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

+ **CONT.CAS(C) 387/2023**

HARSH VARDHAN

.....Petitioner

Through: Mr. Aditya N Prasad and Mr Pratyush
Jain Advs.

versus

MANDEEP MITTAL & ANR.

.....Respondents

Through: Mr. Ashish K Dixit CGSC with Mr
Umar Hashmi Adv Mr Ayush Kumar Adv Ms Iqra
Shiekh Advs

Ms. Vaishali Gupta, PC (Civil)GNCTD

Mr. Sumit K Batra, Ms Priyanka Jindal, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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22.07.2026

1. This is a contempt petition filed under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971 seeking the following prayers:-

“a. Initiate Contempt proceedings against the Contemnors/ Respondents and punish them for willfully and deliberately disobeying the Orders dated 28.04.2022 and 19.05.2022 of this Hon’ble Court passed in Cont.Cas(C) 851 of 2021;

b. Direct the Contemnor/ Respondent no. 2 to keep in abeyance further Tree Felling permissions till such time that requisite infrastructure is put in place to comply with directions contained in the Orders dated 28.04.2022 and 19.05.2022 of this Hon’ble Court passed in Cont.Cas(C) 851



of 2021;”

2. The contemnor/ respondent No. 1 i.e., Mr. Mandeep Mittal, Tree Officer (South Forest Division), Department of Forests and Wildlife, GNCTD, is the jurisdictional Tree Officer appointed under the Delhi Preservation of Trees Act, 1994 (**‘DPTA’**). The contemnor/ respondent No. 2 i.e., Mr. C.D. Singh, Principal Chief Conservator of Forests (PCCF), Department of Forests and Wildlife, GNCTD, is the Head of the Department of Forests and Wildlife, GNCTD.
3. Mr. Prasad, learned counsel for the petitioner, submits that in violation of this Court’s orders requiring Tree Officers to provide reasons for cutting down the trees after due application of mind, two fully grown trees were cut down in Greater Kailash-II, New Delhi for transplantation. The reason behind cutting and methodology of transplantation of these trees is absent in the permission order. He submits that the same is willful disobedience of the Court’s orders dated 28.04.2022 and 19.05.2022 passed in CONT. CAS(C) 851/2021. The photographs of the trees which have been cut down are as under:-



Annexure A/10 (Colly)



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4. The relevant directions in the order dated 28.04.2022, reads as under: -

“8. In the circumstances, it would be appropriate that the Tree Officer(s) give due consideration to transplantation of each tree which is sought to be cut, before granting any further permission for cutting of trees. This would entail inspection of the trees which are sought. The reason for grant or denial of permission would have to be spelt out in the order of the Tree Officer along with photographs of each tree.”

5. The relevant directions in the order dated 19.05.2022, reads as under: -

“2. Ex facie, it is evident that the large scale denudation of fully grown trees only worsens the ecological balance of the city. The air pollution needs to be mitigated on an urgent basis and trees are great source of mitigation in this regard. There is nothing on record to show that 16,456 trees allegedly transplanted on the Tree Officer’s directions or in terms of the permission granted, have survived. Furthermore, there is no mention of the compensatory plantation/afforestation which was to be undertaken under the extant policy i.e. 10 trees in lieu for each tree felled.

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4. Remedial measures are warranted. It would, therefore, be in the fitness of things, in the public interest as well as for the sake of the environment for the present and future generations that tree-felling in Delhi is not permitted till the next date, so as to ensure that felling is done only when it is fully ensured by the applicant that the trees would at least be transplanted.



Surely, there is no other way to mitigate Delhi's daily ecological and environmental degradation. Let the data be collated and filed by DCF (Headquarters) or an officer of equivalent or higher rank and an affidavit apropos exemptions granted under section 29 of the Act and of offence cases filed by the Tree Officer, for the years 2019, 2020 and 2021."

6. A perusal of the paragraphs, reproduced above from the impugned orders, clearly shows that the Court directed that the Tree Officer(s) shall give due consideration to transplantation of any tree sought to be cut, before granting permission for cutting it. This would require inspection of the said tree and providing reason for grant or denial of permission in the order granting permission with photographs of each tree. The Court in the order dated 28.04.2022 has emphasized on the public duty of the Tree Officers to not allow felling of trees needlessly.
7. Despite the said orders, the contemnor/ respondent No. 1 granted the permission dated 28.02.2023, which reads as under:-



Annexure - A/2

GOVT. OF NCT OF DELHI
OFFICE OF THE DY. CONSERVATOR OF FORESTS (SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD NEW DELHI-110044

ID No. 8813/TO(S)/Online/TC-Transplant/2022-23/ 18523

Dated:- 28/7/23

Sub: - Permission to transplantation tree under DPTA-1994.

