



Tree shield: HC posers on fresh constructions

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New Delhi: Delhi High Court has asked police and the public works department (PWD) to explain how a civic body carried out fresh construction in east Delhi, risking damage to trees, despite a ban by the court.

Justice Najmi Waziri recently asked the DCP (east) to file an affidavit outlining what the police have taken action about construction activity by the PWD along Vikas Marg “in breach of judicial orders and statutory provisions.”

The court’s direction came after examining photographs that showed the PWD indulged in fresh concretisation on January 31 this year, despite a stay against such activity ordered by the tree officer of the forest department.

The high court was hearing a plea where the forest department also sought clarification if its tree officer can continue with the probe against the PWD since the court is also hearing the matter.

“The said proceedings were with respect to the 80 trees that had been damaged and three trees that had been cut down along Vikas Marg, for construction work having been undertaken by the said department. The notice issued by the tree officer is in the exercise of his statutory powers and is not in any way circumscribed and will not be affected by the pendency of these proceedings. The tree officer shall go ahead and take the matter towards its logical end, as per law,” the court explained.

It also underlined that its last order in December last year “was to be understood and followed both in its letter and spirit and no construction activity was to be carried out in future except with the prior permission of the court.” As regards the general ban imposed by the Supreme Court, justice Waziri clarified that there was no need for the high court to reiterate the same for civic agencies. “The PWD ought not to have resumed construction”, it maintained, “without prior intimation to the parties and/or prior permission of the court.”

While seeking an explanation from the PWD, the court was informed by advocate Aditya Prasad, appearing for petitioner Neeraj Sharma that Delhi Police too was conscious of the construction activity having been undertaken by the PWD and of the trees being damaged and/or victimised. He contended that it was the duty of the police to take appropriate action against the authorities apart from intimating the department concerned. The court then asked the police, the PWD, and the forest department to file affidavits explaining their stand.

Source: <https://timesofindia.indiatimes.com/city/delhi/tree-shield-hc-posers-on-fresh-constructions/articleshow/89463281.cms>