

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 & ORS.

Respondent(s)

(1) IA NOS. 182567, 182573/2019 AND 150265/2021 (APPLNS. FOR IMPLEADMENT, DIRECTION AND VACATING INTERIM ORDER DT. 16.12.2019) 2) IA NO. 177315/2024 (APPLN. FOR DIRECTION ON BEHALF OF MANJU SETHI) 3) IA NOS. 5329 AND 5331/2019 (APPLNS. FOR INTERVENTION AND PERMISSION TO APPEAR AND ARGUE IN PERSON) 4) I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.) 5) IA NO. 225939/2024 (APPLN. FOR SETTING ASIDE ORDER ON BEHALF OF PRAVEEN KR.) 6) I.A. NOS. 230937 AND 230939/2024 (APPLNS. FOR SET ASIDE ORDER AND INTERIM RELIEF) 7) IA NO. 203615 AND 218080/2024 (APPLN. FOR DIRECTION AND PERMISSION) 8) IA NO. 203618/2024 (APPLN. FOR DIRECTION) 9) IA NO. 204094 AND 218090/2024 (APPLN. FOR DIRECTION AND PERMISSION) IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED 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 MS. POOJA DHAR MS. SHAGUN MATTA, MR. V.N. RAGHUPATHY, MR. SANDEEP GUPTA, MR. VIVEK NARAYAN SHARMA, MR. JASMEET SINGH, MS. PRIYA PURI, ADVOCATES APPLICANT-IN-PERSON MR. P.C. PATANAIAK, MR. SANJEEV MALHOTRA, ADVOCATE MR. SHREY KAPOOR, ADVOCATES)

Date : 02-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. S. Guru Krishna Kumar, Sr. Adv.(A.C.)
Ms. Anitha Shenoy, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, AOR (A.C.)
Ms. Srishti Agnihotri, AOR (A.C.)
Ms. Ayushma Awasthi, Adv.
Mr. Ashwin K., Adv.
Mr. vishesh Goel, Adv.
Ms. Himanshi Gupta, Adv.
Ms. Sanjana Grace Thomas, Adv.

For the Parties

Mr. Sudhanshu S. Chaudhary, Sr. Adv.

Mr. Rajat Joseph, AOR

Ms. K.V. Bharathi Upadhyaya, AOR

Mr. Shyam Divan, Sr. Adv.

Mr. Ranji Thomas, Sr. Adv.

Mr. V.N. Sinha, Adv.

Mr. Rajesh Aggarwal, AOR

Ms. Manali Singhal, Adv.

Mr. Shaurya Rai, Adv.

Ms. Garima Prashad, Sr. Adv.

Mr. Sanjiv Sen, Sr. Adv.

Mr. Praveen Swarup, Adv.

Mr. Ravi Kumar, Adv.

Mr. Pragyan Mishra, Adv.

Mr. Navneet Kansal, Adv.

Mr. Praveen Swarup, AOR

Ms. Aishwarya Bhati, ASG

Mr. Shashank Bajpai, Adv.

Ms. Stuti Karwal, Adv.

Mr. Sandeep Gupta, AOR

Mr. Kunal Sabharwal, Adv.

Mr. Gagan Chawla, Adv.

Mr. Deepak Mahajan, Adv.

Ms. Manju Sethi, Adv.

Mr. Raghav Mittal, Adv.

Mr. Aditya Saluja, Adv.

Mr. Shubham Madaan, Adv.

Mr. Sandip Gupta, AOR

Mr. S.M. Matloob, Applicant-in-person

Mrs. Priya Puri, AOR

Mrs. Pinki Aggarwal, Adv.

Mr. Vibhav Srivastava, Adv.

Mr. Sharad Kumar Puri, Adv.

Ms. Ritim Mangla, Adv.

Mr. N.K Sahoo, Adv.

Mr. Hemant Mishra, Adv.

Mr. Purna Chandra Patnaik, AOR

Dr. L.S. Chaudhary, Adv.

Mr. Pradeep Kumar Yadav, Adv.

Mr. D.S. Chaudhary, Adv.

Mr. Vishesh Kumar, Adv.

Ms. Vinita, Adv.

Ms. Monika Chaudhary, Adv.

Mr. Bharat Chaudhary, Adv.
Mr. Vikram Singh, Adv.
Mr. Sanjeev Malhotra, AOR

Mr. Kailash Vasdev, Sr. Adv.
Mr. Shrey Kapoor, AOR

Petitioner-in-person

Dr. Surender Singh Hooda, AOR
Mr. Aditya Hooda, Adv.
Mr. Ashish Kumar Pandey, Adv.
Mr. Yuvraj Nandal, Adv.
Ms. Tannu, Adv.
Mr. Vikram Singh Rawat, Adv.

M/S. Parekh & Co., AOR

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.

Mr. P. Parmeswaran, AOR

Mr. Gunnam Venkateswara Rao, AOR

Mr. Abhay Kumar, AOR

Ms. Diva Singh, Adv.
Mr. Devendra Singh, AOR
Mr. Avinash Poddar, Adv.
Mr. Ankit, Adv.

Mr. A. Venayagam Balan, AOR

Ms. Binu Tamta, AOR

Mr. Shekhar Kumar, AOR

Mrs. Anil Katiyar, AOR

Ms. Anu Gupta, AOR

Ms. Manju Jetley, AOR

Ms. Sharmila Upadhyay, AOR
Mr. Pawan R Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.

