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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 978/2018**

NEW INDIA ASSURANCE CO LTD

..... Plaintiff

Through: Mr. Aditya N. Prasad, Adv.
Mr. Shambo Nandy, Adv.

Versus

HIMANSHU SHARAM & ORS

..... Defendant

Through: Mr. Sameer Vashisht, ASC with Mr.
Vedansh Vashisht, Mr. Vanshay
Kaul, Ms. Harshit Nathrani, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **19.02.2024**

CM APPL. 10197/2024

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 10196/2024

3. This is an application filed by the Court Commissioner seeking stay of trenching activities being undertaken in violation of the orders passed by this Court.
4. On 29.01.2024, this Court noted the letter dated 31.05.2023 issued by the Department of Forest and Wildlife, wherein it was directed that all the agencies undertaking civil works in Delhi shall incorporate that two meters radius from any existing tree shall not be excavated without the prior



permission of the Tree Officers. The said letter has been incorporated in the order dated 29.01.2024

5. It has been pointed out that trenching work is being undertaken on Green Belt of Station Road at Delhi. The photographs shows that the two meter distance as mentioned in the order dated 29.01.2024, has totally been given a go by and the roots of the trees have been cut without paying any heed to the two meter safety.

6. When the same was pointed out by the Court Commissioner, the SHO PS, Delhi Cantt. showing due importance to the issue reached the spot and made enquiries and duly communicated the fact to the Deputy Conservator of Forest.

7. The Deputy Conservator of Forest also immediately on 15.02.2024 passed an order directing to cease all excavations and construction work at the site.

8. In this view of the matter, it is directed that no trenching activity shall take place on the Green Belt of Station Road without complying with the mandate of the order dated 29.01.2024. The Tree Officer as well as SHO will ensure compliance of the letter dated 31.05.2023 and order dated 29.01.2024 in its true letter, spirit and intent.

9. The tree officers as well as SHO may take remedial measures for the damage already caused.

10. *Prime facie*, there seems to be blatant violation of the order dated 29.01.2024. Issue show cause to Chief Engineer, Delhi Zone, Military Engineer Service (MES) as to why contempt proceedings be not initiated for disobedience of the directions contained in the order dated 29.01.2024.

11. Issue notice through all permissible modes including *Dasti* process.



12. List on 23.02.2024, the date already fixed.
13. *Dasti* under the signature of the Court Master.

FEBRUARY 19, 2024/NG

JASMEET SINGH, J

Click here to check corrigendum, if any