed by Shri Subhasish Panda, IAS, Vice Chairperson, DDA to the Chairperson forms a part of the record. The letter of the Vice-Chairperson indicates that the felling of trees commenced on 16 February 2024 “onwards for about ten days”. However, the letter contains the following statement :

“When the file having the proposal for constituting the committee of experts was received from your good office with the approval of your goodself, on 12.4 2024, had already brought to your knowledge that the blunder of felling of trees has been committed by officers of DDA. I sought your opinion on the approval received and as advised, recorded on the file that no further action may be taken since the Hon'ble High court has taken cognizance of the matter of felling of trees. After so recording, the file was marked down to the EM.”

- 6 The above statement in the letter of the Vice Chairperson indicates that the proposal for constituting a Committee of experts was received from the office of

the Chairperson duly approved on 12 April 2024. The Vice Chairperson states that at that stage he had already brought to the notice of the Chairperson, “the blunder of felling of trees” which was committed by the officers of DDA.

7 On 6 February 2024, the Executive Engineer SMD-5, DDA addressed a letter to the contractor expressly stating that the trees which were present in the Right of Way (ROW) may not be felled till the permission is granted and the work shall be taken up at those locations which are free from any hindrance. The letter further stated that the approval for tree felling shall be conveyed in due time after approvals were received.

8 Despite this, it now appears clear that felling of trees commenced on or about 16 February 2024. If this be the position, the primary question which has to arise is who sanctioned the felling of trees.

9 While the Chairperson of DDA states in paragraph 20 of the affidavit that he was made aware for the first time on receipt of the letter of the Vice Chairperson dated 10 June 2024 that the actual act of felling had commenced on or about 16 February 2024, *prima facie*, it appears from the file that on 12 April 2024, it was stated that “Hon’ble Lt. Governor has seen the proposal of the Department and desired that exercise of alternate alignment of referred roads be completed in a time bound manner.” If this be so, the statement of the letter of the Vice Chairperson that the fact pertaining to the felling of trees was communicated to the Chairperson before 12 April 2024, would seem to be borne out from the record.

10 Consequently, the statement that it was only on 10 June 2024 that the

Chairperson was apprised of the fact that the actual felling of trees has commenced on 16 February 2024 would require further clarification.

11 We further call for affidavits specifically from :

(i) Shri Subashish Panda, IAS, former Vice Chairperson of DDA; and

(ii) By the Chairperson of the DDA;

on the above discrepancy. We direct a specific disclosure by both the Former Vice-Chairperson and the Chairperson of DDA of the specific date on which they obtained knowledge of the felling of trees.

12 We also direct that all the original records be produced before this Court. The Registry shall permit inspection to be taken of the files by the counsel appearing in the case.

13 The affidavits be filed on or before 4 November 2024.

14 The Forest Survey of India shall peremptorily submit its report within a week from the date of this order.

15 List the Petitions on 5 November 2025.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR