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

+ **W.P.(C) 7447/2024**

RAJ GUPTA

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Avishkar Singhvi, ASC along with Mr. Vivek Kr. Singh, Mr. Naved Ahmed and Mr. Shubham Kumar, Advs. for R-1/GNCTD.
Mr. Vishal Raj Sehijpal, SC for R-2 /MCD (through v/c).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

22.05.2024

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1. The present petition has been filed by the petitioner who is the owner/occupier of House No.100, Sukhdev Vihar, New Delhi-110025.
2. The grievance of the petitioner is that there is one Seerus Tree, right outside the boundary wall of house of the petitioner which is dangerously leaning inside the boundary wall, with very weak branches. The tree is also stated to be hollow at various places. It is submitted that the said tree can fall at any time causing danger to the residents of the house which *inter-alia* includes elderly people and children.
3. Various representations are stated to have been made by the petitioner to the respondent/MCD and to the concerned Dy. Conservator of Forests (South) seeking removal of the tree in question, however, to no avail.
4. During the course of hearing, learned counsel for the petitioner has



handed over the photographs which *prima-facie* corroborates the contention of learned counsel for the petitioner that the tree in question is not only dangerously leaning into the house of the petitioner but is also hollow at many places. From the photographs, it is pointed out that the concerned officials of the MCD have filled up hollow portion of the tree with thermocol to impart some temporary stability to the tree. However, it appears that the same may be short-lived and the tree is vulnerable to falling over into the premises/residence of the petitioner.

5. In the above circumstances, with the consent of the parties, the present petition is disposed of with a direction to the respondent no.1/Dy. Conservator of Forests (South), Department of Forests and Wildlife, GNCTD and to the concerned Director, Horticulture, Central Zone, Delhi to jointly inspect the tree in question in the presence of the petitioner on 30.05.2024 at 04.00 PM, to verify the aforesaid position and thereafter take requisite action/grant requisite permission for removal of the tree in question, if necessary.

6. In case, the requisite permission for removal of the tree in question is not granted, the respondents are directed to pass a reasoned order, under written intimation to the petitioner. The petitioner shall be at liberty to avail appropriate legal remedies with regard thereto.

7. The present petition is disposed of in the above terms.

SACHIN DATTA, J

MAY 22, 2024/cl