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

+ **W.P.(C) 2183/2021**

RAM CHANDER

..... Petitioner

Through: None.

versus

COMMISSIONER, SDMC & ORS.

..... Respondents

Through: Mr. Tushar Sannu, SC for MCD along with Mr. Drona Negi, Mr. Manoviraj Singh, Advts.
Mr. Mohit Aggarwal, Ms. Neha Aggarwal along with Ms. Isha Bhalla, Advts. and Mr. Robin Singh, Forest Guard Dwarka for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

21.02.2024

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1. None appears for the petitioner.
2. Learned counsel for the respondent/MCD draws attention to the Status Report dated 28.08.2023 where it has been stated as under :-

"4. That it is most respectfully submitted that this Hon'ble Court vide order dated 17.02.2021 directed Respondents No 1 to 3 to restore the subject area of the Green Belt/Park site situated opposite H.No.209 to 221, A-Block, Sector 08, Dwarka, Delhi and thereafter the deponent in compliance with the order submitted the Status Report dated 11.08.2021 in this Hon'ble Court annexing therewith the photographs of greenery as restored in the park site including the restoration of the developed/ grown trees which were slightly pruned more than two years ago in the month of June 2020 as part of routine horticultural work.

5. The Status Report was also submitted to the Dy. Conservator of Forest, West Division, Mandir Lane, New Delhi/ DCF of park site by the Deponent vide its letter dated 31.08.21 containing the full facts of park site. Copy of the letter dated 31.08.21 is annexed as Annexure R-1.



6. That this Hon'ble Court vide its order dated 29.09.21 directed the DCF/ Dy. Conservator of Forest Delhi to depute a concerned officer to inspect the subject area and to submit a status report and thereafter the DCF had submitted status report on 19.11.21.

7. That the Hon'ble Court vide its order dated 22.11.21 directed the DCF/ Dy. Conservator of Forest Delhi to guide the Respondent/ MCD for maintaining the park site as a green area.

8. It is respectfully submitted the park site is now fully maintained with proper greenery. It is pertinent to mention here that those seven trees of species 'Ficus Benjamin' which were pruned by the answering Respondents in the month of June 2020 as part of routine horticultural work which was observed by the Deputy Conservator of Forests (DCF) as to be exceeding the limit prescribed by just 0.71cm. i.e. the 7 trees had circumference of 15.71cm (0.71 cm more than the limit prescribed of 15 cm), have already developed and grown in all aspect. Photographs of park site from different angles are annexed which substantiate the fact that there has been proper maintenance of greenery, development and growth of those seven trees standing therein. Copy of the photographs of the park site from different angles depicting green development is annexed as **Annexure R-2 (Colly)**.

9. That it is respectfully submitted that only boundary wall situated on the West side of the subject area was partially dismantled matching it with the height of walls on others sides in order to maintain the uniform structure and symmetric construction of boundary wall in the parameter/ peripheral of the areas of park and was not reduced as alleged by the Petitioner. The iron grills were installed on the boundary wall to protect any activities of encroachment in the park and for proper entry & exit in park site. That the grills mounted over the walls instead of Increasing walls height makes it helpful for the residents around it to keep a vigil on the park so that no unlawful activities are carried in the compound. There was no demolition of boundary/protection wall of the park as being alleged by the Petitioner.

10. It is respectfully submitted that the answering respondents have not violated any guidelines framed by Forest Department under the Delhi Preservation Act-1994 and by the Hon'ble National Green Tribunal in maintaining the subject area of park site."

3. Attention has also been drawn to order dated 20.02.2024 passed by the Deputy Conservator of Forest/Tree Officer, West Division, New Delhi, whereby MCD Horticulture Department, Najafgarh Zone has been directed to plant 100 trees of at least 6 feet in height in the same locality where pruning of trees was allegedly done. It is submitted that the said order is in



the process of being complied with.

4. Learned counsel for the MCD submits that in view of the aforesaid grievance of the petitioner as articulated in the present petition does not survive.

5. In view of the aforesaid and in view of the non-appearance of the petitioner, the present petition is dismissed in default for non-prosecution.

SACHIN DATTA, J

FEBRUARY 21, 2024/AT