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

+ **W.P.(CRL) 3769/2018 & CrI. M.A. Nos.49413-14/2018**

TAPONIDHI SHRI PANCHAYATI ANAND AKHADA & ANR

..... Petitioners

Through: Mr. Rajeev Lochan, Advocate.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajesh Gogna, Central Government Standing Counsel with Mr. Upendra Sai, Advocate for Respondents No. 1 and 3.

Mr. Jagdeep Kumar Sharma, Standing Counsel for Respondent No.2.

Mr. Rajesh Mahajan, Additional Standing Counsel for State with Ms. Jyoti Babbar, Advocate with SI Ashok Kumar, P.S. Chanakya Puri.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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12.12.2018

1. At the outset, Mr. Gogna, the learned Standing Counsel for the Union of India, submits that the writ petition is not maintainable since the nature of prayers would have to be agitated before an appropriate Forum. Furthermore, in terms of this Court's order dated 15.05.2018 passed in Writ Petition (CrI.) No.5076/2018, the respondent L&DO has initiated requisite measures. Therefore, the same relief, which has been already adjudicated upon, cannot be agitated again.

2. Mr. Mahajan, the learned Additional Standing Counsel for the State, submits that an identical relief has been sought by the petitioners in proceedings under section 156(3) Cr.P.C. as well, therefore, this petition is

ex-facie redundant, superfluous and is an abuse of the process of law.

3. In the circumstances, the Court is of the view that costs of Rs.50,000/- should be imposed upon the petitioners for filing frivolous petitions, such as these. However, at this stage, the learned counsel for the petitioners states, upon instructions, that he would impress upon the petitioners not to be so adventurous in the future and extends an unconditional apology on behalf of the petitioners. Furthermore, as a contrition for preferring this petition, the petitioners shall plant 20 trees, each on the ridge land adjacent to Sardar Patel Marg. Accordingly, the petitioners shall report before the Director (Horticulture), Delhi Development Authority, on 19.12.2018 at 11.00 am, who shall identify the lands, where the tree plantation would be undertaken. The plants/trees shall be of deciduous indigenous variety with a nursery age of three and a half years, and a height of at least six feet. Depending upon the soil type and topography, the Director 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)
[Indian Laburnum] | (viii) Mahua (Butter Tree) |
| (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 |

4. An affidavit of compliance shall be filed by the petitioners as well as Director on or before 31.03.2019, failing which the Registry shall list the case for directions. Satellite pictures prior to and after the afore directed

plantation shall be obtained by the Director from Delhi Geospatial Ltd. and shall be filed alongwith his affidavit. Similar monthly updates shall be obtained by him to monitor and ensure the upkeep of the said plantation. A Report of the same shall be filed six months after the plantation alongwith fresh photographs to show the health/status of the plants. In case of default, the Registry shall list the case for directions.

5. The petition, alongwith pending applications, stands disposed-off in terms of the above.

6. A copy of this order be given *dasti* to the learned counsel for the parties. Additionally, a copy be served upon the Director (Horticulture), DDA, for due compliance, through the office of the Standing Counsel, DDA, as well.

NAJMI WAZIRI, J.

DECEMBER 12, 2018

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