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

+ W.P.(C) 13534/2024, CM APPL. 56618/2024, CM APPL.

48716/2025

RAM KUMAR

.....Petitioner

Through: Ms. Anu Monga, Mr. Rahul Goel, Mr.
Shobhit Sharma, Mr. Yash Agarwal,
Adv.

versus

DEPUTY CONSERVATOR OF FOREST (NORTH FOREST
DIVISION), NEW DELHI & ORS.

.....Respondents

Through: Mr. Sumit K Batra, Adv.
Mr. Siddhant Nath(Standing Counsel
MCD) along with Bhavishya Makhija
and Amaan khan, Adv.
Ms Avshreya Pratap Singh Rudy SPC

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

29.08.2025

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1. The petitioner has filed the present writ petition challenging the ex-parte order dated 12.08.2024, whereby respondent No. 1 compounded the offence of illegal felling of three trees for the construction of a lift, at the Site in front of Flat No. 24/25, Block D, AGCW & M Co-operative Group Housing Society, Pitampura. By the impugned order, respondent No. 2 was directed to file an affidavit admitting the offence and pay a compounding fee of Rs. 2,00,000/-. The petitioner has sought the following prayers:

“a. Allow the present Writ Petition, and issue appropriate writ, order or direction in the nature of Certiorari and/ or any other writ, order or direction quashing the order dated 12.08.2024 bearing No. F.94/DCF(N)/Tree offence/2024-25/4152-54 passed by Respondent



No. 1/ Deputy Conservator of Forest (North Forest Division)/ Tree Officer;

b. Issue appropriate writ, order or direction in the nature of Mandamus and/ or any other writ or order directing Respondent No. 1/ Deputy Conservator of Forest (North Forest Division)/ Tree Officer to conduct a fresh inquiry in accordance with law i.e. DPT Act by following the principles of natural justice;

c. Issue appropriate writ, order or direction in the nature of Mandamus and/ or any other writ or order directing Respondent No. 3/ MCD to follow the due process of law before granting any further permission/ no objection for any type of construction activity in A.G.C.W & M Co-operative Group Housing Society Ltd., Harit Niketan, West Enclave, Pitampura, New Delhi-110034, more particularly where permission will lead to felling/ cutting/ pruning of trees;

...”

2. It is stated by Ms. Monga, learned counsel for the petitioner, that the impugned order dated 12.08.2024 has been passed without hearing the petitioner and the contentions of the petitioner have not been dealt with in the impugned order.

3. There is force in the submissions of Ms. Monga, learned counsel, as the petitioner who was the complainant, was not heard before passing the order.

4. The Deputy Conservator of Forest (North Forest Division) New Delhi, (“DCF”) is directed to ensure that any order passed on a complaint regarding felling of the trees must be passed after hearing the



complainant/petitioner and dealing with each and every submissions of the petitioner. Additionally, before passing the order, the DCF shall also ensure that the complainant has been served in accordance with law. The same is in compliance with the Principles of Natural Justice.

5. Mr. Batra, learned counsel for the respondent No. 1, states that the respondent No. 1 will hear the petitioner and thereafter pass a fresh speaking order in accordance with law.

6. Consequently, the impugned order is set aside.

7. It is noted that the respondent No. 2 has already planted 30 plants which shall become trees in due course, and has also filed an affidavit undertaking to maintain and take care of the said saplings/trees for a period of five years.

8. Let respondent No. 2 file a yearly status report with photographs and the status of the 30 trees with respondent Nos. 1, 3 and the petitioner as well as the Amicus Curiae in tree matter, Ms. Asmita Singh (asmitasinghoffice@gmail.com).

9. In case there is any violation, the petitioner will be at liberty to revive the petition.

10. The MCD shall ensure that the lift is constructed in accordance with the sanctioned plan/NOC and no further trees are felled.

11. With these observations, the petition is disposed of.

12. Copy of this order be sent to Ms. Asmita Singh, Amicus Curiae.

JASMEET SINGH, J

AUGUST 29, 2025/DM