

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:086997-DB



Civil Writ Petition-PIL No. 146 of 2025 (O&M)

Reserved on : 10.07.2025

Pronounced on : 17.07.2025

Court on its own motion

.....Petitioners

versus

State of Hayana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present : Mr. Sarvadaman Singh Oberoi, Applicant
in person (CM-156-CWPIL-2025).

Mr. Abhayjeet Singh Rao, Advocate (Arguing counsel)
Ms. Ekakshra Mahajan, Advocate and
Mr. Tejas Ahlawat, Advocate
for the applicant (CM-160-CWPIL-2025).

Mr. Ankur Mittal, Additional Advocate General, Haryana
(Arguing counsel)
Mr. Pradeep P. Chahar, Sr. Deputy Advocate General, Haryana
Mr. Saurabh Mago, Deputy Advocate General, Haryana, and
Mr. Karan Jindal, Assistant Advocate General, Haryana and
Ms. Kushaldeep Kaur, Advocate, for respondent-State of Haryana

Mr. Deepak Balyan, Advocate and
Mr. Sharad Aggarwal, Advocate for
respondent No.2 – Municipal Corporation, Gurugram.

Mr. R.S.Rai, Senior Advocate (Arguing counsel) and
Mr. Chetan Mittal, Senior Advocate (Arguing counsel) with
Mr. Udit Garg, Advocate,
Ms. Radhika Mehta, Advocate and
Ms. Shifali Goyal, Advocate for respondent No.3 – DLF.

SHEEL NAGU, CHIEF JUSTICE

This case emanates from exercise of suo-motu jurisdiction invoked by this Court impelled by news item published in newspaper '*The Tribune*' on 12.06.2025 revealing that 2000 trees are being cut by respondent No.3- Delhi Land & Finance (DLF) for its project over 40 acres of land in Phase 5, Gurugram, which is part of Aravalli Hills. This Court issued notice to all the parties and sought their response.

2. Status report by way of affidavit of Raj Kumar, Deputy Conservator of Forest, Gurugram; short reply by way of affidavit on behalf of Municipal Corporation, Gurugram; reply/affidavit filed by respondent No.3-DLF and intervening applications are also filed on behalf of two interveners which have been taken on record.

3. Status report filed by Deputy Conservator of Forest, Gurugram reveals that permission in favour of DLF for granting cutting of trees in respect of Khasra Nos. 2125/3, 2126, 2029, 2028/1, 2028/2, 2027/1, 2027/2, 2036/2, 2035/2, 2035/1, 20233/2, 20233/3, 20232/2, 2032/3, 2032/4, 2031/2, 2020, 2035/3, 2034/2, 2034/1, 2022/1/1, 2022/1/2, 2022/2, 2023, 2024, 2025, 2026/1, 2026/2, 2026/3, 2057/3, 2018, 2019/1, 2019/2, 2020, 2021, 2016, 2017/1, 2017/2, 2015, 2014, 2012, 2010, 2011, 2013, 2007/2, 2305/1, 2305/2, 2000, 2002, 2326, 2003/2/1, 2005/1/1, 2005/1/2, 2005/2, 2003/1, 2006/1, 2006/2 and 2007/1 of village Wazirabad, District Gurugram, was granted vide order dated 06.06.2025 (Annexure R-6). This affidavit further reveals that parcel of land on which permission for cutting of trees was granted is the private land duly owned and possessed by M/s DLF Ltd. This affidavit also reveals that the aforesaid land neither falls in protected forest nor in reserved forest and has also not been notified under Aravalli Plantation nor under any specific orders issued under Sections 4 & 5 of the Punjab Land Preservation Act, 1900. The affidavit also avers that the said land does not fall within the definition of '*forest*' under Forest (Conservation) Act, 1980. The affidavit goes on to disclose that aforesaid khasra numbers are not covered under '*Gair Mumkin Pahar*' category in respect of which notification dated 07.05.1992 (ordinarily called 'Aravalli Notification') was issued. Thus, in sum and substance, the affidavit of Deputy Conservator of Forest, Gurugram denies the contents of newspaper item, on the basis of which suo-motu cognizance was

taken by this Court. The affidavit further reiterates that respondent No.3-M/s DLF Ltd. had applied for permission by way of four applications as mentioned in para-9 of the affidavit for felling of trees standing on their land where project was proposed to be developed. On receipt of the applications, the affidavit discloses that directions were passed to the field staff for carrying out necessary inspection. On due verification of the land in question, a report was submitted after verifying GPS coordinates, land ownership, number of trees at the site, species of the trees, its distance from national park/reserved area etc. The report was then put up before the Conservator of Forest who on being satisfied held that the land does not fall within the forest area or Aravalli Hills granted the requisite permission vide Annexure R-6. Accordingly, respondent No.3 was granted permission on 06.06.2025 vide Annexure R-6 after following the due process of law laid down in Section 4 (c) of Haryana Land Preservation Act, 1900.

