



2024 : DHC : 2696-DE



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4708/2024 & C.M.No.19283/2024

RAVINDER TYAGI

..... Petitioner

Through: Petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

..... Respondents

Through: Mr.Nikhil Palli, Advocate for MCD.

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Date of Decision: 02nd April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present public interest litigation has been filed with the following prayers:-

- i) A Writ/direction may kindly be issued against the respondents, thereby directing the respondents to undo / replant 23 trees existed Lowards Eastern Side of Gandhi Maidan Parking, H.C. Sen Road, Delhi;
- ii) The respondent no.2 may please be directed to remove the construction whatsoever has been raised upon the space vacated by Bapu Market (149 Teh Bazari holders) and the space behind the Bapu Market where 23 Peepal trees were existing but have been removed/up-rooted by the respondent no.2.
- iii) The respondent no. 2 may please be directed to remove the iron grill affixed on the side pavement and also may please be directed to remove the Barricades put on H.C. Sen Road, Chandni Chowk, Delhi- 110006, and the respondent no.2



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may please be further restrained not to use the space in between the Iron Grill affixed on the Side Pavement and the Barricades for parking the vehicles by its staff;

iv) May pass any other or further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

2. The petitioner, who appears in person, states that respondent no. 2 in connivance with respondent no. 1 has cut/ removed 23 peepal trees existing between the entry gate and exit gate of Gandhi Maidan Car Parking towards Eastern Side. He further alleges that respondent no. 2 has illegally encroached the side pavement and merged the pavement in the alleged space occupied by Omaxe Mall. He also avers that respondent no. 2 has affixed iron grills on the side pavements and put barricades around the area in question for the purpose of parking cars belonging to the staff, which is thereby causing inconvenience to the public at large.

3. He emphasises states that in order dated 30th August, 2018 passed by this Court in the W.P.(C) 4572/2007, the Court had recorded the statement of the then Deputy Commissioner of Delhi Municipal Corporation to the effect that 65 trees existing outside/around the proposed Multi-Level Car Parking at Gandhi Maidan, H.C. Sen Road, Delhi-110006 are not proposed to be cut for the purposes of re-development of Gandhi Maidan Parking, as these are not a part of re-development.

4. From the perusal of the paper book, it transpires that the petitioner has not given any prior notice to any of the respondents before filing the present writ petition. The petitioner has also not obtained under RTI any sanction plan of the project in question from the Municipal Corporation of Delhi ('MCD'). From the photographs placed on record, this Court is not able to make out at this stage that 23 peepal trees have been cut for construction of



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the project contrary to the undertaking given by the MCD on 30th August, 2018.

5. However, as the issue raised by the petitioner in the present matter is an important one, this Court disposes of the present writ petition along with the application with a direction to the Deputy Commissioner, City Sadar Phar Ganj Zone, MCD to treat the present writ petition as a representation and to decide the same by way of a reasoned order in accordance with law within four weeks after giving an opportunity of hearing to the petitioner. In the event the petitioner is aggrieved by the said order, he shall be at liberty to file appropriate proceedings in accordance with law.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2024
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