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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, Sr. Adv. (Amicus Curiae) with
Mr Sumer, Mr S. Singhvi, Ms Ekta Mehra and Mr U.S.
Rawat, Adv.

versus

UNION OF INDIA & ORS Respondents
Through: Mr Vivek Goyal, CGSC with Mr Prabhakar
Srivastav, Adv. for UOI.
Mr Pawan Mathur, Adv. for DDA.
Mr Sanjeev Ralli, Adv. with Mr Vinod Kapoor, Adv. with Ms
Gaba LO.
Mrs Biji Rajesh, Adv. for Mr Gaurang Kanth, Adv.
Mr R.K. Sharma, EE, EDMC.
Mr Ajjay Aroraa, Adv. with Mr Kapil Dutta, Mr D.K.
Puchnanda, Adv. for DDA.
Mr Rahul Mehra, Adv. with Mr Peeyoosh Kalra, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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28.07.2016

One of the main issues concerning air pollution is the fast depleting forest cover and green cover which has resulted in increased levels of PM 10 and PM 2.5. Mr Vasdev has drawn our attention to the affidavit of 01.02.2016 of Mr Tarun Johri, Conservator of Forests, Department of Forests & Wildlife, GNCT of Delhi. Along with the document Annexure-A has been filed by way of a pert chart. Paragraph 10 of the said annexure at page 1892 is relevant and the same is reproduced hereinbelow:

“The Hon'ble Supreme Court in its order dated 03.01.1996 in WP(C) No. 467711985 in the matter of M.C. Mehta Vs. UOI & Others expressed concern about the encroachments of the Ridge area of Delhi and identified three clusters,

namely Sanjay Nagar, Balbir Nagar and Indira Nagar as encroachments. Together they occupied an area of approximately 93 ha. Supreme Court in its order dated 09.04.1996 directed the relocation of these three villages. Indira Nagar and Balbir Nagar were relocated in the year 2006. However, Sanjay Colony/Sanjay Nagar of Bhatti mines area falling inside Bhatti Wildlife Sanctuary notified vide Notification dt. 15.4.1991 has not yet been shifted. The said area comprises of Khasra Nos. 1912, 1913, 191-4 and 1915 of Village Bhatti. The Forest Department through Ridge Management Board had been pursuing the matter of relocation with MCD since 1996. The Slum and JJ Wing of MCD had taken up a biometric survey of Sanjay Nagar with the officials of Department of Forests & Wildlife, GNCTD for relocation. It was decided that all necessary measures will be taken up by the DUSIB for early relocation of Sanjay Nagar outside the Wildlife Sanctuary in a planned and coordinated manner with full government support and commitment, in faithful compliance of the directions of the Hon'ble Supreme Court.”

From the above, it is clear that there are Supreme Court directions for relocation of the encroachment of the ridge area and the three clusters that had been identified are Sanjay Nagar, Balbir Nagar and Indira Nagar. It is evident that while Balbir Nagar and Indira Nagar have been relocated in 2006, the Sanjay Colony/Sanjay Nagar area remains to be relocated and to the extent the direction of the Supreme Court remain uncomplished. In the said paragraph, which we have extracted above, it is clearly indicated that all necessary measures would be taken by the DUSIB for early relocation of Sanjay Nagar outside the Wildlife Sanctuary Area in a planned and coordinated manner with full Government support and commitment, in faithful compliance of the directions of the Supreme Court.

Mr. Mehra, appearing on behalf of the GNCTD, submits that a clear cut status report, supported by affidavit, shall be filed indicating the measures taken and to be taken for the earliest relocation of Sanjay Nagar outside the Wildlife Sanctuary area as directed by the Supreme Court. It appears from the paragraphs 17 and 19 of the same document that the demarcation has already been done and

the area has been clearly defined. The said status report and affidavit be filed within two weeks from today.

In the said affidavit also, at pages No.1896 and 1897, the action presently being taken by the Department of Forest and Wildlife has been set out. That was the position as on 01.02.2016. The affidavit to be filed on behalf of the Government of NCT, Delhi should also indicate whether the proposed steps as indicated in pages No. 1896 and 1897 have been undertaken and what has been the result thereof. In other words, the current status be made known to this court in the said affidavit which is to be filed within two weeks.

Mr Vasdev also drew our attention to report no. 283 pertaining to the demands for grants (2016-2017) of the Ministry of Environment, Forest & Climate Change which was presented to the Rajya Sabha on 9th May, 2016 and laid on the table of Lok Sabha on 9th May, 2016 itself. Several issues were pointed out after going through the said report with regard to pollution abatement, survey of forests and climate change. The sum and substance of the report appears to be that various funds have been outlaid for these schemes but there has been severe under utilisation of the funds and the targets have not been achieved. The report, of course, relates to the central ministries but we would like to ascertain from the Government of NCT of Delhi whether there are any state schemes with regard to pollution abatement, survey of forests and climate change and, if there are, to what extent the targets have been achieved.

Mr Rahul Mehra, appearing for the Government of NCT of Delhi, states that he shall take instructions and file an affidavit within two weeks.

In our orders dated 3.12.2015 and 21.12.2015 we had noted that meetings were held on 06.04.2015, 13.04.2015, 24.07.2015 and 06.11.2015 of the National Capital Regional Planning Board and the said meetings were called by Minister of Environment, Forest & Climate Change of the Government of India. The learned counsel appearing for the Union of India shall file an affidavit indicating details of any subsequent meeting(s) and the decisions taken therein, particularly, with

regard to air pollution in the NCR region and also the sub regional plan for the NCR. The same be filed within two weeks.

Mr Goyal appearing for the Central Government as well as Mr Lao for the Delhi Traffic Police shall file the affidavits of responsible persons indicating the correct status of the ITMS pilot project. The same shall be filed within two weeks.

On the previous occasion we had required the presence of Mr Krishan Mohan, Executive Engineer (Road Division- IV&V). He is present. He indicates that the work insofar as South Avenue is concerned has been completed and the road in North Avenue is yet to be completed and they are waiting for dry spell where they can carry out the paving of the road which according to him shall be completed latest by the end of the September 2016. The presence of Mr Krishan Mohan is no longer required. However, it shall be ensured that all the debris lying in South Avenue and North Avenue be removed within two weeks.

Renotify on 23.08.2016.

Dasti.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

JULY 28, 2016
ns/kb