With reference to online application No. 8813 for grant of permission for transplantation trees, the Deputy Director Hort. South Division PWD, (Govt. of NCT of Delhi), R.R. Line, Old Building, Ring Road Between Barar Square and Dhaula Kuan. (Railway Line Side), New Delhi, is hereby informed that she/he is granted permission for transplant the tree/s (as per details indicate below) from property situated in front of H. No. S-448, Greater Kailash Part-II, New Delhi subject to the satisfaction of the terms and conditions hereinto specified:-

Details of trees

S. No.	Species /Girth cm	Nos. of tree	Location/Serial No.	Remarks
1.	Semal Tree	01	02 Tree (Permitted to be transplanted)	Permission is granted for transplantation of tree to allow for construction of property at the site. The tree is coming in the area(infront of main gate in-out entry) to be built up
2.	Alstonia Tree	01		

Terms & Conditions

- The applicant has deposited a sum of Rs. 1,14,000/- (Rupees One Lakh Fourteen Thousand Only) vide Transaction ID/TR/DD No. 000372 dated 20.2.2023 as security deposit with the office of Tree Officer, towards compensatory plantation of tree(s) required at Sl.No.10 below.
- Permission to removal/transplantation the trees is granted at the risk of the applicant and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the trees.
- The applicant shall ensure that there is no pending litigation or stay order passed by any court of law/other authority before undertaking removal of trees.
- Removal/transplantation of trees shall be completed within 60 days.
- If any tree is found to have nest of birds it should not be felled/transplantation till the same is abandoned by the birds.
- Lops and tops arising out of trees be transported to the nearest public crematorium managed by MCD/NDMC under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office.
- The tree Transplantation has to be done in accordance with provision of the "Tree Transplantation Policy-2020". The said policy is available on <https://www.treeremoval.delhi.govt.in/index.aspx> link.
- The Tree transplantation has to be carried out by one of the empanelled agency. List of empanelled agencies is available on following website <https://www.treeremoval.delhi.govt.in/index.aspx> link.
- Felling of trees and transportation of forest produce arising therefrom to the public crematorium shall be completed within 60 days.
- The compensatory plantation of tree(s) as mentioned below to be done during the ensuing/next planting season at the site or near it, and maintained for Five (5) years photographic evidence to be submitted in due course for necessary action

S.No.	Species	Area details
1.	Native tree species such as Neem, Bargad, Pipal, Pilkhan, Gular, Anjeer, Roj, Dhak, Bistendu, Babul, Mahua, Ber, Amaltas etc.	20, trees to be planted by applicant at Sarai Kale Khan on PWD land.

- Transplantation of tree to be done by applicant Sarai Kale Khan on PWD land..

To,

The Dy. Director (Hort.),
Division South, PWD
R.R. Line, Old Building, Ring Road,
Between Barar Squar and Dhaula Kuan,
(Railway Line Side),
New Delhi-110010.

Shr
18/7/23

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8. A perusal of the permission, reproduced above, shows no reason for grant of permission or photographs of each tree, which sought to be fell/transplanted. The permission has been granted for transplantation of trees for enabling construction of property at site as the trees are coming in front of the main in and out entry of the building proposed to be built. Admittedly, the trees are not within the boundary wall of the premises and were on the pavement. To my mind, these cannot ever be good enough reasons for the contemnor/ respondent No. 1 to grant of permission.
9. Additionally, the contemptuous conduct of the contemnor/ respondent No. 1 is further evident from affidavit dated 02.11.2022 filed by the contemnor/ respondent No. 1 in Cont.Cas(C) 1149/2022, wherein for the similar offence he categorically stated as under:-

“2A. It is further submitted all permissions granted after 28.04.2022 have been given in accordance with the Delhi Preservation of Trees Act, 1994, rules and regulations and with due consideration for the welfare of the public at large.

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4. It is submitted that the answering Respondent in due and faithful compliance passed by the orders of this Hon'ble Court, DPTA as also departmental instructions governing the manner in which the application for seeking permission for felling/transplantation are to be processed, have, while processing these applications given reasons on file for granting permission for felling/transplantation. It is stated that the Departmental file contains the reasons along with



the photograph of the trees. It is stated that 65 numbers of permissions have been granted while 5 numbers of applications have been rejected in the South Division.

