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

+ **CONT.CAS(C) 1150/2026**

MITHLESH SOLANKI

.....Petitioner

Through: Mr. Dahiya, Mr. Naveen Kumar
& Ms. Astha, Advs.

versus

MCD & ORS.

.....Respondents

Through: Mr. Siddhant Nath, Standing
Counsel MCD, Mr. Bhavishya
Makhija, Mr. Amaan Khan along
with Mr. Yatinder Singh, Advs. for
MCD
Mr. Anubhav Tyagi SPC with Mr.
Sumit Ranjan, GP for Respondent
No. 3 with SHO PS: Janakpuri.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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09.07.2026

1. This is the contempt petition filed under Article 215 of the Constitution of India seeking the following prayers:-

“(a) ISSUE NOTICE / RULE OF CONTEMPT to the Alleged Contemnors / Respondents calling upon them to show cause as to why they should not be punished for wilful disobedience and civil contempt of the orders dated 16.04.2024 and 17.05.2024 passed by this Hon'ble Court in CM APPL. 22099/2024 in CONT.CAS(C) 1149/2022;



(b) PUNISH the Alleged Contemnors in accordance with Section 12 of the Contempt of Courts Act, 1971, including by levy of fine and/or such other punishment as this Hon'ble Court deems appropriate, for wilful disobedience of the orders dated 16.04.2024 and 17.05.2024;

(c) PENDING the hearing and final disposal of the present Contempt Petition, be pleased to DIRECT forthwith that the Alleged Contemnors restore unrestricted public access of the residents of Village Asalatpur to the Park by: (i) ensuring that the gates of the Park are NOT locked and no arbitrary restrictive timings are imposed; (ii) keeping the Park open for full and unrestricted public access throughout the day; – in due compliance of the rationale of the order dated 16.04.2024 that the Park 'is meant for use and enjoyment of the public at large';... ”

2. Mr. Dahiya, learned counsel of the petitioner is seeking contempt of the orders dated 16.04.2024 and 17.05.2024 passed by this Hon'ble Court in CM APPL. 22099/2024 in CONT. CASE(C) 1149/2022.

3. The said orders read as under:-

ORDER DATED 16.04.2024

CM APPL. 22099/2024

“1. This is an application under Order 1 Rule 10 read with Section 151 of CPC seeking impleadment and appropriate directions for felling of trees at park situated at A-3 Block, Heaven Road Park, Janakpuri.

2. It is stated by Ms. Gupta, learned counsel for the applicant



that about 75 trees and saplings have been uprooted and felled by local residents as shown in the annexed photographs.

3. The MCD was informed on 26.03.2024. The applicant also made a telephonic complaint to the Deputy Conservator of Forest (West Division) on 27.03.2024. Despite the same, no order restraining such action has been passed.

4. Issue notice.

5. Mr. Gupta, learned counsel accepts notice for DCF and Mr. Nath learned standing counsel has been requested to appear for MCD and Mr. Peswani, learned counsel has been requested to appear for SHO Jankapuri.

6. Mr. Gupta, learned counsel states that they have written to the MCD for planting of saplings, which is being done by the MCD.

7. The MCD will ensure that adequate number of trees and saplings are planted. The DCF shall try and restore the park to its original state.

8. The SHO Janakpuri will ensure that no further trees are damaged and the trees that are being planted by the MCD are not uprooted again or damaged by the local residents.

9. The DCF and MCD shall be provided adequate security by the SHO to ensure that planting of trees take place.

10. In addition, the SHO further ensure that since it is a park, no private functions such as wedding or commercial activities are undertaken in the park, which is meant for use and enjoyment of the public at large.



11. List on 23.04.2024, the date already fixed.
12. Dasti”

ORDER DATED 17.05.2024

“CM APPL. 22100/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 22099/2024

3. Mr. Dahiya, learned counsel appears for the residents of village Asalatpur and states that none of the villagers will uproot a single tree planted by the MCD.
4. Mr. Dahiya, learned counsel shall file his vakalatnama before the next date of hearing.
5. The MCD will ensure that while planting trees adequate space, as it deems fit, is left for children to play.
6. Additionally, the SHO, PS Janakpuri will ensure that camera installed by Mr. Pradeep Solanki is not overlooking the park.
7. Ms. Chandok, learned counsel assures that if any camera is overlooking into the park in question, the view of the camera will be changed or the camera will be removed.

CM APPL. 26203/2024

8. Mr. Narayan, learned counsel has shown photographs of Banyan and Peepal trees which seems to be more than 100 years old have been cut.
9. Mr. Rupal, learned counsel for the respondent states that they have not been cut but the photographs shows otherwise.
10. He seeks and is granted 1 week to file a reply.



11. List on 29.05.2024.

CM APPL. 29795/2024 & CM APPL. 29796/2024

12. These are applications on behalf of NCTRC seeking permission for cutting of 36 trees.

13. It is stated by Mr. Katyal, learned counsel for the petitioner that the permission was granted by the Deputy Conservator of Forest on 20.02.2024.

14. Despite the order having been passed on 20.02.2024, the present application has been filed after 3 months.

15. Issue notice. The parties shall file their reply within 1 week from today.

16. List on 29.05.2024.”

4. He states that the respondents had planted saplings and yet no area is available for the children to play.

5. Mr. Nath, learned standing counsel for the respondent No. 2, has handed over photographs in Court today, which are taken on record. The said photographs prima facie demonstrate that adequate areas have been earmarked for plantation of trees and other greenery, while also preserving sufficient open space for children and members of the public to use and enjoy the park.

6. Additionally, there are no restrictions on any person using the park for walks, exercise, running, jogging etc.

7. It has also been brought to the notice of this Court that the saplings and plantations undertaken by the Deputy Conservator of Forests (“DCF”) and the Municipal Corporation of Delhi (“MCD”) were allegedly uprooted by the petitioner and certain other residents of Village



Asalatpur. Owing to the apprehension of repeated damage to the plantations and the inability to continuously monitor the area, the Station House Officer (“**SHO**”) concerned has been keeping the park locked during certain hours of the afternoon and evening.

8. The SHO of the concerned Police Station is directed to ensure that the park remains open to the public for the maximum possible duration, subject to adequate supervision and appropriate measures being taken to safeguard the plantations and prevent any further acts of vandalism or uprooting of trees.

9. At a time when the city is in dire need of increased green cover and cleaner air, this Court cannot countenance any activity within the park that is inconsistent with its intended purpose as a public green space. The park shall be utilized only for activities such as walking, jogging, running, exercise, children's recreation, and the preservation and promotion of greenery and plantations.

10. Hence, I find no reasons to initiate any contempt as no violation of any order has been shown.

11. In view of the above, the present petition is dismissed.

JASMEET SINGH, J

JULY 9, 2026/JK