3.1 The affidavit further discloses that trees which were permitted to be cut mostly belong to the specie of '*Prosopis juliflora*' (Musket/kabulikikar). The affidavit also discloses that permission granted for felling of trees was not absolute but conditional since it was subject to forestation of 10 times number of trees cut, which is about 28000 trees, to be planted during this monsoon season by respondent No.3-DLF vide Annexure R-7. The affidavit discloses that decision with regard to felling of trees in all probability has already taken place and condition for planting 10 times trees cut is being monitored by the Forest Department. The affidavit is also accompanied by a notice of the Range Forest Officer, Gurugram wherein there are certain complaints received telephonically that felling of trees is being undertaken by DLF in violation of certain terms and conditions.

4. Respondent No.3-DLF in its affidavit has filed various orders/permissions with regard to felling of trees from the said khasra numbers and has also brought on record license granted way back in the years 1995-96 for developing and constructing the project in question. According to respondent No.3-DLF, there is no violation of any law on their part and the trees are being felled after due permissions and terms and conditions of such permissions are being strictly adhered to. The affidavit of respondent No.3 also discloses that execution of felling activities is being undertaken by adhering to all the environmental safeguards and none of the conditions subject to which permission for felling of trees was granted has been breached. An assurance has been given that 10 times the trees cut shall be planted by respondent No.3 during this monsoon season on the land in question.

4.1 The affidavit of respondent No.3 further discloses that land in question is privately owned by respondent No.3 since 1989 and licence for developing the project was granted in the year 1995 wherein first zoning was duly approved and the said land neither falls within any protected/reserved forest nor under the notified Aravalli Range. The averments made in the affidavit of Deputy Conservator of Forest, Gurugram have been reiterated by respondent No.3. Respondent No.3-DLF also discloses that whatever little green cover is visible by google map on the land in question has grown only in the last three years.

CM Nos. 156-CWPIL-2025 and 160-CWPIL-2025 filed by the interveners are allowed for the reasons mentioned therein.

5. Learned counsel for the applicants-interveners, who are essentially residents in close proximity to the area in question and Shri Sarvadaman Singh Oberoi, who appeared in person as intervener, have argued with all the vehemence at their command raising objection of

environmental damage being caused by respondent No.3 in going ahead with the cutting of trees and have supported the contents of newspaper item published in '*The Tribune*' dated 12.06.2025. It is submitted on behalf of the interveners that lungs of Gurugram are being snatched away. It is also contended that Gurugram which has now virtually become a concrete jungle desperately needs trees.

6. Learned counsel for the State of Haryana has produced a map signed by the Revenue Patwari, Wazirabad, which is taken on record as Annexure-X and the same reflects the land in question in pink colour whereas the Aravalli plantation has been shown in green colour. Pertinently, the land shown in pink does not overlap the land shown in green.

6.1 Mr. Ankur Mittal, Additional Advocate General, Haryana contends that khasra numbers in green colour depict Aravalli Range area which are protected and reserved based on the Apex Court decision. It is further contended by learned State counsel that khasra depicted in pink indicate the land on which respondent No.3-DLF has been permitted to cut trees. A bare perusal of the aforesaid reveals that none of the khasra numbers in regard to which permission to fell trees has been granted in favour of respondent No.3, fall within the area of Aravalli Hills.

7. Therefore, in the absence of any material to the contrary, this Court has to rely upon the statement on oath made by Deputy Conservator of Forest, Gurugram and its contents. Since none of the khasra numbers in regard to which respondent No.3 has been granted permission to fell trees, fall within the Aravalli Hills area, this Court does not deem it appropriate to proceed in the matter especially when respondent No.3-DLF was granted permission to fell trees vide different orders after following due process of law.

8. Before parting, this Court in the backdrop of notice dated 12.06.2025 issued by Range Forest Officer, Gurugram, regarding complaints of violations of terms and conditions of permission to fell trees, directs that respondent No.3-DLF should ensure following all the terms and conditions subject to which permissions to cut trees have been granted especially condition of planting 10 times the trees cut, during this monsoon season failing which the State of Haryana as well as the interveners are at liberty to revisit this Court by filing an application for revival of this Public Interest Litigation.
9. State functionaries are also directed to supervise that the condition of forestation is strictly complied with by respondent No.3 during this monsoon season by planting 10 times the trees cut within close proximity of the project area concerned so that residents of the area in question and its vicinity are benefited by clean and fresh air emanating from the trees planted through forestation.
10. Consequently, this Public Interest Litigation stands disposed of with the aforesaid directions, observations and liberty.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

17.07.2025

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Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No