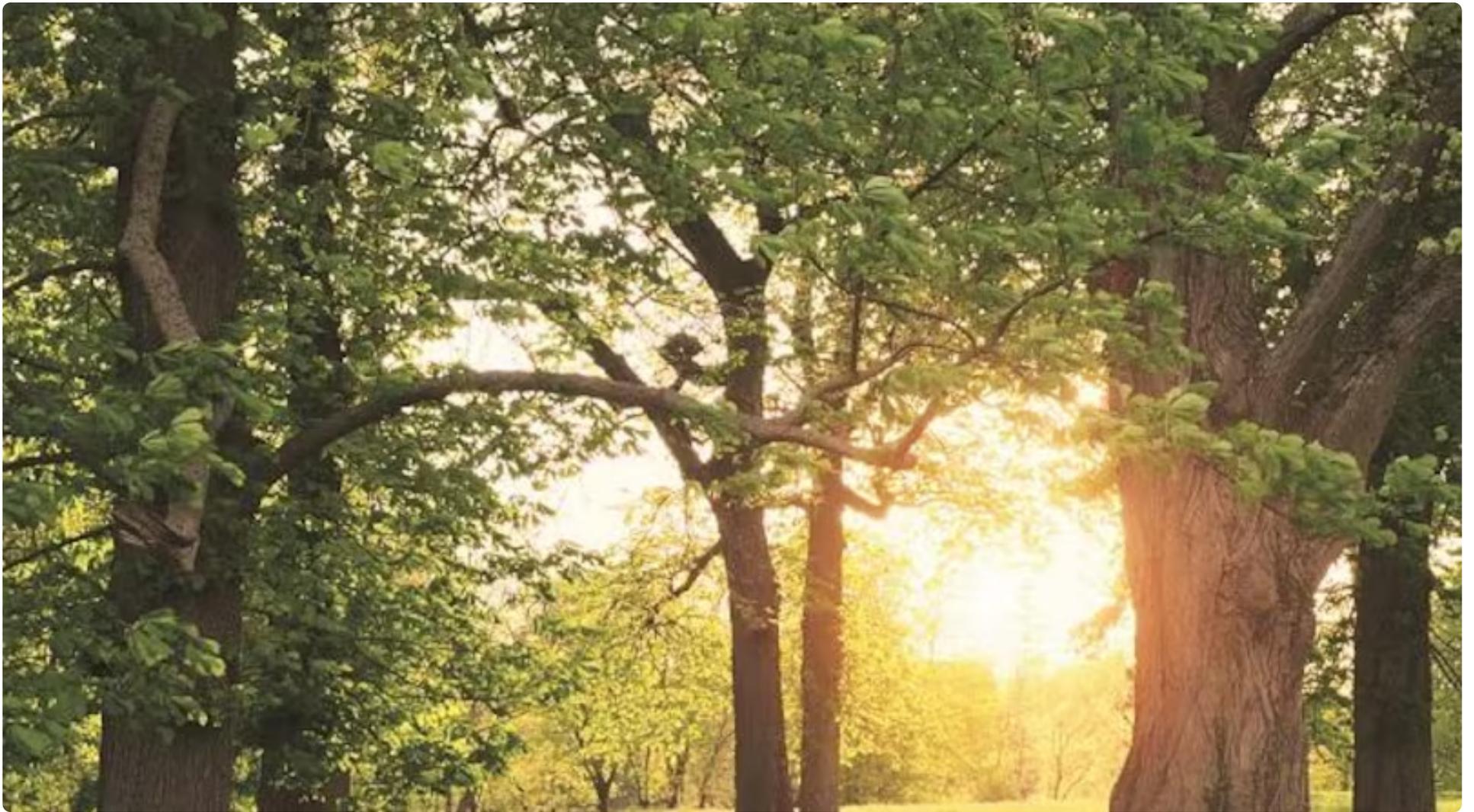


Business Standard

Delhi HC asks DDA to give details of land for developing 50-acre forest

Justice Jasmeet Singh asked the Delhi Development Authority (DDA) to file the affidavit in 10 days and said the land selected for the project should be "sustainable"

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The court asked the DDA to share the details of the land and remarked that "it should be able to withstand the fury of the river".

The Delhi High Court on Monday asked the DDA to give details of the land parcel the agency would earmark for developing a 50-acre forest in the national capital.

Justice Jasmeet Singh asked the Delhi Development Authority (DDA) to file the affidavit in 10 days and said the land selected for the project should be "sustainable".

The court's order came while dealing with contempt proceedings against the DDA over cutting down of several trees in the Southern Ridge area without due permission for constructing an approach road near South Asian University in Maidan Garhi here.

The DDA counsel tendered an apology and said although the trees were cut down, there was no "wilful disobedience" as the field staff "misconstrued" a Delhi government notification exempting around 4.9 hectares of the land from taking approval of the tree officer as the final permission for felling.

Urging the court to not proceed further with contempt action, she said a 50-acre land parcel in the Madanpur Khadar area will be earmarked for developing an alternative forest.

Lawyers Gautam Narayan and Aditya N Prasad, appearing as amici curiae to assist the court, said accountability must be fixed on the DDA for admittedly felling trees without permission and those concerned should not go "scot free".

They also said the land proposed for afforestation fell on the Yamuna riverbed and therefore cannot be used for this purpose.

The court asked the DDA to share the details of the land and remarked that "it should be able to withstand the fury of the river".

"How can it be on river bed? It will all wash away. You have gone on affidavit to say it can't be used. It should be sustainable," the judge said.

The amici also said that instead of DDA's proposal for afforestation at an alternative plot, the agency must be directed to carry out plantation at the spot where the felling took place.

The court, however, said it was "not in agreement with plantation on the same road", saying it will "serve no purpose".

"Right or wrong, the trees are gone. Restoring status quo ante would take 6-7 years for trees to come up. Today, they are giving land for development of a forest. Those trees would be kept there. We will give directions to the user agency. Unfortunately, the trees are gone," the bench added.

During the hearing, the court also asked how much land is required to be converted into a forest to bring down pollution levels by one per cent, to which Narayan said an expert would have to be consulted to answer this query.

The DDA counsel said the matter of tree felling in the present case was placed before the ridge management board and an application was also moved before the Supreme Court.

She also said an ecological study was done and the present course of action was the least damaging.

The court told the counsel that DDA did not "inspire confidence" and said the ridge management board (RMB) does not have the power to grant permission for tree felling.

"Nobody can touch the ridge. Not even RMB. It cannot grant permission to cut the trees," Justice Singh said.

The counsel for the forest department said it was not kept in loop by the land owning agency in the present instance.

On March 18, the court had issued a contempt notice to DDA vice-chairman and principal secretary of forest department over the cutting down of over 700 trees for constructing the approach road near South Asian University, including those on forest land falling under the Southern Ridge.

The court had said conduct of the authorities was in "total violation" of court orders against felling of trees and asked them to file an affidavit stating why action for contempt should not be taken against them.

"400 trees have been cut on DDA land and 700 on forest land. The same clearly shows total apathy towards orders passed by the court and total violation of the same," the the court had said.

Last year, the high court had said that no permission for felling of trees would be granted in the national capital.

The matter would be heard next on April 23.

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