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

Decided on: 10.05.2023

+ **CONT.CAS(C) 468/2020**

ADITYA N PRASAD Petitioner

Through: Petitioner in person.

versus

COL AJAY GAUTAM & ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC for UOI with Mr. Abhigyan Siddhant, GP, Mr. Rohit Kumar, Advocate with Major Partho Katyayan.

Mr. Rishikesh Kumar, ASC GNCTD with Ms. Sheenu Priya and Mr. Sudhir Kumar Shukla, Advocates.

Mr. Amit Anand, DCF (HQ).

**CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI**

NAJMI WAZIRI, J. (Oral)

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

1. The earlier plan proposed by the Indian Army, in terms of the order dated 14.01.2021, is what they-the respondents would like to implement. The same has been considered by the Department of Forest, GNCTD. The DCF (HQ) is present in court and says that the same could be implemented, however, should a fresh

tree be noticed at the site, it would have to be secured, in accordance with law, preferably on the same terms/method as the other trees are being protected (under the approved plan).

2. To obviate any impediment in the construction of the wall, it will be open to the Forest Department to consider transplanting such new tree in the abutting “deemed forest” land. To facilitate the initiation of construction of the perimeter wall of the Rajputana Rifles Regimental Centre (‘RRRC’), New Delhi the DCF concerned shall visit the site upon a request being made by RRRC. All assistance regarding transplantation and/or further care of the trees, as may be directed by the DCF, shall be promptly extended and undertaken by the respondents/RRRC. The respondents would also extend courtesy to the petitioner during the site visit.
3. The learned CGSC for the respondents submits that whatever the respondents did was with the overriding objective of protecting the defence forces lands; that in no way did the respondents intend or could have intended to breach this court’s directions or otherwise, to breach the mandate of law. They have taken action on the side of caution and now since remedial measures are in place, the matter be closed.
4. The respondents would bear in mind that erring on the side of caution is always the prudent thing to do, otherwise even *bonafide* steps could be construed adversely. However, since the respondents’/RRRC’s remedial plan finds approval of the DCF, GNCTD, let the same be implemented promptly.

Therefore, the contempt case is closed. The petition is disposed-off in terms of the above.

NAJMI WAZIRI, J

MAY 10, 2023
SS

