

\$~12

* **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 Singh Sandhu

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr Sunil Satyarthi, Advocate for Delhi
Cantonment Board
Ms Manisha Agrawal Narain for CPCB.
Ms Latika Chaudhary for DTC.
Mr Sanjay Jain, ASG with Mr Ajay Dugpaul,
Mr Vivek Goyal, Ms Namisha Gupta, Mr Rajul
Jain, Ms Bani Dikshit and Ms Aastha
Jain for UOI.
Mr Sanjeev Ralli for DPCC
Mr Anil Gover with MsDivya Jain for NDMC.
Mr Rahul Mehra with Mr Jamal Akhtar and
Mr Amrit Singh for GNCTD.
SI Udai Singh for Traffic H.Q.
Mr D. Rajeshwar Rao with Mr Charanjeet
Singh and Mr Iqbal for PWD.
Ms Meenakshi Sood for NHAI
Mr Shiv Kumar for DMRC.
Mr Pawan Mathur with Mr Himanshu
Gupta for DDA.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

29.07.2015

One of the major concerns with regard to air pollution is the existence of particulate matter in the air that we breathe. It is common knowledge that particulate

matter of the sizes of 2.5 microns or less is of particular concern. Insofar Delhi is concerned, it has been found as a fact that it is one of the most polluted cities, if not the most polluted city in the world. Serious concerns have been raised by the citizens with regard to quantum of particulate matter (PM 2.5) in the air that we breathe which is proving to be a great health hazard not only for the elderly citizens but also for the children and the citizens of tomorrow.

It is, therefore, essential that immediate steps are taken to prevent further deterioration, if not improvement in the air quality. One of the areas which would go a long way in reducing the air pollution is by plantation of trees and increasing the green cover of Delhi, particularly in notified forest areas. Some figures have been given with regard to the plantation of trees. But the forest cover, which, in Delhi should be 33 %, is at present only about 20%.

We had, on the previous occasion, directed the Forest Department to give an affidavit indicating the revenue received from sale of timber of the trees which have been cut by DMRC for their projects as also the number of trees actually planted and the location of the plantation of these trees. A figure was also sought with regard to the revenue collected by the Forest Department for granting permission for cutting trees in Delhi in the last ten years. Insofar as the last piece of information is concerned, it has not been provided till date. The figure should be supplied in a further affidavit to be filed by the Forest Department. Insofar as the revenue collected from sale of timber of the trees is concerned, the answer that is forthcoming is that there was no sale of timber and that the entire timber was given free of cost to crematoriums under a policy, which was

apparently framed in 2014. We direct the Forest Department to give an affidavit, as to the extent of wood consumed in crematoriums in Delhi and the extent of trees that have been cut down resulting in the quantity of timber which they say they supplied to the crematoriums. The details would be provided in the affidavit.

Another concern with regard to air pollution through particulate matter is the fact that a lot of building activity goes on in Delhi without regulation. For a start, Mr Vasdev, the learned amicus curiae, submitted that the Municipal Corporations of Delhi are duty bound under the Delhi Municipal Corporation Act, 1957 to ensure that repairs of roads and streets be undertaken in a particular manner and the Commissioner, by virtue of Section 324 (3), has been enjoined to ensure that the work of street repair is completed with reasonable speed and the ground is filled in and the '*malba*' is removed. It is common knowledge and judicial notice of the same can be taken that in Delhi at any given point of time, there are numerous places where roads are dug up and repair work is left incomplete. According to Mr Vasdev about 200-250 kilometres of road, at a given point of time, have been dug up and left uncovered. Mr Arora, the learned counsel appearing on behalf of the Municipal Corporations of Delhi, shall give a precise figure as to the extent of roads which are dug up for repairs etc., and which have not been filled up. Mr Arora shall also provide us with the policy of the Municipal Corporations of Delhi with regard to the repair of streets, the time frames and the directions for removal of *malba*/debris from the streets and also adjoining construction sites. Mr Arora shall also file an affidavit indicating the amount of revenue collected for road cutting and the

amount expended in the last five years. We are making this direction in respect of the roads which fall within the jurisdiction of the Municipal Corporations.

Renotify on 05.08.2015.

Dasti.

BADAR DURREZ AHMED, J

JULY 29, 2015
SR

SANJEEV SACHDEVA, J