

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

IN RE: GREENING AND CONNECTED ISSUES IN RE: TREE AUTHORITY AND 1) I.A. NO. 2768/2016 (APPLN. FOR DIRECTIONS FILED BY A.C.) 2) I.A. NOS. 181186 AND 181193/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O KAMAL TANWAR) IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED "ONLY"; NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, MR. SURYA KANT, MR. DEVANSHU KUMAR DEVESH, MS. ROOH-E-HINA DUA, ADVOCATES MR. KAUSHAL YADAV, MS. RAKHI RAY, ADVOCATES

Date : 26-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

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For Respondent(s): Mr. Tushar Mehta, Solicitor General  
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Mr. Aryan Racch, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

REPORT NOS. 10 AND 11 OF 2025

1. List on 8<sup>th</sup> April, 2025.

IN RE: TREE CENSUS

2. On 19<sup>th</sup> December, 2024, directions were issued by this Court for conducting tree census. The Forest Research Institute (for short, "the FRI") has been appointed to do the said task. A detailed affidavit dated 15<sup>th</sup> March, 2025 has been filed by an officer of the FRI. It is suggested that while conducting the census of trees, the definition of 'tree' adopted by the Forest Survey of India (for short, "the FSI") needs to be considered. It is pointed out that the definition of 'tree' under the Delhi Preservation of Trees Act, 1994 is ambiguous. We, therefore, direct the FRI to adopt the definition of 'tree' as defined by the FSI which is incorporated in paragraph 2 of its affidavit.

3. We have carefully perused the action plan proposed by the FRI which is divided into three phases. We request the FRI to reconsider the duration of 15 months proposed for Phase-1 so that the work of tree census can be expedited.

4. As regards the constitution of a High Power Committee (for short, "the HPC"), we are of the view that if the High Power

Committee consists of 23 members, as suggested by the FRI, the Committee will become unwieldy and it will be very difficult to conduct regular meetings. Therefore, in modification of what is stated in paragraph 4(ii) of the affidavit filed by the FRI, we direct that the HPC shall consist of following entities mentioned at Item Nos.1 to 7, 17 and 18, which read thus:

- i. Tree Authority, NCT of Delhi
- ii. Forest Department, GNCTD - Member Convener
- iii. Forest Research Institute, Dehradun
- iv. Shri Ishwar Singh, Nominated Expert
- v. Shri Sunil Limaye, Nominated Expert
- vi. Shri Pradip Kishen, Nominated Expert
- vii. Union Ministry of Environment, Forest and Climate Change
- xvii. Delhi Development Authority, GNCTD
- xviii. Municipal Corporation of Delhi

If the FRI or the HPC requires presence of any entity for a particular reason in the meeting of the HPC, a requisition can be sent to the concerned entity to remain present and cooperate. Even as regards Phase-2, the timeline is reasonable. However, as regards Phase-3, the timeline of 24 months provided may be too long. Therefore, we direct the FRI to consider if it can be curtailed.

5. We have perused the budget estimates for preparation of action plan (Phase-1 and Phase-2). We find that certain proposals are on the higher side. As far as the development of mobile app, web portal and digital database for tree census is concerned, the FRI can consider of taking assistance of Central Government agencies like National Informatics Centre (NIC). We request the FRI to have a re-look at the budget for Phases 1 and 2 and submit a modified budget to the Delhi Government within a maximum period of one month from today. We direct the Delhi Government, after receiving the budget from the FRI, to release a part of the amount claimed in the budget estimates so that the implementation of Phase-1 can start immediately. Even if the Delhi Government has any queries, the same can be dealt with. However, the release of the first installment of the amount required for Phase-1 should not be delayed. The order dated 19<sup>th</sup> December, 2024 provides for utilisation of Compensatory Afforestation Fund for meeting the expenses for the tree census.

**IN RE: GREEN COVER**

6. We have perused the affidavit filed by the FRI dealing with the directions issued by this Court on 17<sup>th</sup> February, 2025 regarding action plan for enhancing the green cover of Delhi. The FRI has stated that preparation of action plan incorporating planning and strategy development will take 12 months from the date of release of funds to the FRI. The budgetary requirements are also set out. We make it clear that while preparing the action plan, the FRI need not remain confined to what is suggested by this Court as they are

aware of the very object of preparation of the action plan. The FRI has proposed constitution of a High Level Steering Committee (for short, "the HLSC") under the Chairmanship of the Chief Secretary of the Delhi Government consisting of 18 stakeholders. We suggest that either the strength of the HLSC can be trimmed to maximum five members or, whenever required, the FRI can always request the concerned entities to appear and assist the FRI in the meetings. We request the FRI to make necessary modifications within a period of one month from today.

7. Now coming to the proposal of Phase-1 (Planning and Strategy Development) in Annexure-I, in paragraph 3 laying down the objectives, it is proposed for enhancing the green cover to achieve a target of 33% of geographical area. The endeavour should be to achieve the target of 33% or even more than that of tree/forest cover.

8. We have perused the budget submitted by the FRI. We request the FRI to have a re-look at the budget as regards the activities at Serial No.A. As far as Serial No.A.1 to A.6 are concerned, the FRI can always request the Delhi Government or the other stakeholders in Delhi to make arrangements for meetings at the cost of the Delhi Government or the said entities. We direct the FRI to submit a fresh budget proposal to the Delhi Government. After the revised budget is submitted, the Delhi Government shall, at the earliest, release the first installment of the amount so that the implementation of Phase-1 action plan can start. We are also informed that even the Delhi Government has already engaged the services of the FRI for drafting the working plan for the NCT. To

avoid duplication of work, we direct that while preparing the action plan in terms of the directions issued by this Court, the FRI shall also deal with the working plan and shall incorporate the relevant provisions thereof in the action plan.

9. A further affidavit of compliance shall be filed by the FRI by the end of June 2025. Copies thereof be submitted as usual to the office of the learned Amici Curiae.

I.A. NO. 2768/2016 (APPLN. FOR DIRECTIONS FILED BY A.C.)

10. We have perused the affidavit filed by the Municipal Corporation of Delhi. We direct the Municipal Corporation of Delhi to place on record how many unsealed structures are covered by the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act which according to the Municipal Corporation protects unauthorised construction that existed prior to 1<sup>st</sup> June, 2014. We direct the Delhi Government to file a specific affidavit on this aspect which will also state what action has been initiated for demolition of those properties which are not covered by the Amendment Act.

11. The Municipal Corporation of Delhi has placed reliance on the PM Uday Scheme in paragraph 8 of its affidavit. We direct the Municipal Corporation of Delhi to place on record a copy of the PM Uday Scheme.

12. An affidavit by the Municipal Corporation of Delhi in terms of this order shall be filed within a period of two weeks from today which will be considered on 29<sup>th</sup> April, 2025 at 3:00 p.m.

**I.A. NOS. 181186 AND 181193/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O KAMAL TANWAR) AND IA NOS.65437 (INTERVENTION/IMPLEADMENT) AND 69800/2022 (CLARIFICATION/DIRECTION)**

**13. List on 16<sup>th</sup> April, 2025 at 12:00 noon.**

**(ASHISH KONDLE)  
ASTT. REGISTRAR-cum-PS**

**(AVGV RAMU)  
COURT MASTER (NSH)**