



\$~2(Appellate Side)

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

+ CONT.CAS(C) 1149/2022 & CM APPL. 26421/2023, CM APPL. 44853/2023, CM APPL. 6403/2024, CM APPL. 6406/2024, CM APPL. 7979/2024, CM APPL. 7980/2024, CM APPL. 22099/2024, CM APPL. 26203/2024, CM APPL. 29795/2024, CM APPL. 29796/2024, CM APPL. 32242/2024, CM APPL. 32897/2024, CM APPL. 32898/2024, CM APPL. 37645/2024, CM APPL. 44009/2024, CM APPL. 44143/2024, CM APPL. 45986/2024, CM APPL. 46221/2024, CM APPL. 47590/2024, CM APPL. 51019/2024, CM APPL. 51020/2024, CM APPL. 53808/2024, CM APPL. 53844/2024, CM APPL. 53949/2024, CM APPL. 57042/2024, CM APPL. 57162/2024, CM APPL. 57215/2024, CM APPL. 62212/2024, CM APPL. 63373/2024, CM APPL. 63375/2024, CM APPL. 65260/2024, CM APPL. 67188/2024, CM APPL. 67527/2024, CM APPL. 68217/2024, CM APPL. 69803/2024, CM APPL. 69804/2024, CM APPL. 2762/2025, CM APPL. 2763/2025, CM APPL. 2939/2025, CM APPL. 2940/2025, CM APPL. 5956/2025, CM APPL. 6101/2025, CM APPL. 6618/2025, CM APPL. 8103/2025, CM APPL. 10839/2025

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Gautam Narayan, Sr. Adv
(*Amicus Curiae*) with Ms. Asmita Singh, Mr.
Anirudh Anand, Mr. Tushar Nain, Mr. Punish
Handa, Advs.
Mr. Piyush Sharma, Mr. Pratyush Jain, Advs.
Mr. Ankit Jain, Sr. Adv (*Amicus Curiae*) with Mr.
Eish Kesarwani, Advs.

versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Mr. Farman Ali, SPC
Ms. Avshreya Pratap Singh Rudy, SPC with Ms.
Usha Jamnal, Ms. Harshita Chaturvedi, Mr.
Siddhant Nagar, Advs.
Mr. Sanjay Kumar Pathak, SC with Mr. SK Jha,
Mr. MS Akhtar, Mr. Mayank Madhu, Mr. SS
Siddiqui, Advs.
Mr. Sarosh Ali, Adv for North Forest Div.
Mr. Manish K Bishnoi, Mr. Khubaib Shakeel,
Advs.



Mr. Sudhir Mishra, Ms. Petel Chandhiok, Advs.
Ms. Vaishali Gupta, Adv.
Ms. Avni Singh, PC

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **26.03.2025**

CM APPL. 4623/2025

1. This is an application filed by the Central Public Works Department ("CPWD") represented through its Executive Engineer seeking permission of this court to transplant 26 number of trees to carry out the project work namely 'Expansion of Supreme Court Building for creating additional Court rooms including Constitutional Court, Chambers for Judges and Facilities for Lawyers and Litigants'.
2. As per the application, the 26 trees are to be transplanted within the Supreme Court Complex. In this regard, the applicant has filed an affidavit, wherein it has been stated that out of the 26 trees to be transplanted, 16 trees are to be transplanted along the periphery of garden between gate A and B; and 10 trees are to be transplanted near the corner of Administrative Buildings Complex, adjacent to Gate No. 1.
3. Additionally, the applicant has also made a compensatory plantation of 260 tress at Sundar Nursery. The details of the same are as under:-



S. No.	Tree Species	Qty.	Location
1.	Ashoka Trees	230 Nos	Govt. Sunder Nursery
2.	Jamun Trees	05 Nos.	Govt. Sunder Nursery
3.	Arjun Trees	05 Nos.	Govt. Sunder Nursery
4.	Neem Trees	05 Nos.	Govt. Sunder Nursery
5.	Cassia Fistula (Amaltas)	05 Nos.	Govt. Sunder Nursery
6.	Plumeria Alba (Champa)	10 Nos.	Govt. Sunder Nursery
	Total	260 Nos	

4. Mr. Mishra, learned counsel for the respondent states that the compensatory plantation has already been done.

5. Given that the proposed project pertains to the expansion of the Supreme Court building to accommodate additional courtrooms, including a dedicated Constitutional Court, as well as chambers for judges and essential facilities for lawyers and litigants, the present application needs to be allowed, subject to certain conditions which are mentioned below:

