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

+ W.P.(C) 1346/2015 and C.M. Nos.35024/2016, 640/2017, 4383-84/2017, 8565/2017, 18856/2017, 26231-33/2017, 36912/2017, 40871/2017 & 51694/2019

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

..... Petitioner

Through: Mr. Kailash Vasdev, Senior Advocate
(Amicus Curiae) with Ms. Nayantara,
Advocate, Mr. Umrao Singh Rawat,
Advocate and Ms. Limayinla Jamir,
Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC with Mr.
Ram Kishan Kumar, Advocate for
UOI.

Mr. Sanjoy Ghose, ASC with Ms.
Urvi Mohan, Advocate and Mr.
Naman Jain, Advocate for GNCTD.

Mrs. Avnish Ahlawat, Standing
Counsel for DTC with Mr. N.K.
Singh, Advocate.

Mr. Pawan Mathur, Standing Counsel
for DDA.

Mr. Gaurang Kanth, Standing
Counsel with Ms. Biji Rajesh,
Advocate, Ms. Eshita Barnal,
Advocate and Mr. Aman S. Bakshi,
Advocate for EDMC.

Ms. Puja Kalra, Standing Counsel
with Mr. Virender Singh, Advocate
for SDMC and NDMC.

Mr. Om Prakash, GP with Mr.



Aakash Meena, Advocate for Northern Railways.

Mr. Puneet Taneja, Advocate Mr. Manmohan Singh Narula, Advocate for NTPC.

Mr. Sanjeev Ralli, Advocate with Mr. Atul Verma, Advocate for DPCC.

Mr. Pratap Singh, Advocate with Mr. Parul Chopra, Advocate for PWO.

Mr. O.M. Prakash, G.P. for Ministry of Railways.

Mr. Saqib, Advocate for CPCB.

Mr. D.K. Devesh, Standing Counsel for State of Rajasthan.

Mr. Sakyasingha Chaudhuri, AAG, State of Punjab with Ms. Shreya Mukherjee, Advocate for State of Punjab.

Mr. Anil Mittal, Advocate with Ms. Komal Aggarwal, Advocate for State of U.P.

Mr. Ankur Mishra, Advocate for Delhi Cantonment Board.

Mr. Amresh Mathur, Advocate with Ms. Gunjan Bansal, Advocate, Mr. Ragmav Goyal, Advocate and Mr. Prashant Sodmi, Advocate for applicant in C.M. No.51694/2019.

Inspector Satender Mohan Tiwari, Vivek Vihar Circle with ASI Virender Singh, Pairvi Officer, Traffic.

+ W.P.(C) 2115/2015 and C.M. Nos.7298/2015, 10198/2017 & 53267/2018

SUDHIR MISHRA

..... Petitioner

Through: Mr. Chetan Sharma, Senior Advocate with Ms. Ritwika Nanda, Advocate



and Ms. Petal Chandhiok, Advocate
with petitioner in person.

versus

MINISTRY OF HEALTH & FAMILY WELFARE & ORS.

..... Respondents

Through: Mr. Vivek Goyal, CGSC with Mr.
Ram Kishan Kumar, Advocate for
UOI.

Mr. Dhanesh Relan, Standing
Counsel with Ms. Gauri Chaturvedi,
Advocate for DDA.

Mr. Sanjoy Ghose, ASC with Ms.
Urvi Mohan, Advocate and Mr.
Naman Jain, Advocate for GNCTD.

Mr. Sanjeev Ralli, Advocate with Mr.
Atul Verma, Advocate for DPCC.

+ W.P.(C) 6622/2018 and C.M. Nos.25337-39/2018

MIHIR GARG & ANR

..... Petitioners

Through: None.

versus

GOVT OF STATE OF NCT & ANR

..... Respondents

Through: Mr. Sanjoy Ghose, ASC with Ms.
Urvi Mohan, Advocate and Mr.
Naman Jain, Advocate for GNCTD.

Mr. Balendu Shekhar, Advocate with
Mr. Raj Kumar Maurya, Advocate for
DPCC.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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02.12.2019



In compliance with the previous order passed by this Court, an affidavit has been filed by the Department of Forests, Government of NCT of Delhi. The affidavit is not on record. Registry will trace the same and place it on record after removal of objections.

2. Mr. Ishwar Singh, Principal Chief Conservator of Forests/Head of the Department, Department of Forest and Wildlife, Government of NCT of Delhi is present in court. He submits that plantation has been carried-out between 15th February to 15th October and as of now, no plantation can be carried-out as the mortality rate would be very high. It is further submitted by him that the time between now and 15th February next year, can be utilized by removing encroachments from forest land for the reasons that more forest land needs to be freed-up for tree plantation, since more trees cannot be planted in the existing available forest land which has already reached a saturation point.

3. There cannot be two views that with the present state of affairs in Delhi, existence of a robust tree cover must certainly be a priority. Mr. Singh submits that he is also a member of the Special Task Force, of which the Vice Chairman DDA is the Chairman. He submits that next four weeks will be utilized for removal of encroachments on the Southern Ridge, where some 370 hectares of land is under heavy encroachment. The statement made is taken on record.

4. In our view this will be another step in the correct direction to reduce pollution levels in Delhi by restoring the forest cover, even if as a somewhat longer-term measure. We are also informed that besides the Southern Ridge, there are other forest areas which are also



under heavy encroachment; and to address this the Government must draw up an action plan, by identifying each area and carrying out a survey; and thereafter by preparing an action plan, which should then be placed before the Special Task Force set-up and working under the direct supervision of the Supreme Court.

5. The other issue which requires immediate attention is the pollution resulting from dispersal of loose dust and soil lying on the sides of roads and pavements. There seems to be absolutely no plan for removal of this menace. While it may not be a good idea to cement all such areas since that would adversely affect trees in and around the area, but certainly shrubs, creepers, hedges etc. can be planted so that the level of loose dust and soil is reduced substantially. This possible solution, in our view, must be examined and steps taken by all the corporations in their respective areas.

6. On another note, on the last date the following directions were passed:-

“9. The issue of unpaved roads and heaps of malba which is lying unattended on almost every road in Delhi, would also require attention. We direct MCD, NDMC, DDA, PWD and Cantonment Board to fix responsibility on persons to ensure that unattended malba, and construction material is removed.

“10. We also make it clear that this exercise should be done in a routine and regular manner, not only on days just before court hearings; and that necessary circulars should be issued and senior officials should be given the responsibility to monitor the same, including by inspecting various areas to satisfy themselves that orders are being complied with.



“11. The respondents and concerned Government Departments shall file affidavits specifying as to how the directions passed by the court are being implemented.”

7. Pursuant to the above directions, some affidavits have been filed ; while other affidavits are stated to be ready and further time is sought to file the same. Let the same be filed within two days.

8. List the matters for further directions on 5th December 2019.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

DECEMBER 02, 2019

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