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

+ **LPA 4/2025 & CM APPL.80-82/2025**

LAXMI NARAYAN

.....Appellant

Through: Mr. Amar Nath Saini, Advocate with
Ms. Neelam Pathak, Mr. Karan Gupta,
Mr. Rohit Singh & Ms. Kashish Gupta,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondent

Through: Ms. Anjesh Dahiya, Advocate for
Mr. Jawahar Raja, ASC for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

06.02.2025

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1. The appellant has filed the present appeal challenging the judgement/order dated 08.8.2024 passed by the learned Single Judge, in underlying writ petition bearing W.P.(C) 13230/2023 captioned "*Laxmi Narayan Vs Government of NCT Delhi & Anr*", seeking a direction for initiating appropriate action against one shopkeeper alleged to have poisoned and caused the death of a "*Neem Tree*" in question alongwith suitable direction to replant/replace with the new tree in place of tree in question, was dismissed.

2. It is submitted by the learned counsel for the appellant that the learned Single Judge by way of the impugned judgement, had dismissed the underlying writ petition based on the lab report of soil sample, obtained from a privatized laboratory. He states that the veracity and authenticity of the said report is highly doubtful. According to him, proper protocols for sample testing from a laboratory



duly approved by the government, were not followed by the concerned authorities.

3. After arguing at some length, learned counsel for the appellant submits that the appellant would be satisfied in case the alternative prayer directing the respondent authorities to plant a tree at the site in question is allowed.

4. On a query, learned for the respondent no.1/Deputy Conservator of Forests admits that the Tree Officer under the Delhi Preservation of Trees Act, 1994, and preservation and replanting of trees would fall within the jurisdiction of Deputy Conservator of Forests(South), GNCTD (for short “DCF”) .

5. Without entering into the controversy raised by the appellant or the challenge laid to the impugned judgement, we find it apposite, in the facts of the present case, to direct the DCF or any other appropriate authority under the DCF to take appropriate steps to replant a suitable sapling (preferably of 4 to 5 feet of height) at the site in question in replacement of the previously existing *Neem Tree*. The authorities shall ensure that the existing site is made suitable for such replantation and adequate care is taken to ensure that the said sapling is not uprooted or harmed in any manner.

6. The said exercise shall be carried out within 3 weeks from date and the action taken report along with the photographs be filed within 1 week thereafter.

7. The appeal is disposed modifying the impugned judgement to the aforesaid extent. Pending applications, if any, also stand disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 06, 2025/rl

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