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

+ W.P.(C) 1346/2015

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI) Petitioner

Through: Mr Kailash Vasdev, Senior Advocate, Amicus
Curiae with Mr Shreyans Singhvi, Ms Ekta
Mehta and Mr Sumer Sandhu

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr Raman Duggal with Mr Arun Panwar and
Ms Ayushi Gupta for GNCTD.
Mr Sanjay Jain, ASG with Mr Vivek Goyal,
Mr Ajay Digpaul, Ms Namisha Gupta, Ms Bani
Dikshit and Ms R. Jain for UOI.
Mr Salman Q. Khan with Mr Shiv
Kumar for DMRC.
Mr Rahul Mehra with Mr Jamal Akhtar and
Mr Amrit Singh for State.
Mr Anil Gover with Ms Divya Jain for NDMC.
Mr Pawan Mathur with Mr Himanshu
Gupta for DDA.
Ms Meenakshi Sood with Mr Mukesh
Kumar for NHAI
Mr Ajay Arora for SDMC and North Delhi
Municipal Corporation.
Mr Gaurang Kanth for EDMC.
Mr Ajay Dugpaul with Ms Rishita Katyal and
Ms Medha Arya for R-1, 10 and 20.
Mr Vivek Goyal with Ms Namisha
Gupta for R-1 to R-4.
Ms Avnish Ahlawat with Ms Latika
Chaudhary for DTC.
Mr Sunil Satyarthi with Mr Mohd. Abitasham
and Mr Ashok Kumar for Delhi Cantonment
Board
Mr Sanjeev Ralli with Mr Ankit
Sharma for DPCC
Mr Abhishek Paruthi for CPCB.
Mr D. Rajeshwar Rao for PWD and Delhi
Police

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.09.2015

After hearing the counsel for the parties, we direct the Government of NCT of Delhi to come out with an action plan with regard to preserving the forest areas falling within the National Capital Territory of Delhi. This would include the reserved and protected forests. Furthermore, the action plan should also indicate as to how the forest areas, which have been encroached upon by the illegal and unauthorized occupants, can be restored as forest areas. This direction has been made because of the discussions in Court today which indicate that a large area of the notified forest areas has been encroached upon. This is an alarming statistic and needs to be corrected at the earliest. For this purpose, we direct the Chief Secretary, Government of NCT of Delhi to call a meeting of all the concerned agencies within a week for the purposes of formulating the action plan. The action plan should be submitted to this Court within four weeks.

We have also noticed that one of the major contributors of particulate matter and particularly, particulate matter 2.5 is the existence of *malba*/ debris which lies along roads, which have been dug up for repairs/construction etc. Because the debris is not removed fully and the roads, when dug up, are not fully repaired, there is a lot of generation of particulate matter which is a major cause of air pollution in Delhi. We, therefore, deem it fit and proper to direct the Engineers-in-Chief of the three municipal corporations of Delhi to immediately conduct a survey of all the roads falling within their

jurisdiction and to ensure that all debris/ *malba* is removed from those roads after completion of the work as stipulated under the DMC Act, 1957 and / or any rules or regulations or policies made thereunder. A similar direction is issued to the Engineer-in-Chief, PWD in respect of the PWD roads. A similar direction is also given to the Chief Engineer, New Delhi Municipal Council. The Cantonment Board shall also ensure compliance. All these bodies shall file status reports indicating the action taken by them.

The learned counsel for the Union of India states that a copy of the Regional Plan for the National Capital Region of Delhi, 2021 has been handed over to Mr Vasdev, the learned amicus curiae. The same be filed within two days.

It will not be necessary for Mr Tarun Coomar, Additional Principal Chief Conservator of Forests, to be present in Court on the next date of hearing.

Renotify on 14.10.2015.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

SEPTEMBER 09, 2015
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SANJEEV SACHDEVA, J