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

+ W.P.(C) 1346/2015 & cm 35024/2016, 640/2017, 4383/2017, 4384/2017

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

.... Petitioner

Through: Mr Kailash Vasdev, Sr. Adv. (Amicus Curiae)
with Mr Sumer Singh Sandhu, Mr Umrao Singh Rawat,
Ms Divija Rajkhowa, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Pawan Mathur, Adv. for the DDA with Mr
R.R. Sharma, Director Survey.

Mr Anil Grover, Adv. with Ms Kanika Singh, Mr
Jitender K. Tripathi, Mr Rishi Vohra, Adv. for NDMC.
Mr Vivek Goyal, Adv. for UOI.

Mr Ajay Digpaul, CGSC.

Mr Mahesh Dutt Tripathi, Adv. for Delhi Cantonment
Board.

Mr Rajesh Kumar, Adv. with Ms Santwana, Adv.

Mr S.N. Mosabi, Add. C.P./Traffic Eastern Range with
Mr Ashok K. Tyagi, ACP/ Traffic/East, Insp. Dinesh
Kumar TI/ Vivek Vihar, Insp. Akhilesh Mishra TI/
Legal Cell Traffic, SI Ram Tirath Pairvi Officer Traffic.
Mr Rahul Mehra, Adv. for GNCTD.

Mr Sanjay Poddar, Sr. Adv. with Mr Gaurang Kanth,
Ms Biji Rajesh, with Mr Mohanjeet Singh
(Commissioner) and Ms Alka Sharma, Dy.
Commissioner for EDMC, Mr Ajay Digpaul, Mr
Govind Kumar, Mr Sachin Gupta, Adv.

Mr Sanjeev Ralli, Adv. with Mr Prabhav Ralli, Adv. for
DPCC.

Ms A. Ahlawat, Adv. for the DTC.

Mr Puneet Tajena, Adv. with Ms Shaheen, Adv. for
NTPC.

Ms Manisha Agrawal Narain, Adv. and Mr S.K.
Sharma, Scientist, CPCB.

Mr Peeyoosh Kalra, Adv. for GNCTD.

Mr KMM Khan, Adv. for the applicant.

Mr Pushkar Sood, Adv. with Mr Alok Kumar (Project
Manager, DMRC).



Mr Amit Gupta, Adv.
Mr Anl Mittal, Adv. with Ms Komal Aggarwal, Adv.
for State of UP.
Mr Kamlesh Kumar Mishra for Intervener.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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16.02.2017

We had on the previous occasion directed several officers as indicated in our order dated 02.02.2017 from various agencies to be present in court. They are all present. The learned amicus curiae pointed out that during the last week some of the departments have taken action. The representatives of all the other departments assure this court that further action would be taken within a week. Mr Vasdev, therefore, requests that any coercive measure that could be taken by this court may be deferred. We accede to this request.

In the first place a clear cut traffic plan needs to be drawn up by the traffic police in consultation with the Public Works Department (PWD), Transport Department, Delhi Metro Rail Corporation (DMRC), East Delhi Municipal Corporation (EDMC), National Highway Authority of India (NHAI), Railway Authority and the Resident Commissioner of Uttar Pradesh. A meeting shall be convened by the Additional Commissioner of Police (Traffic) and the representatives of all the aforesaid agencies shall participate. The meeting shall be convened on 20.02.2017 at 4 p.m. The learned counsel for the agencies shall notify the Additional Commissioner of Police (Traffic) (East District) as to which officer will attend on behalf of



each agency. The said communication be sent within two days. The meeting shall be held at the Traffic Police Head Quarter, Todapur, Inderpuri, New Delhi.

We direct the Delhi Police and the EDMC to ensure that the hawkers who have been removed from the main road, the service road and the footpath or the foot over bridge do not reoccupy the spaces. This direction has been given in line with the direction given by the Supreme Court on 05.05.2006 in W.P. (C) 1699/1987 titled **Sudhir Madan & Ors. v. M.C.D. & Ors.** A copy of the order is to be found at page 4250 (Vol-12). The responsibility on the part of the Delhi Police shall be of the Joint Commissioner (Eastern Range). On the part of the EDMC, the Commissioner (EDMC), who is present, shall be responsible.

The Northern Railway also has a substantial presence in the area as pointed out by the learned amicus curiae. The area within the control of the Northern Railway is also not free from debris and garbage. The area is also reflective of unhygienic conditions that prevail there. The learned counsel for the railways assures this court that the entire area within the control of the railways in the Anand Vihar Railway Station would be cleaned up on a war footing and the result thereof shall be placed before this court on the next date of hearing.

The irrigation department, Government of NCT of Delhi, shall come out with a plan with regard to cleaning and proper management of the drain



which runs along road no. 56 of the PWD.

The PWD and the DMRC shall also ensure that repair work is carried out in respect of the road by the PWD and the area under the control of the DMRC, by the DMRC. The area under the control of Inter State Bus Terminal of the Delhi Government shall also be cleaned and repaired and the result shall be indicated in the status report to be filed before the next date of hearing.

Mr Poddar appearing for the EDMC submits that new public conveniences have to be set up. They would do the same and all other agencies concerned would fully co-operate with the EDMC in setting up these public conveniences as per modern sanitation norms.

The Resident Commissioner, Uttar Pradesh, shall also ensure that proper traffic management is undertaken in the bus terminal which is known as Kaushambi Bus Terminal as also to undertake proper repair so that there is no congestion in the bus terminal leading to traffic problems in Delhi. The status report be filed by the learned counsel appearing for the Resident Commissioner before the next date of hearing.

A direction is also given to the NHAI to ensure that the roads and Highways that are being constructed by them are at all time kept free of debris, dust and garbage to the extent possible.

The Officials who were required to be present today need not appear on the next date of hearing.



Renotify on 23.02.2017 at 2.15 p.m.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

FEBRUARY 16, 2017

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