

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M. A. No. 623/2016 in M. A. No. 619/2016 in
Original Application No. 83 of 2013**

**Aditya N. Prasad & Ors.
Vs.
Union of India & Ors.**

CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER

Present: Applicant: Mr. Aditya N. Prasad, applicant in person

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;">Item No. 04</p> <p style="text-align: center;">June 24, 2016</p>	<p style="text-align: center;"><u>M.A. No. 623 of 2016</u></p> <p>This M.A. emanates from Original Application No. 82 of 2013 wherein it has been alleged that there has been reckless digging resulting in threat to the trees in NCT, Delhi region. The allegations are based on several aspects some of which are that :-</p> <ol style="list-style-type: none">1. The action violates the guidelines of the Ministry of Urban Development and Poverty Alleviation whereby 6'x6' area is required to be left uncemented around the trees and compacting of soil nearby the trees to be avoided.2. That the Climate Change Action Plan for Delhi and the National Action Plan on climate change states that efforts of all civic agencies shall be collaborated to ensure greening of 5 sq km area with the object to increase the present 23% of forest area to 33%. <p>It has been alleged in the Original Application that these guidelines have been violated by Respondents who while carrying out beautification and Land Scaping work, have concretized entire surfaces near the trees falling in the areas of such works threatening their existence.</p> <p>This Tribunal being prime facie satisfied with the</p>

circumstances stated in the O.A., passed certain directions in its very second Order dated 23-04-2013 whereby certain directions were issued of which one of them was that the Respondents shall ensure *“that the concrete surrounding the trees within one metre of the trees are removed forthwith and all the trees are looked after well and due precaution is taken in future so that no concrete or construction or repairing work is done atleast within one metre radius of the trunk of trees.”*

3. Falling from the above several Orders and directions came to be passed later when the violations of the aforesaid direction were brought to our notice. From the records we can enumerate atleast 11 Orders and directions of which the one passed on 12th and 13th July, 2013 appear to be most significant. It is needless to state that we had reminded the authorities repeatedly of our directions contained in our order dated 23rd April, 2013 referred to earlier.

Inspite of our directions, we find that there has been repeated violations and on one such occasion this Tribunal was compelled to initiate contempt proceedings resulting in imposition of Rs. 50,000/- as penalty against the erring official guilty of the dereliction.

We can but express our dismay and exasperation on the attitude and approach of the Respondents to the Orders of the Tribunal. The repeated violations demonstrate their total disregard to the Orders passed by us. In our Order dated 22nd June, 2016, we had expressed hope and expectation that the Respondent SDMC i.e. South Delhi Municipal Corporation, would confine

themselves within the purview of the directions contained in the order dated 23.04.2013.

The present application i.e M.A No. 623/2016, is another instance where complaint of such violation has been brought to our notice.

On a perusal of the application and the photographs placed before us and also upon hearing the learned counsel appearing for the applicant, we are at this stage not inclined to pass any orders to the detriment of the respondents but restrict ourselves in directing the respondent no.5, The Department of Forest and Wildlife, Government of NCT of Delhi and the concerned Conservator of Forests of the concerned range in which New Friends Colony would fall, to inspect the areas indicated by the applicant where the affected violations are stated to be taking place and submit a report on the following aspects:

(1). Whether one meter radius is being maintained around the trees in constructing the storm water drains by respondent no.3.

(2). Whether, as directed by us, the tender documents for the works stipulate a condition requiring compliance of the directions contained in the order dated 12.07.2013.

(3.) Whether it is possible to re-align the storm water drains under construction near the trees to ensure leaving a set -back of one meter.

(4). Whether the damage caused to the trees can be repaired by adopting biologically acceptable mitigations measures after ascertaining the damages caused to the trees.

The report shall be filed within a period of one week which shall be submitted on or before 04.07.2016 when the main matter is posted.

A copy of this order be transmitted to the Principal Chief Conservator of Forest, Dept of Forest and Wildlife, NCT of Delhi forthwith for issuing necessary directions to the concerned Conservator of Forests for urgent compliance.

List the matter on 4th July, 2016.

.....,JM
(S.P. Wangdi)

.....,EM
(Prof. A. R. Yousuf)

