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

+ **CONT.CAS(C) 778/2021**

BHAVREEN KANDHARI

..... Petitioner

Through: Mr. Aditya N. Prasad and Ms. Dhriti Chhabra, Advs. with petitioner in person.

versus

GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, SC for SDMC.
Mr. Gautam Narayan, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **29.10.2021**

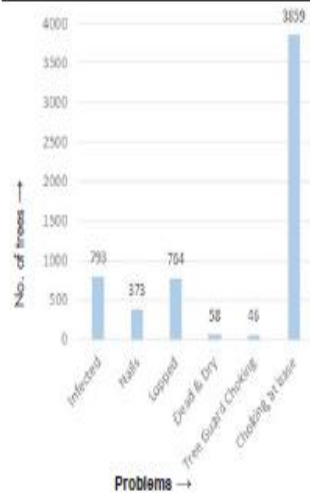
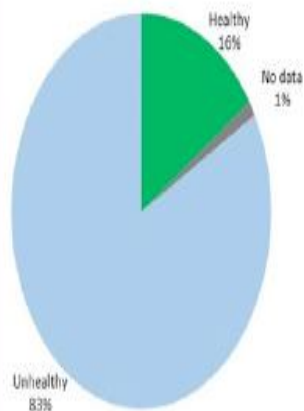
The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The petitioner is aggrieved by the inaction of the respondents apropos preservation of trees and non-compliance of the orders passed by this court as well as by the National Green Tribunal.
2. The photographs shown by the learned Standing Counsel for South Delhi Municipal Corporation ('SDMC') depict that hundreds of trees have been concretized right up to the tree trunk and nails have been embedded in them and metallic wires have been strung along the trees, this is evident victimization of the trees. Surely, the Municipal Corporation which maintains the streets inside the residential colony

would have noted it but has, for reasons best known to it, allowed the callous affair to fester for years.

3. Let the Deputy Commissioner, SDMC, file an affidavit explaining how this unfortunate state has come about. A report shall be sought from the Executive Engineer, SDMC, as well as from its Director (Horticulture). Responsibility shall be fixed and remedial measures shall be ensured within a week from the date of receipt of a copy of this order.
4. The learned counsel for the petitioner submits that on a complaint made under the Delhi Tree Preservation Act, 1994, to the Tree Officer on 08.12.2020, apropos victimization of trees and illegal activities, instead of taking action against the offenders, notice has been issued to the President of Vasant Vihar Welfare Association and a copy of the same has been marked to the petitioner. He submits that the issuance of the said notice is without application of mind because the said Association is actually involved in preserving the trees in the said colony. He refers to the Tree Census annexed to the petition, titled "*Results of the Community Involvement Tree Census Program Phase I. (2015-16)*" which is a proud record of the robust activities undertaken by the residents of the colony to preserve and augment the green area in their locality. The action involves children as well as the elderly. The census records victimization and dismal care of the trees in Vasant Vihar as under:

HEALTH STATISTICS



Healthy/Unhealthy

1/3rd of all trees were found to be unhealthy; they were either termite infested, dead or drying, had been indiscriminately lopped or had intrusions such as nails, barbed wires and tree guards cutting into the tree trunk. These intrusions become the entry points for fungus and other diseases. Wires and tree guards choke the branches and trunks preventing

them to grow and expand.

Even though 66% of the trees were relatively healthy, several of them were completely choked by cement, concrete or tiles at the base. This does not allow air and water to percolate to the tree roots, thus reducing the lifespan of the tree considerably. Such trees are also prone to falling in storms and heavy rains. Several

793

TERMITE
INFESTATIONS

3859!

CHOKING
TREES



Trees completely choked and have no space for water to percolate.

TOP: Termite infested tree
BOTTOM: Hollow tree broken by storm



other trees had garbage stuffed into the hollows of their trunks or littered all around. Trees around construction activities were severely damaged.

3859 Trees with less than adequate space needed for survival

764

LOPPED



A badly lopped Peepal tree.

58

DEAD AND DRYING



Dead tree- needs replacing.

> 450

INTRUSIONS:
NAILS, TREE GUARDS,
WIRES, CABLES



TOP & BOTTOM: Wires strangling trees.
MIDDLE: Nails make trees cry.

373 with nails and 58 trees with wires and 46 trees choking with tree guards

SEVERAL

OBTRUSIONS:
'CHABUTRAS', TILES



Chabutra around a tree confine expansion and make it impossible for water to percolate

SEVERAL

DISAPPEARING TREES



TOP: Tree removed and not replaced
BOTTOM: VV loses street trees to builder houses.

SEVERAL

MISHANDLED:
CONSTRUCTION AND GARBAGE



TOP: Pollution around the tree- the tree cannot digest it all.
BOTTOM: Tree bending from pressures of construction

5. The activities of children and elderly are recorded as under:

RESIDENTS' EXPERIENCES • MEETINGS WITH REMARKABLE TREES



पेड़ हमारा ज्ञान है।
- शान्ती शर्मा

"Blessed is the house on which the shade of a tree gently falls. These words by Ruskin Bond have always inspired me. I have always been a nature lover and activities such as this tree census have brought me close to nature. In our everyday life we don't notice the trees around us like the way we do during such events. It's a great opportunity for people like me to know more about trees. When I am around trees and animals I feel connected and secure. It's like the trees are protecting me! They can be really good friends. During this census I came across some new varieties of trees as well like the Bita Ashok, African Sausage tree and an exotic Fiddleleaf Fig tree. I never knew there was tree called Jungle Jalebi (Overa) the experience has been really exciting for me. My sister, my parents and also for my friends, I would like to thank Vallari and Aditi didi for give me such a great exposure" ANURAG CHAVLA

Trees are my life. I have been fascinated to see how they grow. I have seen many things that my school teachers do not teach. The experience of this census was unforgettable. It reminded me of my own childhood. I could see my childhood while collecting leaves & seeds. I hope to visit the tree census site in a good way. I am very happy to see that the school will give us a chance to do the work.
- Anurag

पेड़ मेरी जान है।
- विजय विश्वास





why is this
 The birds sing in the morning and the
 birds singing in the sky
 Makes me so happy that I could cry
 ~Anna & Lucia

by Sunny Khandekar
 I love the birds in every part
 of the world and every part
 of the world. I love the birds
 and the flowers.



