

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A No.217/2024

IN THE MATTER OF:-

SH. RAJAN

....APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

....RESPONDENTS

**LEGAL AID CASE AIDED BY DELHI STATE LEGAL
SERVICE AUTHORITY**

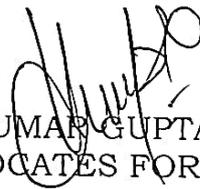
INDEX

| S. No. | PARTICULARS | Page No. |
|---------------|-----------------------------------------------------------------------------------------------|-----------------|
| 1. | REJOINDER ON BEHALF OF APPLICANT TO THE REPLY FILED BY RESPONDENT NO - 3 ALONG WITH AFFIDAVIT | 1-7 |

PLACE; DELHI

DATED: 28.07.2025

THROUGH



HARISH KUMAR GUPTA & ASSOCIATES
ADVOCATES FOR THE APPLICANT
CHAMBER NO - 19, TEHSIL BUILDING,
TIS HAZARI, DELHI - 110054
M. NO. - 9810101-362/462
EMAIL - HKGCOURTDIARY@GMAIL.COM

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A No.217/2024

IN THE MATTER OF:-

SH. RAJAN

...APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

...RESPONDENTS

**LEGAL AID CASE AIDED BY DELHI STATE LEGAL
SERVICE AUTHORITY**

**REJOINDER ON BEHALF OF APPLICANT TO THE REPLY
FILED BY RESPONDENT NO - 3**

MOST RESPECTFULLY SHOWETH AS UNDER:-

I Rajan S/o Sh. Panna Lal, R/o House No - 1 588,
Mangolpuri, Delhi - 110083, Age - 44, do hereby solemnly
affirm and declare as under:-

That I am the applicant in the above mentioned Original
Application and well conversant with the contents of the
application and competent to depose further and also go
through the contents of reply of the original application and
have understood the same. I am competent to swear this
Rejoinder.

PRELIMINARY SUBMISSIONS:-

1. In the application, the applicant has accusing the Delhi
Police of illegally cutting down the fully grown up trees
within the vicinity of their old police station complex at
Mangol Puri, Delhi, as per the reply under rejoinder they
had submitted that it is the fault of contractor and if it
assumed to correct then the same shall be a matter of



great concerned as those who are responsible for the safety and protection of environment, when cannot protect themselves, how, they protect the others/environment/nature. Even the contractor could not perform the work without the permission or knowledge of the police department. So, I humbly request to this Hon'ble Tribunal to take action against them to spread a loud and clear message to other and all.

2. That it is relevant to mention herein that when a tree stands within the jurisdiction of a Police Complex, it falls under the control and responsibility of the concerned authority in this case, the police department. Any felling or pruning of such trees must not only comply with environmental laws like the *Delhi Preservation of Trees Act, 1994*, but also require **explicit permission from the police**, as custodians of the premises.
3. It is further important to mention herein that a contractor engaged for civil works within the premises of the Police Complex has unlawfully felled trees without obtaining prior permission from the competent Tree Authority or Forest Department. Such actions constitute a violation of the *Delhi Preservation of Trees Act, 1994*, particularly Section 8, which mandates prior approval for felling or transplanting any tree. Additionally, this conduct may attract penal provisions under Sections 425 and 427 of the Indian Penal Code, treating unauthorized tree cutting as mischief and damage to public property.



The Hon'ble Tribunal has consistently upheld the citizens' right to a clean and pollution-free environment under Article 21 of the Constitution, and has directed strict compliance with Standard Operating Procedures for tree preservation. The applicant urge immediate intervention to halt further destruction, initiate inquiry, and impose appropriate penalties on the erring contractor, including compensatory plantation and restoration measures.

4. That the trees in question stand within or outside the secured boundaries of the Police Complex, thereby falling under the administrative control of the police authorities and any attempt to cut or remove the trees without prior written approval from the department by the contractor or not, the respondent/police department categorically responsible for constituting a breach of jurisdictional protocol and may also violate Section 8 of the *Delhi Preservation of Trees Act, 1994*, which mandates prior permission from the Tree Officer. The contractor's conduct, if proven, reflects disregard for both environmental safeguards and institutional authority, warranting immediate inquiry, cessation of activity, and imposition of penalties including compensatory afforestation. If a tree is located within the premises of a police office or complex, the custodial responsibility for its maintenance, protection, and any decision regarding its felling lies squarely with the police department. They



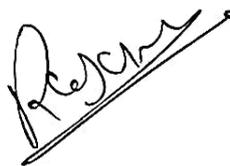
are considered the occupiers of the land, and as such, any action involving tree cutting must be:

- Initiated by the police themselves, not by external contractors without express authorization.
- Compliant with environmental laws, including the Delhi Preservation of Trees Act, 1994, which requires prior permission from the Tree Officer.
- Documented and justified, especially if the tree poses a threat or obstructs essential infrastructure.

