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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 272/2026**

BHAVREEN KANDHARIPetitioner

Through:

versus

VIJAY KUMAR BIDHURI AND ORS.Respondents

Through: Ms. Vaishali Gupta, PC, Civil,

GNCTD, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **06.05.2026**

1. Ms. Gupta, learned counsel for the respondent, requests for some accommodation for filing further affidavit.
2. During the course of hearing, Mr. Prasad, learned counsel for the petitioner, has handed over a copy of the judgment dated 29.05.2023 passed in *W.P(C) 2317/2023* titled *Prof. Dr. Sanjeev Bagai & Ors. vs. Department of Environment, Govt. NCT of Delhi & Ors.* and more particularly on paragraph No. 14, which reads as under:-

“14. Under the Act there is no sanction for the 15.7 cms girth of a tree branch to be cut. Therefore, this figure is incongruous with the statutory requirements as mandated under sections 8 and 9 of the DPT Act. The so-called permission granted under the Guidelines seek to over-reach the statute. The Guidelines, are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, the permission for pruning, presumed to be or granted under the Guidelines would be of no consequence and



shall always be nonest. Therefore, the Guidelines permitting regular pruning of branches of trees with girth up to 15.7 cm without specific prior permission of the Tree Officer are hereby set aside. The only permission that can be granted for pruning, etc. is under section 9 of the Act.”

3. In contradistinction, he draws my attention to a notification dated 02.05.2025 issued by office of respondent No. 1 namely ***Standard Operating Procedure for dealing with Tending and Pruning of Tree(s) under Section 33 of the 'Delhi Preservation of Trees Act, 1994', 2025(“SoP”***) wherein it has been directed as under:-

“2. No permission will be required from the Tree Officer, for general tending and light pruning where branches to be pruned are having girth less than 15.7cm. Photographs of such pruning will be uploaded on thee-forest portal.

3. If the tree(s) for which pruning is required is standing in public spaces like road, footpath, street, park etc of MCD/ NDMC/ DDA/ PWD/ CPWD/ASI/Delhi Cantt etc or in building/premise of any government agency and is posing danger to life, property or traffic, then such agencies can proceed for tending/light pruning themselves, irrespective of the girth, in supervision of their senior horticulture officer and inform to the Tree Officer with geo-referenced before and after photographs/ video of such tree(s) in harmony with



provisions of Section 8 of the DPTA 1994.”

4. This part of the notification is in teeth of the judgment dated 29.05.2023 which has attained finality and is binding on the respondents.
5. By virtue of the said notification, the respondent is undoing the judgment dated 29.05.2023 which to my mind cannot be so done.
6. In this view of the matter, the SoP dated 02.05.2025 permitting as aforesaid shall remain stayed till the next date of hearing.
7. Let the response affidavit be filed by Ms. Gupta, learned counsel for the respondents, in the within 4 weeks from today.
8. List on 20.07.2026.

JASMEET SINGH, J

MAY 6, 2026/AS