5. It is submitted that the answering Respondent tenders an unconditional and sincere apology for the inadvertent oversight in not uploading the reasons which exist on department file online. It is submitted that revised orders have been issued in each case and is in the process of uploading it online. It is further stated that the Respondent will ensure that henceforth all orders dealing with grant of permission of felling/transplantation will contain reasons and are uploaded online along with photographs of the trees.”

10. The paragraphs from affidavit dated 02.11.2022, reproduced above, clearly show that at least on 02.11.2022, the contemnor/ respondent No.1 was aware of the orders passed by the Court and was fully conscious that the reasons for permitting the felling/transplantation of the trees are to be given after due application of mind. However, the permission dated 28.02.2023, reproduced above, shows that the permission granted by contemnor/ respondent No. 1 for cutting/transplantation of trees is totally without any application of mind. If permissions are granted for felling/ transplantation of trees for construction of buildings and because the trees come in front of the main in and out entry of a particular plot, we will soon come to a situation where there will be no trees left in the colony as most of the trees are planted on the pavements outside the boundary walls of the



premises.

11. Further, this Court in order dated 10.05.2023, *prima facie* found that contemnor/ respondent No. 1 has committed contempt. The operative portion of the said order reads as under: -

“8. The rationale of the Tree Officer for grant of permission on 28.02.2023 is recorded in his order, as under:

“Permission is granted for transplantation of tree to allow for construction of property at the site. The tree is coming in the area (infront of main gate in-out entry) to be built up.”

9. This can hardly be the reason for grant of permission for felling of two fully grown trees, one being Semal tree and another being Alstonia tree. If this logic were to be applied then virtually all the city avenues would, sooner or later, be devoid of trees. The DCF/Tree Officer has evidently not visited the site but permitted the felling of the two trees only for an amount of Rs.1.14 lacs. The order is ex-facie unsustainable and shows clear non-application of mind. It is also in breach of the directions of this court of 28.04.2022 and 19.05.2022 in CONT.CAS(C) 851/2021. ...

10. Prima-facie, the court is of the view that the Tree Officer has committed contempt of court. The court is inclined to issue notice of contempt. At this stage, Mr. Shadan Farasat, the learned ASC for GNCTD submits that immediate remedial measures at the site would be explored and possibly ensured within a week. Let it be so done.”



12. The contemnor/ respondent No. 2 i.e., Mr. C.D. Singh, Principal Chief Conservator of Forests (PCCF), being the Head of the Department of Forests and Wildlife, GNCTD is the overall administrative Head of the Department of Forests and Wildlife, GNCTD, and whose officers are appointed as Tree Officers under the DPTA. Hence, he was as responsible to ensure compliance with the directions of this Court, as contemnor/ respondent No. 1.
13. The response affidavit has only been filed by the filed by contemnor/ respondent No. 1 and no affidavit has been filed by the contemnor/ respondent No. 2. In the reply, the contemnor/ respondent No. 1 only mentions the compensatory plantation and no reasons have been given as to why the orders passed by this Court have not been complied with in their true letter, spirit and intent.
14. Despite repeated directions passed by this Court, requiring the Tree Officers to give consideration before granting permission for cutting of trees, which entails providing reasons for grant or denial of permission in the order granting permission with photographs of each tree, the contemnors/ respondent Nos. 1 and 2 continues to grant permission without any application of mind.
15. For the said reasons, I am satisfied that the contemnors/ respondent Nos.1 and 2 are guilty of violation of the orders dated 28.04.2022 and 19.05.2022 passed in Cont.Cas(C) No. 851/2021 and have committed contempt of the orders of this court. Hence, they deserve to be punished in accordance with law.
16. In view of the aforesaid, the contemnors/ respondent Nos.1 and 2 are held guilty under Section 12 of the Contempt of Courts Act, 1971.



Contemnors/ respondent Nos.1 and 2 are required to show cause as to why they not be punished with simple imprisonment for a term which may extend to 6 months or with fine which may extend to Rs. 2,000/- or with both.

17. Let an affidavit in this regard be filed within 4 weeks from today.
18. List on 02.09.2026.
19. The document handed over in the court is taken on record.

JASMEET SINGH, J

JULY 22, 2026 / (MS)

(Corrected and released on 29.07.2026)