

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
(By Video Conferencing) Original Application No. 529/2022

Date: - 10th November 2022
Total No. of pages - 6

APPLICANT

Deepak

AND

RESPONDENTS

1. Engineer-in-Chief, Public Works Department, 12th Floor, MSO Building, IP Estate, New Delhi – 110002. Email: - einc-pwd@delhi.gov.in, dohpwddelhi@gmail.com,
2. Principal Chief Conservator of Forest and Wildlife, Govt Of NCT of Delhi, A-Block, 2nd Floor, Vikas Bhawan, I.P Estate, New Delhi-110002. Email: -pccf-gnctd@delhi.gov.in
3. Chief Secretary of Delhi, Delhi Secretariat, IP Estate, New Delhi – 110002. Email: - csdelhi@nic.in

(Application has been filed under Sections 14 and 15 reads with Section 18 (1) of the National Green Tribunal Act, 2010.)

Subject: - Reply for Discontent on statements by Respondents on 18.10.2022 + Updated Prayers

To,

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER AND HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER, NEW DELHI

Hon'ble Judges I have gone through the written order date of hearing 18.10.2022 of application no. 529/2022 which I attended through the video conferring mode in court no. 2. I like to bring again few of the grey spots of respondent's statements into your consideration.

This petition is regarding **only and only for plantation of Tree at a "particular site" which is designated exclusively space for TREE ONLY**. I kindly request to Hon'ble Judges and other Sr. member of NGT not let my petition **"context change, complicated deliberately" by Respondents - PWD, Dy. Conservator Forest and others, Delhi**. My interest is for saving the preservation of my surrounding environment and I am not seeking anything other than preserving the "legitimate space of **TREE SPACE No. 29** outside A-159, Guru Virjanand Marg, VIKASPURI, New Delhi – 110018" in government books **THE TREE SPACE IS NOT FOR PARKING VEHICLES**.

Hon'ble Judges at-least now PWD & Dy. Conservator of Forest should agree that there used to exist a Pilkhan Tree no. 29 outside A-159, Guru Virjanand Marg, Vikaspuri, Delhi on the berm area. Also, mere lame excuses on the name of IGL gas pipe line, MTNL cannot take the proof as per law of evidence and actuality.

“Law requires proofs of particular facts” based on that quote my Step by Step Points for your consideration: -

A. Hon'ble in the name of IGL – PIPE LINE -- Lame Excuse

1. Hon'ble Judges its very surprising to know from learned Director level of PWD and others that to **make a 2 -3 feet pit for tree, a JCB is required for digging (as per their statement during NGT proceedings)?** To best of my engineering layman knowledge a 7-10 feet's can easily be dig by hand held tools (kasi, bali, showel etc). I believe they are attempting to **deviate/entangle the issue for the best reason known to it.**
2. In relation to tree pit digging at location – IGL, PNG pipeline is 5-6 feet deep from the road surface (considering drainage is 4-4.5 feet deep from surface + 1 to 1.5 further lower PNG pipeline are laid as per my interaction with IGL Engineer), so digging 2-3 feet down from surface will no case affect the pipeline. Though I emphasis the point that Pipelines are far away from tree plantation site(visible from **yellow coloured concrete display on the roads**). So, in no case pipeline is affected because of digging.
3. Piped Natural Gas (PNG) pipelines are laid all over in Delhi on the main roads. The pipelines, trees, footpath, drainage, berm etc. are all laid hand in hand outside even on the main road (mix land) houses. So, I don't think it's any hindrance in tree plantation. Is it not the Government rules similarly applicable to all the PWD main roads everywhere in Delhi?
4. **In relation to the stamen by PWD, DPCC & Forest on Tree survival** – PWD and others stated in the court room, in case tree is planted at site, it will not survive due to IGL pipeline. **I believe this point is null and void** as in no case pipeline is affecting the plantation. In case PWD still points for non-survival – it would be good to furnish the authentic scientific report and video evidence to support the point instead of mere handmade cooked drawing with a lame excuse.

B. Hon'ble in the name of Inspection: -

Couple of inspections (around 3-4) were conducted in a span of approx. 5 months, with different investigation report and lame excuses /reasons on both times

1. **Email dated 26th May 2022 (annexure-10, page no.29)** - After the inspection, Dy. Conservator of Forest office (Mr. Vikas Bhatti, Mr. Ashok and others) gave clear instruction to PWD horticulture to plant the tree at the same location outside A-159, Guru Virjanand Marg, Vikaspuri, Delhi on the berm area Tree Space no. 29. **This (INSPECTION) point clears out that tree can easily be planted at the same location.**