If a contractor proceeds to cut a tree without the police's written approval, it not only violates environmental norms but also undermines the authority of the police as custodians of the premises. In such cases, the police may be held administratively accountable for failing to prevent unauthorized activity, and the contractor may face penal consequences under IPC Sections 425 (mischief) and 447 (criminal trespass).

PARAWISE REPLY:-

- 1.-3. That the contents of para no 1 to 3 of the reply under rejoinder are matter of record, hence needs no reply.
4. That the content of para no. 4 of the reply under rejoinder is partially admitted and partially denied to the extent that it is not the case of illegal pruning of the trees rather cutting of fully grown trees of Pipal and Neem.
5. That the content of para no. 5 of the reply under rejoinder is denied for want of knowledge.



6. - 9. That the contents of the para no. 6 to 9 of the reply under rejoinder are matter of record, hence needs no reply.

10. That the content of para no. 10 of the reply under rejoinder is matter of record, however, it is submitted that respondent in para under rejoinder has shifted the offence of cutting of trees to other person i.e. contractor who is bound to follow the order of the respondent no - 3 and did not perform any work without the consent and permission of the respondent no. - 3. It is further submitted that in order to compound the illegal action on the part of the answering respondent, an affidavit **ANNEXURE - G** has been executed by Inspector Nitin Kumar, however, the fine was deposited by one Umesh representative of Bajrang Builders. As per the mandate of Section 22 of Delhi Preservation of Trees Act, 1994, it shall be the duty of every Forest Officer, Panchayat Secretary, Police Constable or any officer superior to him and every officer of the Department of Agriculture, Horticulture, Block Development and Revenue to give immediate information coming to his knowledge of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests and to take all reasonable measures in his power to prevent such contravention which he may know or has reason to believe that it is about or likely to be committed. However, no such duty has been performed by any of them till the applicant filed the present OA before this Hon'ble Tribunal.

11.-14. That the contents of the para no. 11 to 14 of the reply under rejoinder are matter of record, however it is submitted that the respondents despite the knowledge that illegal pruning as well as cutting of trees was carried out and very well visible at the site but no action has been initiated by anyone even though they are the law enforcement agency who bound to protect the environment.

Rejoinder

The contents of prayer clause of the reply filed by respondent no - 3 is also false, wrong, incorrect and hence strongly denied.

PRAYER

It is, therefore, most respectfully prayed that in the interest of justice this Hon'ble Tribunal may kindly be pleased to allow the OA and pass an order in favour of the Applicant and against the respondent as prayed.

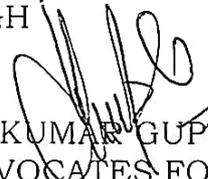
Place; Delhi

Dated: 28.07.2025



APPLICANT

THROUGH



HARISH KUMAR GUPTA & ASSOCIATES
ADVOCATES FOR THE APPLICANT
CHAMBER NO - 19, TEHSIL BUILDING,
TIS HAZARI, DELHI - 110054
M. NO. - 9810101-362/462
EMAIL - HKGCOURTDIARY@GMAIL.COM

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A No.217/2024

IN THE MATTER OF:-

SH. RAJAN

....APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

....RESPONDENTS

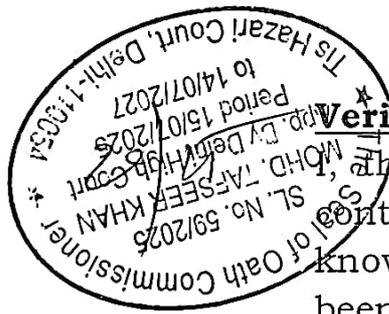
LEGAL AID CASE AIDED BY DELHI STATE LEGAL
SERVICE AUTHORITY
AFFIDAVIT

I, Rajan, S/o. Sh. Panna Lal, Aged about 44 Years, R/o. House No. I-588, Mangol Puri, New Delhi-110083, do hereby solemnly affirm and depose as under:

1. That I am the applicant in the present OA and am well conversant with the fact of the case and therefore am competent to swear as to the instant affidavit.
2. That the accompanying rejoinder has been drafted by my counsel under my instructions.
3. That the facts mentioned in the rejoinder are correct to the best of my knowledge.

Rajan

DEPONENT



Verification

28 JUL 2025

The deponent above named do hereby verify that the contents of this affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. Verified on this 28th day of July, 2025.

Rajan

DEPONENT

Self
I Identify the deponent who has signed in my presence

CERTIFIED THAT THE DEPONENT
 Shri/Smt./Km. *Rajan*
 S/o/W/O/D/o. *Panna Lal*
 R/o. *I-588, Mangol Puri, Delhi*
 Identified By Sh./Smt. *Self*
 has solemnly affirmed before me at Delhi
 on *28 JUL 2025* as Sl. No. *217/25* that the
 Contents of the affidavit which have been
 read & explained to him/her are true is
 Correct to his/her knowledge

28 JUL 2025

Oath Commissioner Delhi