- I. The applicant shall file an affidavit of a responsible officer indicating the status of the 26 transplanted trees that they are being taken care of along with the 260 trees planted at the Sundar Nursery. The said affidavit shall be filed within 2 weeks from the date of the release of this order.
- II. The applicant shall furnish photographs after the transplantation of 26 trees has been done, so that the learned *Amici curiae* can see the upkeep and maintenance of the said trees.
- III. The applicant shall also obtain necessary permissions from the concerned municipal authorities to see if more trees can be planted



on the road leading to the Hon'ble Supreme Court as the same was enveloped with fully grown trees till some years ago (before the Sundar Nagar Road expansion).

- IV. The concerned tree Officer shall depute a responsible officer at the time of pruning of the trees to ensure that the same is done in a scientific manner to ensure the rejuvenation of those 26 trees, as the past transplantation of trees shows that there is heavy pruning of trees which results in the trees becoming mere logs of wood incapable of rejuvenating. The DCF shall also file an affidavit in compliance of the same.
- V. The applicant shall also file a site specific transplantation report.
- VI. Every year, the said responsible officer of the CPWD shall file an affidavit indicating the survival rate and the health of the transplanted as well as the compensatory plantation done.
6. Additionally, the Chief Secretary, Delhi Government will also file an affidavit indicating the status of the SOP as indicated in the orders dated 06.03.2024, 01.07.2024, 19.07.2024, 02.08.2024, 20.12.2024. The said affidavit shall be filed expeditiously and not later than 2 weeks from the date of the release of this order.
7. My attention has been drawn to the speaking order pertaining to the grant of permission of 26 trees for carrying out the project work at the Supreme Court Complex. The order passed by the Tree Officer reads as under:-



**GOVT OF NCT OF DELHI
DEPARTMENT OF FOREST & WILDLIFE,
OFFICE OF THE DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION, MANDIR LANE, NEW DELHI-110060**

No. F.24156/WFD/COT/2024-25/ 8993 -95

Dated: 20/11/2025

To,

Mr. Mayank Saxena,
Executive Engineer
3rd Floor, E-Block,
Administration Building Complex,
Supreme Court of India, New Delhi.

Subject: Reference to E Forest application ID 24156

Sir,

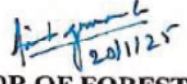
We are in receipt of your application wherein permission to transplant 26 trees has been sought out of a total of 61 trees present at the site. It was taken up for consideration subsequently. The purpose of proposed tree felling has been mentioned as **"Expansion of Supreme Court Building for creating Additional Court Rooms including Constitutional Court, Chambers for the Judges and facilities for Lawyers & Litigants"**.

An inspection regarding the permission sought was conducted and report dated 02.12.2024 was prepared wherein it was submitted by the officer concerned that the 26 trees can be suitably transplanted at the transplantation site. After due deliberation and discussions, Tree Officer (West Division), GNCTD, has found your application satisfactory. However as per the Hon'ble Delhi High Court's orders dated 31.8.2023 and 09.08.2024 undersigned cannot give tree felling/ transplantation permission without Hon'ble Court's prior approval. As per the said order *"any permission required for important projects will be intimated to the court"*.

Further, as per the discussions held in the meeting regarding the same permission under the chairmanship of Ld. Secretary General of Supreme Court of India on 20.01.2025 it was decided to intimate the Court for further necessary permission as per order dated 31.08.2023 and 09.08.2024 of Hon'ble Delhi High Court in CONT.CAS(C) 1149/2022 titled as Bhavreen Kandhari Vs. Sh. C. D. Singh & Ors.

The said case is still pending final adjudication before the Hon'ble High Court. Therefore, you may approach Hon'ble High Court of Delhi for getting necessary permission. Copy of the order dated 31.08.2023 and 09.08.2024 is attached with the reply.

This is for your information and necessary action.


**TREE OFFICER & DY. CONSERVATOR OF FORESTS/
WEST FOREST DIVISION**



8. To my mind, the same is not a speaking order. The application is already allowed. However, in order to ensure that the Tree officer passes speaking order keeping in view the spirit of DPTA and the order dated 28.04.2022, it is directed that the concerned Tree Officer shall pass a fresh speaking order within 2 weeks from the date of the release of this order in supercession of the order dated 20.01.2025.
9. The present application is allowed subject to the above.

JASMEET SINGH, J

MARCH 26, 2025 / (MS)
(Corrected and released on 04.04.2025)

Click here to check corrigendum, if any