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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 778/2021**

BHAVREEN KANDHARIPetitioner
Through: Mr. Aditya N. Prasad and Ms. Dhriti Chhabra, Advocates.

versus

GYANESH BHARTI & ORS. Respondents
Through: Mr. Sanjeev Sabharwal, Standing Counsel for SDMC along with Mr. S.P. Meena, DDI-I/S2, Mr. Jaivir Singh, ADH/S2 and Mr. R.D. Chaudhary, AE (Civil) and Mr Mohit Sharma, S-O(H)/SDMC
Mr. Shadan Farasat, ASC, GNCTD and Mr. Bharat Gupta, Advocate with Mr Ashish Gupta, EE, PWD.
Mr. Naushad Ahmed Khan, ASC Civil), GNCTD along with Ms. Manisha Chauhan, Advocate for Delhi Police with SI Deepak Tanwar. Mr. Gautam Narayan, ASC, GNCTD along with Mr. Adithya Nair, Advocate for DCF (West).
Mr Kailash Vasdev, Senior Advocate for RWA, Vasant Vihar, New Delhi

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **14.02.2022**

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

1. Mr Kailash Vasdev, the learned Senior Advocate on behalf of Residents Welfare Association, Vasant Vihar, says that some of the

concrete-ramps over the footpath in Vasant Vihar area have been demolished by the South Delhi Municipal Corporation ('SDMC') in contravention of the Building Plan, which included sanctioned ramps over the public footpath. He seeks impleadment of Residents Welfare Association, Vasant Vihar and to bring on record documents in support of his contentions.

2. The learned SC for SDMC refers to a Status Report dated 11.02.2022, which has been shared with the court during the proceedings. Let the same be brought on record. The said Status Report shows further progress in the work undertaken by the SDMC. Mr. R.D. Chaudhary, AE (Civil), SDMC, who is present in the court, assures the court that all directions will be complied with in right earnest and to the requisite satisfactory level.
3. The learned SC for SDMC submits the Municipal Corporation has numbered 3909 trees under its jurisdiction and care. He further assures the court that each of the tree is being individually cared for and photographs in this regard too have been filed. A list of 50 trees, which have dried, possibly on account of concretization of the earth around the tree trunks, has also been annexed to the report. He states, upon instructions, that every endeavour shall be made to revive these said trees and assistance of Forest Department and expert bodies/persons will be sought in this regard.
4. The learned counsel for the petitioner states that there needs to be a Tree Disease Surgery Unit in the Corporation.
5. If the same is not already operationalized, it shall be so ensured by the Corporation before the next date. The list of officials manning this

unit/ their qualifications; the vacancies, if any, and the duration of the vacancies shall be filed before the next date by the Zonal Dy. Commissioner, SDMC. The Corporation shall also ensure adequate number of tree ambulances, for the area under their control. The Court is sanguine that SDMC will find some assistance in this regard from the New Delhi Municipal Council, which has had tree ambulances for the past many years.

6. Mr. Shadan Farasat, ASC, GNCTD/PWD submits that in a concerted effort, PWD has removed concretization around a number of trees, on the roads, under its jurisdiction. Some of the photographs, shared online with the court during the hearing, show that due to the said extensive and possibly hurried exercise to meet the court-fixed timelines, the roots of the trees have now been exposed extensively. This would cause much distress to the trees as well as threaten their stability and survival. Some of the photographs have been reproduced hereunder:













7. Mr. Farasat, assures the court, upon instructions, that immediate remedial measures shall be put in place, latest by a week; assistance of other expert bodies/persons shall be taken to ensure that stress to the trees is urgently removed or minimized. The PWD may request the assistance of Mr. R.D. Chaudhary, AE (Civil), SDMC who has removed the concrete around trees, both in R.K. Puram and Vasant Vihar.
8. The learned counsel for the petitioner draws the court's attention to remedial measures having been taken by PWD outside H.No.E-60, Vasant Marg, Vasant Vihar, New Delhi apropos tree no.35. He says that the moment PWD moved away from the site, the house owner immediately started concretizing the earth. He submits that despite a warning by an official from the local police station, the resident of the said house, disregarded the warning and continued to concretize the area, as of last evening. The reliefs to the tree made available under the court's directions, was reversed with impunity by the said house owner. The site now looks as under:-



9. Let Delhi Police initiate appropriate proceedings in this regard. So shall the Tree Officer. The PWD too shall take appropriate action before the next date. The guard-cabin, immediately adjacent to the tree as seen in the photograph, shall be promptly removed as per law.
10. The learned counsel for the petitioner submits that the said de-concretization is in clear breach of this court's directions therefore, contempt proceedings be initiated against the owner/occupier of House No.E-60, Vasant Marg, Vasant Vihar, New Delhi. This issue will be considered on the next date.
11. List for further arguments on 03.03.2022.
12. The reports of PWD, Delhi Police and the Forest Department will be considered on the next date.

FEBRUARY 14, 2022/rd

NAJMI WAZIRI, J