

§-1 (SB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1149/2022, CM APPL. 26421/2023, CM APPL.
44853/2023, CM APPL. 6403/2024, CM APPL. 6406/2024, CM
APPL. 7979/2024, CM APPL. 7980/2024

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Aditya N. Prasad, Adv
Mr. Gautam Narayan and Ms.
Prabhsahay Kaur, *Amici Curiae*

versus

SHRI C. D. SINGH AND ORS.

..... Respondents

Through: Mr. Yoginder Handoo, Special
counsel with Mr. Ashwin Kataria,
Adv.
Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Mr. Gautam
Mann, Advs.
Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Varun Rajawat,
Mr. Kartik Bajjal, Ms. Vidhi Jain, Mr.
Aryan Agrawal, Advs.
Ms. Manika Tripathy, SC with Mr.
Ashutosh Kaushik, Mr. Rony John,
Advs.
Mr. T. Singhdev, Mr. Agir Gupta, Mr.
Michelle B. Das, Mr. Aabhaas, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.05.2024

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CM APPL. 31985/2024

1. This is an application seeking modification/clarification of the order

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Pramod Kumar
Court Master
High Court of Delhi
New Delhi

dated 17.05.2024 so that the Chief Secretary, Government of NCT could act as a Nodal Authority and call on all stakeholders to draft out a procedure for preventing felling/transplantation of trees in the North Campus, University of Delhi for expansion/development of infrastructure.

2. Issue notice.

3. Mr. Prasad, learned counsel accepts notice for the petitioner. Mr. Handoo, learned special counsel accepts notice for Chief Secretary, GNCTD. Mr. Srivastava, learned standing counsel accepts notice for Department of Forest and Wildlife, GNCTD.

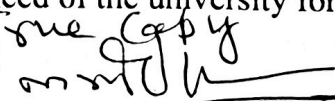
4. All the learned counsels, on behalf of their clients, have no objection to the application being allowed.

5. It has been felt that the University of Delhi may explore the possibility of expanding the existing facilities either vertically or underground rather than expanding horizontally, as horizontal expansion would involve felling/transplantation of a number of trees.

6. Mr. Handoo, learned special counsel for Chief Secretary, GNCTD states that one meeting has already taken place in this regard.

7. It is, therefore, directed that the Chief Secretary, GNCTD will act as a Nodal Authority and would call all stakeholders, including the Delhi Urban Art Commission (DUAC), learned *Amici Curiae*, the municipal authorities and any other agency, which is necessary in the opinion of the Chief Secretary, GNCTD, to draft out a procedure for preventing felling/transplantation of trees in the North Campus, University for the purpose of expansion and development.

8. The Chief Secretary, GNCTD is requested to ensure early action as the court is conscious of the need of the university for expansion.

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Court Master
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New Delhi

9. The application is disposed of.

CM APPL. 32242/2024

10. This is an application seeking initiation of criminal contempt proceedings against respondent No. 2

11. On 03.05.2024, this Court had directed as under:

“5. It is informed by the learned Amici Curiae that the Department of Forest and Wildlife is issuing notifications under section 29 of the Delhi Preservation of Trees Act, 1994, exempting areas for felling of trees for construction of Punjabi Bagh Flyover, building of Institute of Secretariat Training and Management (ISTM) at Old JNU Campus, construction of Interdisciplinary Research and Education Building at North Campus, Delhi University.

6. It is informed by Mr. Narayan, learned Amicus Curiae that the trees in Delhi University which are affected by the notification are more than 300 years old and have a girth of approximately 550 cms. In fact, the Department of Forest, GNCTD calls it a heritage.

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9. It is directed that the Department of Forest, GNCTD as well as all the respondents herein will ensure that no construction activity is permitted within 2 metres of these trees.

10. In the meantime, till the SOP is prepared, the Department of Forest shall ensure that no tree is felled and no further steps are taken pursuant to this notification. The preparation of an SOP is the most urgent requirement as time and again it is being observed that permissions are being granted for felling of trees for infrastructural projects without any thought/deliberation to see that if by minor alterations/modifications to the projects, trees can be saved.

11. The learned Amici Curiae are permitted to inspect the areas which form part of the said section 29 notifications issued under the Delhi Preservation of Trees Act, 1994.

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New Delhi

12. *The Tree Officer and the Conservator of Forest will accompany the learned Amici Curiae on the proposed visit, which shall be informed to them in advance."*

12. Even though the order was passed on 03.05.2024, this court was not informed that the DCF on 29.04.2024 had granted permission for transplantation of 132 trees and felling of two trees for construction of Institute of Secretariat Training and Management (ISTM), Old JNU Campus, New Delhi.

13. A report has been handed over in court by the learned *Amici Curiae* in this regard. The same is taken on record.

14. A perusal of the report from the learned *Amici Curiae* as well as the present application shows a very disturbing picture, wherein it seems that majority of the 132 trees which were to be transplanted have been cut. The photographs are reproduced as under:-

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15. Issue notice. Mr. Srivastava, learned counsel accepts notice for

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respondent No. 2 and shall file an affidavit before 29.05.2024 regarding the status of 132 trees which were to be transplanted.

16. Without going into the facts on whether the permission was in accordance with law, according to me, the role of the DCF is not merely restricted to granting of permissions (Mr. Prasad, learned counsel for the petitioner states that permission could not have been granted in view of the orders of this court) but also is responsible to see that the permission, so granted, is implemented in its right spirit and intent.

17. The DCF is required to follow up and see whether the permissions granted, subject to compensatory plantation and transplantation, have been complied with by the authorities to whom those permissions have been granted. In the present case, the same seems to be wholly amiss.

18. Let the DCF, West be present in Court on the next date of hearing.

19. Issue notice to Director, ISTM, Old JNU Campus, New Delhi and Central Public Works Department (CPWD).


20. The Director, ISTM, Old JNU Campus, New Delhi and DG, CPWD is directed to maintain status quo with regard to felling of trees at ISTM, Old JNU Campus, New Delhi.

21. The DCF will also bring on record all permissions/notifications granted to various projects for felling of trees after 31.08.2023.

22. List on 29.05.2024 at 03:45 PM.

23. *Dasti* under signature of Court Master.

MAY 27, 2024/DM

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27/5/24
Pramod Kumar
Court Master
High Court of Delhi
New Delhi

JASMEET SINGH, J