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

+ W.P.(C) 12414/2025

UDAY RAJ PANDEY & ORS.

.....Petitioners

Through: Mr. Gyanendra Singh, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Raghavendra Upadhyay, Panel
Counsel for R-1 to 3 (through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

17.10.2025

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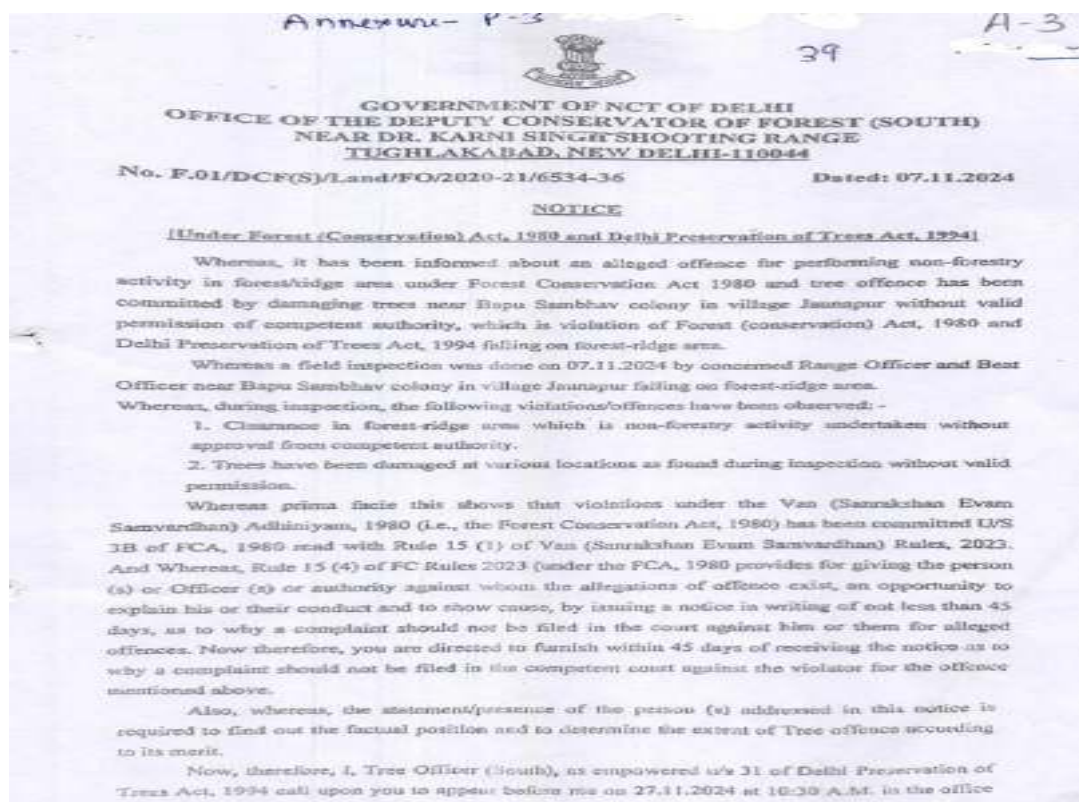
1. The present petition has been filed by the petitioners, aggrieved by the action of the respondents in not releasing the petitioner's JCBs bearing Registration Nos. UP12AT5875 (registered in the name of Shri Pankaj Yadav, S/o Shri Yadram Yadav), UP14JT9429 (registered in the name of Pankaj Yadav, S/o Sh. Yadram Yadav) and UP14GT8243 (registered in the name of Shri Yadram S/o Shri Lajja Ram Yadav).
2. The background of the matter is that the petitioner no.1 had entered into a contract with the Govt. Of NCT of Delhi (GNCTD) for the construction of World Class Skill Centre in collaboration with the Government of Singapore at Jaunapur Village, South Delhi District. The scope of the contract included jungle clearance to facilitate tree surveys, disposal of Malba and Geo-Tagging of trees.
3. It is submitted that petitioner no.1 commenced work in terms of the provisions of the aforesaid contract and in connection therewith, hired the



aforesaid JCBs. It is further submitted that the said JCBs were illegally and unauthorizedly taken into custody, by the Forest Department of GNCTD.

4. It is the case of the petitioners that neither any seizure memo was issued by the Forest Department, nor was any document provided to the petitioners in respect of the seizure. It is submitted on behalf of the petitioner nos.2 and 3, the owners of the JCBs that they have been running from pillar to post for the release of the JCBs since their livelihood depends on them.

5. It transpires from a perusal of Annexure P-3 that a notice came to be issued by the office of Deputy Conservator of Forest, South on 07.11.2024 which reads as under:



6. Pursuant to the aforesaid notice, the petitioners have ceased all work as regards the contract in question.



7. In the opinion of this Court, while it is open for the respondents to adjudicate and take appropriate action against petitioner no.1, who had hired the JCBs from petitioner nos.2 and 3, there appears to be no rationale in the continued retention of the JCBs by the respondents. The seizure appears to have been effected without issuance of a seizure memo and without consideration of the fact that JCBs employed for the contracted works, were hired from third parties viz. the petitioner nos.2 and 3 herein.

8. Considering the aforesaid facts and circumstances, the respondents are directed to release the JCBs in question to the petitioners. This Court also takes note of the statement made on behalf of the petitioners that no further work is being carried out at the site in question pursuant to the notice dated 07.11.2024.

9. Needless to say, the aforesaid notice shall be duly adjudicated and if any further action is warranted against the petitioner under the provisions of the Forest Conservation Act, 1980 and Delhi Preservation of Trees Act, 1994, the same shall be taken, in accordance with law.

10. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 17, 2025/cl