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

+ CONT.CAS(C) 220/2022 & CM APPL. 10046/2022, CM APPL. 16889/2022, CM APPL. 38765/2022, CM APPL. 30722/2023

NEW DELHI NATURE SOCIETY

..... Petitioner

Through: Mr. Aditya N. Prasad, Amicus Curiae,
Mr. Nishank Bhardwaj, Advs.

versus

SH. RAJESH BANSAL & ORS.

..... Respondents

Through: Mr. Anupam Srivastava, Mr. Dhairya Gupta, Advocates for Forest Department, GNCTD
Mr. Sanjeev Sabharwal, SC-MCD with Ms. Shweta Singh, Mr. Vipin Lakra, Advocates (M:9810031680)
Ms. Mehak Nakra, ASC-Civil-GNCTD with Mr. Abhishek Khari, Ms. Disha Chaudhary, Advocate GNCTD (M:9871144582)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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29.01.2024

1. Learned counsel for petitioner has handed over a note indicating pending compliances, in terms of the order dated 21st November, 2023 passed by this Court.
2. He draws the attention of this Court to the orders dated 14th March, 2022 and 11th April, 2023 passed in the present case. In the said orders, clear directions had been given that it would be in the fitness of things if permission of the Tree Officer is taken before initiation of any civil work which are likely to be made within a distance of two meters from an existing



tree.

3. Learned counsel appearing for Forest Department, Govt. of NCT of Delhi draws the attention of this Court to the letter dated 31st May, 2023 issued by the Department of Forest & Wildlife, Govt. of NCT of Delhi. He submits that in view of the aforesaid letter, compliance of the directions passed by this Court has been done.

4. This Court notes that the letter dated 31st May, 2023 issued by the Department of Forest & Wildlife reads as under:

**“GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
2nd FLOOR, A-BLOCK, VIKAS BHAWAN I.P. ESTATE, NEW
DELHI-02**

Website: forest_delhigovt.nic.in, Tel#23370679 Fax# 23378513

F.No. 1(2543)/Legal/HQ/22-23/1556-81 Dated: 31.05.2023

**Subject: In compliance of order dated 14.03.2022, of the Hon'ble
Delhi High Court, in the matter of Cont. Cas. No. 220/2022 titles
as “New Delhi Nature Society Vs. Rajesh Bansal & Ors.”-
regarding.**

Kind attention is invited to order dated 14.03.2022, of the Hon'ble High Court of Delhi in the matter of Cont.Cas. No. 220/2022 titles as "New Delhi Nature Society Vs. Rajesh Bansal & Ors.". (copy attached), wherein vide para no. 15, the following has been directed:

*".....It would, therefore, be in the fitness of things, if permission of the Tree Officer is first taken before the initiation of any civil work, which are likely to be **made within a distance of 2mts from any existing tree**. An order, in this regard, may well be passed by the Chief Secretary, GNCTD, with a copy to all Central Government agencies, Commissioners of the Municipal Corporations and CEO, Delhi Cantonment Board."*

Therefore, in compliance of the above stated directives of the Hon'ble High Court of Delhi, all agencies engaged in civil works in NCT of Delhi are requested to take necessary action.

(A.K. Singh)
Pr. Secretary (Env. & Forest)"



5. A perusal of the aforesaid letter shows that the Govt. of Delhi has issued clear directives to all the agencies engaged in civil works in the NCT of Delhi to take necessary action with respect to incorporation of the condition that permission of the Tree Officer would be taken before commencement or initiation of any civil work, which are likely to be made within a distance of two meters from any existing tree.

6. The aforesaid directives issued by the Government of NCT of Delhi shall be strictly followed by the various government agencies in Delhi undertaking any civil work, including Delhi Development Authority, Central Public Works Department, Municipal Corporation of Delhi, Delhi Jal Board, National Buildings Construction Corporation Limited and other agencies.

7. This Court directs that all the agencies which undertake civil works in Delhi, shall in future incorporate in their work contracts and tenders issued for carrying out any civil works in Delhi, the specific stipulation that in case any work is to be commenced, which is within two meters radius from any existing tree, the permission of the Tree Officer shall have to be taken as a mandatory condition. The work contracts and tenders issued by the various government agencies shall also contain specific stipulation that in case there is non-compliance of the aforesaid condition of taking permission from the Tree Officer, the same shall entail strict penalty.

8. In view of the aforesaid directions, no further orders are required to be passed in the present petition. The present petition is accordingly disposed of along with pending applications.

MINI PUSHKARNA, J

JANUARY 29, 2024

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