

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP(C) No.1772/2007

Date of Decision: 19th September, 2007

KALPAVRIKSH Petitioner
Through Mr.Ritwick Dutta with
Mr.Rahul Choudhary, Advocates

versus

UOI & ORS. Respondent
Through Mr.Abhinav Bajaj, proxy counsel
for Mr.Rakesh Tiku, Advocate for
UOI.
Mr.Ajay Verma, Advocate for DDA,
Ms.Manpreet Kaur, proxy counsel
for Mr.V.K. Tandon, Advocate for
respondents 1 & 5.
Ms.Anjana Gosain with Ms.Sadiqua
Fatima, Advocates for NDMC.

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA**

1. Whether reporters of local papers be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in the Digest ?

DR. MUKUNDAKAM SHARMA, CJ (Oral)

1. We have perused the additional affidavits filed by the petitioner as also by the NDMC and the Municipal Corporation of

Delhi.

2. We had issued orders for stopping concretization around trees and asked the authorities to take remedial action to save the trees as concretization is causing damage to the trees. Such concretization is also in violation of the Delhi Preservation of Trees Act, 1994, as indiscriminate concretization and constructions have been made around trees on the pavements of Delhi.

3. After our orders, there is ^{a r} definite improvement and de-concretization has been done in many areas. We have found that the NDMC has taken up projects of de-concretization and re-tiling around the trees on the pavements. We expect that the New Delhi Municipal Council shall continue to take steps to preserve greenery and the trees. They shall also carry out inspection of the entire area falling under the NDMC from time to time and take all necessary steps to de-concretize and re-tile, where concretization around trees has been made by the contractors.

4. We issue similar directions to the Municipal Corporation of Delhi so as to stop further violation of the provisions of the Delhi Preservation of Trees Act, 1994.

5. On going through the records, we find that although some remedial measures have been taken by the Municipal Corporation of Delhi, further action^{in P.} called for and required on their part for stopping the concretization around trees in their area.

6. The Central Government has issued ~~a~~ guidelines^{in P.} for greening of urban areas and landscaping in Delhi. The first paragraph of the said guidelines provides that unnecessary and excessive tiling of the roadside pavements should be avoided. There are some other constructive^{ideas and P.} points and directions incorporated in the same, which are required to be implemented by the public utility departments of Delhi.

7. Since the aforesaid guidelines have been issued by the Central Government, the public utility services of Delhi are bound to comply with the aforesaid guidelines, which are issued.

8. We, therefore, issue a direction to the public utility departments including the Municipal Corporation of Delhi, New Delhi Municipal Council, PWD and also the DDA to comply with the directions contained in the guidelines and also to see that the intention behind issuance of the aforesaid guidelines is understood and the said guidelines should be implemented in

their letter and spirit.

9. In terms of the aforesaid order, we dispose of this writ petition. We, however, grant liberty to the petitioner to point out any shortfall on the part of Municipal Corporation of Delhi, New Delhi Municipal Council or others and also to sensitise them and to make them aware of any default or lapse by them in any part of Delhi.

10. The writ petition stands disposed of in terms of the aforesaid observations and directions.


CHIEF JUSTICE


SANJIV KHANNA, J

SEPTEMBER 19, 2007
nm