2. Mr. Ashok Kumar, Dy. Conservator Of Forest also inspected the site and given instruction to Mr. Sanjeev Kumar, ADH, PWD to plant the tree at the same site in which **Mr. Sanjeev Kumar (Mob: - 9149935451) CONFIRMED me through whatsapp message, plantation at the spot will be done in the monsoon season positively**
3. Latest inspection conducted on 17th October 2022 (just one day before the hearing on 18.10.2022) by Dy. Director, PWD, DPCC & Forest which lasted for around 3-4 hours and they bumped me with useless questions like when, where tree is cut etc.
4. After investigation, they reported in the NGT that IGL pipeline hindrance in plantation. Is this tree space where they are saying PNG pipe line is going is only the hindrance **then what about other trees coming in line on the road side of Guru Virjanand Marg, Vikaspuri, Delhi and rest Delhi?**
5. Hon'ble in the **joint inspection report submitted to you by respondent dated 15/10/2022, sequence no. NGT/1584**. Respondents now at-least **"agreed"** that the berm "tree space no. 29" area was concreted which clearly indicates that there was a tree at that place. **"Tree no. 29 was flourishing even with the MTNL cables, IGL pipelines are going so the similar grounds new tree can also be planted and can survive if proper care given for few years.**
6. Hon'ble judges how can we trust on the reports submitted by their OWN internal people (PWD, Dy. Forest, DPCC); when they didn't furnish the details on first hand and trying various attempt to make the case complicate, so that applicant like me looks fool in front of you and the society? Where is the scientific proof by PWD, Forest, DPCC if they plant the tree at same location and plant will not flourish? I and my well-wishers unable to understand on what "scientific research" basis government entities like Forest & DPCC officer agreeing what PWD is saying that planting a new tree at same spot will not survive? Where is the detailed "authentic" drawing from IGL of their gas pipe line and etc. Where is the videography of the area?

I am unable to understand the use of multiple inspections. Also, I have lost the trust factor for Mr. Gopal Singh Meena (Dy. Director, PWD) **because of his & his team changing statements even inside the temple like court room with their plotted, cooked lame excuses like** – Unable to plant as resident is not moving the car, Unable to plant as IGL pipeline is hindering, unable to plant as this area does not comes under him and complaint belongs to MCD etc.

For a ***lame excuse like resident not moving a car – they can easily take support from other government agency or can provide notice to the resident or who so ever.*** But no action was taken for even this small hindrance (if action taken, please provide the related evidence of notice given). **So, it clearly points to non-performing efficiency & integrity of the PWD team**

So, is this all fake? I think it's not a child play sitting on dignitary positions and giving random statement, is it nice to be in such responsible position?

C. Hon'ble in the name of 10 Tree plantations

As per PWD they have planted 10 trees somewhere **on behalf of legitimate 1 tree cut**. But still that **legitimate tree space no. 29 is waiting for its replacement from the DAY ONE since the tree is cut?** But I still firmly believe it should **be 1 tree at the site location** and other 9 at some other location, so that the tree site is preserved with their flora and fauna otherwise is haphazard. Looking at CURRENT AIR POLLUTION situation because of parking, NGT should restrict PWD & others for **NOT** let others to misuse **THE TREE SPACE FOR PARKING VEHICLES.**

With deep agony to know the statements of PWD & other officers that they **CREATING A NEW STANDARD / DEFINATION FOR ENVIORMENT** which is **TREE SPACE on berm area or footpath meaning PARKING VEHICLES; this is very dangerous to the environment.**

D. Hon'ble in the name of Integrity, Sincerity, Credibility, Efficiency and Effectiveness Government Respondent Department Fails: -

1. After communicating numerous times (through emails, direct calls and sms) to Chief Forest Officer, Delhi and Mr. Manoj Kumar, Director, Horticulture to take legal action as per norms who closed the Tree Space pit no. 29 outside A-159, Guru Virjanand Marg, Vikaspuri, Delhi but no action taken. Why? How can a normal citizen like me trust the council (PWD, Forest & DPCC) that what they are saying is true? What I know closing a Tree Space/pit is a legalise crime in which I think the offenders are **top officials of PWD, forest and others** who become **SILENT and didn't taken any action after my repetitive reminders and complaint.** It raises concern on their credentials, efficiency, effectiveness and way of working of PWD Director, Dy. Director and Chief Forest Officer, Delhi. IF THEY TAKEN ANY ACTION PROVIDE THE COMPLAINT REGISTER COPY OR FIR COPY.