Being a working mother of two children, I never found time to connect with nature. The tree census has filled that lacuna for me. My Saturday and Sunday mornings have not been better, I see a lot more birds and butterflies now, which I am sure, must have been there all the time, but I was too busy in my world to see them. People often ask me how this census is going to help. I don't know for others but I am sure it is helping me a lot, I am a much happier person now, knowing that I am trying to do my little bit for our society and hoping that a change will happen when people will treat these good old trees with a lot of love and care. After all, every single drop in the ocean counts. Also, thanks to Vallari, my daughters now know more than I do, and often come to my aid when I am not able to identify a tree!
 MANJULA CHAVLA



BENEFITS OF TREES/ ECOSYSTEM SERVICES

01 Provisional

02 Regulatory

03 Supporting

04 Cultural

The benefits provided by the natural capital are not marketable and are hence often undervalued. Given the importance of trees in an urban environment, it is important that this knowledge be available and trees be studied in order for us to protect, enhance and maintain our urban forests. Some of the ecosystem services trees provide in an urban context are enlisted below:

1 ECONOMIC:

Property values and consumer investment varies significantly in landscaped districts with trees as opposed to non landscaped districts.

2 SOCIAL & HEALTH:

Increase walkability on streets (shade), make for better urban environments for people to interact with each other apart from improving mental health and overall well being.

3 ENVIRONMENTAL:

Pollution interception, carbon sequestration, reduction in energy usage by regulating temperatures, noise reduction, storm water interception and micro climate control for urban areas.

4 AESTHETIC

The Millennium Ecosystem Assessment (MEA) (2005) provide frameworks to examine the possible goods and services that ecosystems can deliver, according to four categories: Provisional, regulatory, supporting and cultural which are described with images.



GULMOHAR TREE

Providers of Oxygen, Food [They provide fruits and nuts for humans and wildlife. Flowers contain nectar for bees, butterflies and other insects], Shade, Wood and waste for composting.



AMALTAS TREE LINED STREETS

Regulate pollution levels, Reduce flooding [localised flooding by intercepting rainfall and maintaining soil permeability], store carbon [As trees grow they accumulate carbon in their woody tissues, reducing the amount of this greenhouse gas in the atmosphere.]



A lady bug

Trees support biodiversity and wildlife. An increase in tree diversity will benefit a host of insects, birds and mammals in our towns and cities.



Trisha, Bani, Sanvi and Smara hugging a tree.

Improve social cohesion, reduce crime, assist recovery time, improve mental health and well being

VASANT VIHAR AT A GLANCE



Govt. Servants Co-operative House Building Society Ltd. was formed in the year 1992. In the year 1968 allotment of plots started and in the year 1969 construction started.

Common known trees were planted along the streets. The density of trees is more or less quite even all around Vasant Vihar.

6. Surely, the efforts of the Residents' Welfare Association apropos preserving the ecology of the area should be encouraged.
7. The learned counsel for the petitioner refers to the order passed by this court on 16.09.2020 in W.P. (C) 3433/2020 titled as '*Nitin Gupta &Anr. vs. North Delhi Municipal Corporation &Ors.*' which reads *inter alia* as under:-

“ ...

10. In the circumstances, the Court considers it necessary that the Forest Department (GNCTD); i) setup a telephone line for recording of complaints and ii) create a link on its website where complaints may be registered by citizens, who notice concretization of the street/ground around a tree or

other forms of damage or victimization of a tree. Complaints along with photographs may be filed on the said site. Upon receipt of a complaint, the Tree Officer shall promptly initiate measures by coordinating with the land-owning agency concerned, as well as the police to redress the problem. The Tree Officer and the land-owning agencies, shall ensure that all concrete around trees are removed, as per the directions of the National Green Tribunal, and that a damaged tree is restored to good health.

*11. This system shall be put in place before the next date and it shall be duly notified to the general public through newspapers and electronic publications, etc.
... ”*

8. The concretization of the street is unmindful of the directions of this court and that of the NGT, it shows disregard of the law not only by the Municipal Corporation but by the road maintaining agency – the Public Works Department.
9. Let an affidavit be filed by the SHO of the area concerned with the prior approval of the DCP, explaining how the concretization was allowed to occur in the first place. An affidavit shall also be filed by the Deputy Commissioner, SDMC and by the Executive Engineer of the PWD, GNCTD, which is the road owning agency.
10. In view of the above, the Tree Officer, GNCTD would also be a necessary party, and is impleaded as respondent no. 4.
11. Issue notice.
12. The learned Additional Standing Counsel for GNCTD named above accepts notice on behalf of respondent no. 4.
13. Let Conservator of Forests, GNCTD, look into the matter and affidavit be filed by respondent no. 4 with his approval.

14.List on 15.11.2021.

15.Let the Amended Memo of Parties be filed before the next date.

NAJMI WAZIRI, J

OCTOBER 29, 2021

AB