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

+ W.P.(C) 1346/2015 & CM 3878/2015

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

versus

UNION OF INDIA & ORS

..... Respondents

AND

+ W.P.(C) 2115/2015

SUDHIR MISHRA

... Petitioner

versus

MINISTRY OF HEALTH & FAMILY WELFARE & ORS

..... Respondents

Through: Mr Alok Krishna Agarwal with Mamta Tiwari and Ms Rithika Nanda, Mr Anmol Bharti for the petitioner in WPC 2115/2015.
Mr Sanjeev Ralli for DPCC.
Mr Pawan Mathur with Mr Dhanesh Relan and Mr Arush Bhandari for DDA.
Mr Sanjay Jain, ASG with Mr Ajay Digpaul, Mr Vivek Goyal, Ms Namisha Gupta and Mr Rajul Jain for UOI.
Ms Meenakshi Sood for NHAI in WP(C) 1346/2015.
Mr Kailash Vasdev, Sr. Adv. Amicus Curiae with Ms Ekta Mehta, Mr S.S. Sandhu.
Ms Manisha Agrawal Narain for R-6/CPCB in WP(C) 1346/2015.
Mr Meet Malhotra, Sr Advocate applicant-in-person in CM 3878/2015 in WP(C) 1346/2015.
Ms Sana Ansari for Ms Zubeda Begum for GNCTD.
Ms Avnish Ahlawat with Ms Anchal Chaudhary for DTC.
Mr Sunil Satyarthi, Adv. for Delhi Cantonment Board.
Mr Saleem Ahmed for Delhi Police in WPC 1346/2015.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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15.04.2015

The Delhi Metro Rail Corporation is added as respondent No. 21 in WP(C) 1346/2015. Notice shall go to the newly added respondent, returnable on 24.04.2015.

Mr Vasdev, the learned senior counsel and amicus curiae, has given us some submissions which are dated 12.04.2015 and which are taken on record. He has taken us through some of the submissions and has, for the present, focussed his attention on the green cover in Delhi. It is his submission that based on official record, 48,000 trees were cut by the DMRC for their various projects in Delhi. A further 52,000 trees have been cut by the PWD for its various infrastructure projects. And, there are proposals to cut more trees for the future projects. He submits that the trees which were cut, were the ones that are normally to be found in Delhi area, namely, Kikar, Peepal, Neem and local Sheesham. He pointed out that the trees are essential for converting carbon dioxide and carbon monoxide, through natural processes, into oxygen. Most of these trees intake carbon dioxide and carbon monoxide all through the night and give us fresh oxygen in the morning. Cutting trees of such a magnitude has certainly enabled air pollution to increase in Delhi.

Therefore, as a first, he has suggested that reports be called for from the Government of NCT of Delhi, including the DDA, PWD and the DMRC, to indicate the exact extend of trees replanted by them and the areas in which they have done so. They may also give us figures of trees which have been cut by them and in which

areas. The idea behind this exercise is to enable us to analyse as to whether in a particular area in which trees have been cut, trees have been replanted or not. It is of no use if trees are cut in one area and replanted in some other area.

The said affidavits be filed on or before 22.04.2015. We also take note of the fact that the green cover that has been recommended by authorities is 33%, whereas the forest / green cover in Delhi has dwindled to 10.2% as of 2009. It may be much lower today. We would like to know as to what is the action plan of Government of NCT of Delhi as also of the Central Government with regard to restoring the green cover in Delhi. The data that the above mentioned respondents should furnish should cover the period from 2000 till date.

Mr Ralli, the learned counsel appearing on behalf of the DPCC, has informed us that there was a meeting with regard to an action plan for the entire NCR area. We, therefore, request Mr Sanjay Jain, the learned ASG, who is present here, to look into this matter and inform this Court on the next date of hearing as to what is the action plan, if any.

Mr Meet Malhotra, the learned senior counsel, who has been permitted to intervene in this matter, drew our attention to a representation which he had sent to the Registrar General of the Delhi High Court which is at page 50 of the paper book. That representation concerns the quality of air within the High Court buildings. The Registrar General shall furnish a full report with regard to the air quality within the High Court buildings at different points of time and also a report with regard to the condition of the Air Handling Units (AHU)/ filtration plants. The report shall also

indicate as to whether any measures have been taken with regard to the control of bacterial infections/ fungal infections and filtration of viruses. The said report be made available to this Court on or before 22.04.2015.

Renotify on 24.04.2015.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

APRIL 15, 2015
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SANJEEV SACHDEVA, J