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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1149/2022, CM APPL. 26421/2023, CM APPL.
44853/2023, CM APPL. 6403/2024, CM APPL. 6406/2024, CM
APPL. 7979/2024, CM APPL. 7980/2024, CM APPL. 22099/2024,
CM APPL. 26203/2024, CM APPL. 32897/2024, CM APPL.
32898/2024

BHAVREEN KANDHARI

..... Petitioner

Through: Mr. Aditya N. Prasad, Adv.
Mr. Gautam Narayan and Ms.
Prabhsahay Kaur, *Amici Curiae*
Mr. Abhimanyu Bhandari, Ms. Roohl
Hina Dua, Mr. Sahib Kochhar, Ms.
Shreya Arora, Advs.- Applicant in
Appl. 32897-98/2024

versus

SHRI C. D. SINGH AND ORS.

..... Respondents

Through: Mr. Chetan Sharma, Sr. Adv. with
Mr. Tarun Johri, Mr. Ankur Gupta,
Mr. Vishwajeet Tyagi, Advs.
Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Mr. Gautam
Mann, Advs.
Mr. Mandeep Mittal, DCF West
Mr. Siddhant Nath, SC with Mr.
Bhavishya Makhija, Adv.
Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Varun Rajawat,
Ms. Vidhi Jain, Mr. Aryan Agrawal,
Advs.
Ms. Petal Chandhok, Ms. Rupali
Gupta, Advs.



Ms. Amit Peswani, Adv. for Ms.
Nandita Rao, ASC
Mr. Rajesh Katyal, Adv.
Mr. Agir Gupta, Mr. T. Singhdev, Mr.
Aabhas, Advs.
Mr. Yoginder Handoo, Mr. Ashwin
Kataria, Mr. Garvit Solank, Advs.
Ms. Manika Tripathy, SC with Mr.
Ashutosh Kaushik, Mr. Roni John,
Advs.
Ms. Harshita Nathrani, Mr. Vanshay
Kaul, Advs. for Mr. Sameer Vashisht,
ASC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **29.05.2024**

CM APPL. 32242/2024

1. On 31.08.2023, Mr. Gupta, learned counsel on behalf of the respondent GNCTD had stated as under:

“Mr Gupta states that till the next date of hearing no permission for felling of trees for any individuals will be granted and any permission required for important projects will be intimated to the Court.”

2. It has transpired that on 29.04.2024, permission has been granted by respondent No. 2 to cut two trees and transplant 132 trees for construction of building at Institute of Secretariat Training and Management (ISTM), Old JNU Campus, New Delhi, Old JNU Campus.

3. Even though the matter was taken up on 03.05.2024, the fact that permission for felling of two trees and transplantation of 132 trees had already been granted by respondent No. 2 was not intimated to this court.



4. Respondent No. 2 on 02.11.2023 moved an application being CM APPL. 57291/2023 before this court, wherein para 2 of the application reads as under:

“2. That it is submitted that the Respondent No. 2 division has been receiving various applications for transplantation of trees or tree felling from different government authorities for time bound important government projects, however, the forest divisions are not issuing permissions in light of the order dated 31.08.2023 which is resulting in halting the construction and progress of the said projects. The Respondent through the present application is seeking clarification in regard to permission as stated in point b) above to the effect that whether the permissions are only to be intimated to this Hon'ble Court or has to be placed/ applied to this Hon'ble Court by the concerned agency seeking requisite permission.”

5. The said application is accompanied by the affidavit of Mr. Mandeep Mittal in his capacity as Deputy Conservator of Forests (DCF), South.

6. Even though on subsequent date, the application was withdrawn, the fact remains that even as per respondent No. 2's own understanding, respondent No. 2 was fully aware that permissions were to be intimated to this Hon'ble Court as mandated in the order dated 31.08.2023.

7. Despite the application as well as the clear ambit of the order dated 31.08.2023, admittedly, the permission granted by respondent No. 2 for construction of building at ISTM, Old JNU Campus has not been intimated to the court.

8. The above observations are in no way a blanket permission to the DCF's to construe that the order dated 31.08.2023 permits them to grant permission to cut trees for important projects.

9. *Prima facie*, it seems that respondent No. 2 is guilty of violating the



order dated 31.08.2023 and must be proceeded against for contempt.

10. Let a reply be filed within 4 weeks as to why action for contempt of court for violating the order dated 31.08.2023 be not taken against respondent No. 2.

11. List on 05.07.2024.

CM APPL. 29795/2024 & CM APPL. 29796/2024

12. Mr. Kataria, learned counsel states that there is an important project for which 91 trees have been transplanted and there have been compensatory plantation of 14125 saplings.

13. Let the status of the transplanted 91 trees as well as status of the saplings, along with photographs be placed before this court on or before 30.05.2024.

14. List on 30.05.2024 at 03:45 PM.

JASMEET SINGH, J

MAY 29, 2024/DM