PRAYER (Updated)

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

1. Hon'ble Judges I would request to form your **decision based on your site visit personally with authentic video, evidence of tree plantation at the site,** as your decision will hold for other trees in line starting from Tree No. 21 onwards (30, 31, 28, 26, 25, 24, 23, 22, 21) also plus other areas comes under PWD mix-land use. PWD cannot plant a new tree because IGL gas pipe lines and other lines are going, if that's the case then it means **72% of Delhi which is on main road will go tree less and it's like disaster situation for environment (flora & fauna).** If this is **not like a killing of mother nature by the respondent's lame excuse then what is this?**

2. Hon'ble Judges in **future** if any tree is cut/ fall in that line, **no new tree will be planted and PWD should give in writing.** *I think this will clearly affect the flora & fauna and will affect the mother nature also and mother nature cry for this inhuman behaviour.*

3. **OPTION 1 (First & Foremost V.V Good)**

Hon'ble Judges give strict instruction to Director PWD, CHIEF Forest, DPCC - New Delhi to plant the one tree at the same space of TREE No. 29 outside A-159, Guru Virjanand Marg, Vikaspuri, New Delhi – 110018. Under the Environment (Protection) Act, 1986 & The National Green Tribunal Act, 2010

- **MONITOR THE TREE BY PWD & FOREST TEAM** - Hon'ble Judges pls instruct the respondents should monitor the growth and wellbeing of the tree for at-least few (10 yrs+) years to avoid any harm to the tree sapling in the near future, barricading the sapling with iron grill, concrete bollard, manure, balance water or etc. Under the Environment (Protection) Act, 1986 & The National Green Tribunal Act, 2010

4. **OPTION NO. 2 (Second & Foremost good option, as this is above the ground and at the same tree space no. 29 where "now" respondent can't make lame excuses of IGL (PNG), MTNL & etc)**

Hon'ble Judges I would also **pray "in case"** with evidence of your investigation if tree can't be planted at tree site – no. 29 then **PLACED CONCRETE HEAVY POTS** – minimum 4ft Height and 2ft Width with good plants (approx. 10 number of pots needed at the berm area) should be **DEPLOYED PERMANENTLY** and monitored, as this will justify, **FAIRLY** on the concept and saying of the **"ENVIRONMENT RULE OF LAW"** Under Article 21 of the Indian constitution as a groundwork for the protection of the environment which I read online and impressed with his landmark statement on environment (*Ref Link: - Dr. Justice Dhananjaya Y Chandrachud, Chief Justice Of India, https://en.wikipedia.org/wiki/Dhananjaya_Y._Chandrachud#Environment*).

5. My interest is considering ENVIRONMENT, poor quality Air, the newly planted sapling can save people, elder people, infants and our future generations. **National Green Tribunal should give clear guidelines for tree space usage for tree area instead of residents, commercial mix land users and others misusing TREE SPACES for parking area.**
6. If Hon'ble Judge of NGT thinks that there is wrong doing happen by the respondent authorities (Director, Dy. Director, PWD, Chief Forest & DPCC) then **NGT decides the course of action as per the rules on their credentials. Giving TREE SPACE for PARKING vehicles is a "serious misuse/offence of land as it likes VIOLATES all LAND & ENVIRONMENT LAWS" plus "concretising of tree pit no.29" is an offence to keep it as**

silence. Under the Environment (Protection) Act, 1986 & The National Green Tribunal Act, 2010

7. **TIME BOUND MANNER RESOLUTION:** - Hon'ble Judges in todays time normal citizen wants **"fair, quick & timely" resolution of grievances/complaints.** As it saves lot of productive time for everyone. This is going to be third hearing and **I pray the positive fair closure in this hearing.** As recently stated by Hon'ble **Dr. Justice Dhananjaya Y Chandrachud, Chief Justice Of India,** There can be no gambles with the environment: a **'heads I win, tails you lose'** approach is simply unacceptable; unacceptable if we are to preserve environmental governance under the rule of law (Ref link: https://main.sci.gov.in/supremecourt/2018/43379/43379_2018_Judgement_29-Mar-2019.pdf)
8. **ON COMPENSATION:** - **I will be honoured if your judgement is favourable for me, community and for coming generation** which become a historical lesson for the future generation specially for my infant daughter.
9. If I get the positive response from NGT Hon'ble judge, I request respondent pay back my INR 1170 bucks court fees through bank transfer only. Under The Environment (Protection) Act, 1986 & The National Green Tribunal Act, 2010

I come to NGT Judiciary as a layman with a high hope and last resort as honesty is strangled by the evils of environment. Whatever the Hon'ble Judges give the final verdict, it's become a lesson for the future generations and specially for my daughter. In end, I like to quote one of the Mahatma Gandhi **"Earth provides enough to satisfy every man's needs, but not every man's greed,"**.

Verification

I Deepak Garg, the applicant herein do hereby verify the contents of the above paragraphs are true to the best of my knowledge and grounds are based on the first-hand information facts I have provided in my annexures application earlier and I have not suppressed any material facts. **सत्यमेव जयते**

("This document is computer generated and does not require the signature in order to be considered valid").

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