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

+ W.P.(C) 12492/2004

MCD

..... Petitioner

Through: Ms. Tasinder Virdi, Advocate alongwith Mr. Raghuvendra Kumar Singh, Director (Horticulture), EDMC, Mr. Narpat Singh, Deputy Director (Horticulture), EDMC, Mr. Jagdish Prasad, S.O (Horticulture), EDMC and Mr. Anil Kumar, Deputy Director (EDM) South Zone, EDMC.

versus

RAMESH CHAND

..... Respondent

Through: Ms. Meghna De, Ms. L. Gangmei and Mr. Nawlendu Bhushand, Advocates for Mr. Rajiv Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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03.03.2020

CM APPL. 8701/2020 (for restoration) and CM APPL. 8702/2020 (for delay in filing restoration application)

This application seeks restoration of the writ petition which was dismissed in default and for non-prosecution on 14.10.2019. There is a delay of 87 days' in filing the restoration application.

The learned counsel for the applicant submits that due to lack of communication between the administration department and the office of the counsel, appropriate decision could not be taken. She submits that if the petition is not restored, the applicant/petitioner would suffer irreparable

prejudice, therefore, the applications be allowed subject to such terms as this Court may deem appropriate.

In view of the above and considering that the petitioner is the Municipal Corporation of East Delhi and is willing to take appropriate measures to ameliorate the oppressive conditions faced by the citizens, who lack basic amenities in unauthorized colonies; which have become all the more sharp in the aftermath of the recent riots in East Delhi.

In the circumstance, MCD is directed to plant 500 trees in the riot affected areas, particularly in Shiv Vihar, Jafrabad, Maujpur, Seelampur, Gokulpuri, Yamuna Vihar, Mustafabad, etc.

Photographs accessible from the internet show long stretches of public roads and streets without a blade of grass, let alone any tree or a bush on either side of the road or on the road divider. The Director (Horticulture), East Delhi Municipal Corporation, undertakes to recce the area extensively and to start plantation immediately, especially since the earth has become more receptive because of the recent rains in the city. He submits that even while he is surveying the area, the tree plantation shall start from tomorrow itself.

The Court is of the view that the visual relief and therapeutic effects of greenery around one's place of work, residence or in one's neighbourhood cannot be overemphasized. All the more, in a post-riot scenario where thousands of citizens have suffered damages in body and mind, the presence of large number of trees and greenery will surely facilitate in healing of a bruised and battered society.

The photographs taken from the internet are as under:-



<https://timesofindia.indiatimes.com/city/delhi/delhi-riots-toll-rises-to-38-as-bodies-are-found-in-drains-over-400-detained/articleshow/74349290.cms>

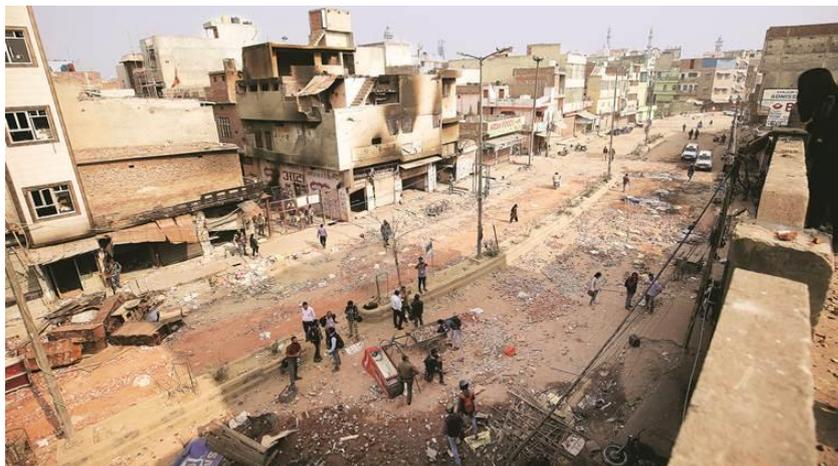


<https://economictimes.indiatimes.com/news/politics-and-nation/delhi-communal->

[riots-timeline-a-blow-by-blow-account-of-three-fatal-february-days/articleshow/74330917.cms](https://www.hindustantimes.com/cities/87-people-were-shot-during-north-east-delhi-riots-20-of-them-died/story-d6MnmLHVd7N8kLWYFgO4GO.html)



<https://www.hindustantimes.com/cities/87-people-were-shot-during-north-east-delhi-riots-20-of-them-died/story-d6MnmLHVd7N8kLWYFgO4GO.html>



<https://indianexpress.com/article/opinion/columns/delhi-violence-riots-death-toll-6294461/>

Photographs before and after plantation shall be filed, supported by an affidavit of compliance, within 2 weeks from today.

Depending upon the soil type and topography, the Director (Horticulture) may consider the following types of trees for plantation:-

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|-------------------------------|-------------------------------------|
| (i) Gular (Cluster Fig) | (ii) Kadamba (Burflower Tree) |
| (iii) Pilkhan (White Fig) | (iv) Jaamun (Black Plum) |
| (v) Bargad (Banyan Tree) | (vi) Mango |
| (vii) Amaltas (Golden Shower) | (viii) Mahua (Butter Tree) |
| [Indian Laburnum] | |
| (ix) Putranjiva | (x) Badh |
| (xi) Sagwan (Teak Wood) | (xii) Safed Siris (Albizia Procera) |
| (xiii) Kala Siris | (xiv) Anjeer |
| (xv) Kathal- Jackfruit | (xvi) Palash |
| (xvii) Arni | (xviii) Bistendu |
| (xix) Rohida | (xx) Medshingi |
| (xxi) Palash/Tesu/Dhak | (xxii) Hingot |
| (xxiii) Ronjh | (xxiv) Khejri |

The aforesaid trees shall be of deciduous indigenous variety and they shall have a nursery age of three and a half years and shall have a minimum height of at least six feet. The petitioner shall also water and nurse the trees.

Aerial photographs as well as drone mounted videography, be filed before and after the plantation before the next date of hearing.

Concrete around any existing trees, in the said areas shall be removed, so as to bring the situation in conformity with the order of the National Green Tribunal in *Aditya N. Prasad vs. Union of India & Ors.* in Application No. 82 of 2013 dated 23.04.2013.

Subject to the above, the delay is condoned and the writ petition is restored to its original number.

The applications are allowed and disposed-off in the above terms.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

W.P.(C) 12492/2004

List on 17.03.2020.

MARCH 03, 2020
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NAJMI WAZIRI, J