Mr. Satish Aggarwal, AOR

Mr. Satyendra Kumar, AOR

Mr. Ajit Sharma, AOR
Mr. Suresh Chandra Tripathy, AOR
Mr. Md. Farman, AOR
Ms. Ruby Singh Ahuja, AOR
Mr. Sudhir Naagar, AOR
Mr. Venkateswara Rao Anumolu, AOR
Mr. Abhijit Sengupta, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Tarun Johri, AOR
Mr. Avinash Kr. Lakhnopal, AOR
Mr. Sanjay Kapur, AOR
Mr. T.L. Garg, AOR
Mr. Shiv Prakash Pandey, AOR
Mr. Pranaya Kumar Mohapatra, AOR
Mr. Ashwani Kumar, AOR
Mrs. Rachana Joshi Issar, AOR
Mr. Harish Pandey, AOR
Mr. V.K. Verma, AOR
Mr. Prashant Chaudhary, AOR
Mrs. Rekha Pandey, AOR
Mr. Raghav Pandey, Adv.
Ms. Gauri Pandey, Adv.
Mr. Pravir Choudhary, AOR
Mrs. Geeta Rani, Adv.
Ms. Ruhi Gupta, Adv.
Mr. Ramit Sehwat, Adv.
Mr. Dushyant Sharma, Adv.
Mr. Nikilesh Ramachandran, AOR
Mr. Gurmeet Singh Makker, AOR

Ms. Prerna Mehta, AOR
Mr. Sunil Kumar Jain, AOR
Mr. Ravi Kumar Tomar, AOR
Mr. Harsh V. Surana, AOR
Mr. Raj Kamal, AOR
Mr. Himinder Lal, AOR
Ms. Rukhsana Choudhury, AOR
Mr. A. Raghunath, AOR
Mr. Prakash Ranjan Nayak, AOR
Ms. Sharmila Upadhyay, AOR
Mr. Pawan R Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Mr. R.C. Kohli, AOR
Mr. T.V. George, AOR
Ms. Smita Maan, AOR
Mr. Tarun Gupta, AOR
Mr. Abhinav Shrivastava, AOR
Mr. Prashant Bhushan, AOR
Mr. Alok Gupta, AOR
Mr. Sharmila Upadhyay, Adv.
Mr. Pawan R Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
M/S. Unuc Legal LLP, AOR
Mr. D S Mehra, AOR
M/S. Mitter & Mitter Co., AOR
Mr. Bimlesh Kumar Singh, AOR
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.

Ms. Himanshi Sakhya, Adv.
Ms. Aakanksha, Adv.
Mr. Fateh Singh, Adv.
Mr. Amitabh Ranjan, Adv.

Ms. Anitha Shenoy, Amicus Curiae
Ms. Srishti Agnihotri, AOR
Ms. Ayushma Awasthi, Adv.
Ms. Himanshi Gupta, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. D.P. Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Mr. Vivek Narayan Sharma, AOR

Mr. Ravinder Kumar Yadav, AOR
Ms. Aarti Anupriya, Adv.
Mr. Kartikey, Adv.
Mr. Paras Juneja, Adv.
Ms. Kritika Yadav, Adv.
Mr. Vineet Yadav, Adv.
Mr. Amir Yadav, Adv.

Mr. Dinesh Chandra Pandey, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Kiran Kumar Patra, AOR

Mr. Rajesh Kumar Chaurasia, AOR

Ms. Richa Kapoor, AOR

Mr. Akshay Verma, AOR
Mr. Abhinav Singh, Adv.
Ms. Sushma Verma, Adv.

Mr. Gagan Gupta, AOR

Mr. Anand Mishra, AOR

Mr. Ejaz Maqbool, AOR

Mr. Chanchal Kumar Ganguli, AOR

Dr. Surender Singh Hooda, AOR
Mr. Aditya Hooda, Adv.
Mr. Ashish Kumar Pandey, Adv.
Mr. Yuvraj Nandal, Adv.
Ms. Tannu, Adv.
Mr. Vikram Singh Rawat, Adv.

Mr. Siddharth Sengar, Adv.
Mr. Shantanu Krishna, AOR
Mr. Alok Kumar, Adv.

Mr. Ekansh Mishra, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajesh Kumar Singh, Adv.
Mr. Rajat Nair, Adv.
Mrs. Suhashini Sen, Adv.
Mr. S S Rebello, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. T S Sabarish, Adv.
Mr. Mayank Pandey, Adv.
Mr. Madhav Sinhal, Adv.
Mr. A Sirajudeen, Adv.
Mr. P V Yogeswaran, Adv.
Mr. Sharath Nambiar, Adv.
Mr. B K Satija, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Chitransh Sharma, Adv.
Mr. Sarthak Karol, Adv.
Mr. Kritagya Kumar Kait, Adv.
Mr. Manish, Adv.
Ms. Sunanda Shukla, Adv.

M/S. Karanjawala & Co., AOR

Mr. Ashok Anand, AOR

Ms. Rooh-e-hina Dua, AOR

Mr. Haresh Raichura, AOR

Ms. Shagun Matta, AOR

Mr. Samir Malik, AOR

Mr. Krishna Pal Singh, AOR
Ms. Anvita Aprajita, Adv.
Mr. Mohan Singh Bais, Adv.

Mr. M.M. Kashyap, AOR
Mr. Ilin Saraswat, Adv.
Ms. Ilma Saifi, Adv.
Ms. Poonam Seth, Adv.
Mr. Hemant Kumar Nirranjan, Adv.

Mr. Milind Kumar, AOR

Ms. Udit Singh, AOR

Ms. Anuradha Mutatkar, AOR
Mr. Chirag M. Shroff, AOR
Mr. Shyam D. Nandan, AOR
Mr. Zeeshan Diwan, AOR
Mr. Rakesh Mishra, AOR
M/S. M.V. Kini & Associates, AOR
Mr. Rajivkumar, AOR
Mr. Manoj K. Mishra, AOR
Mr. A. Baskar, Adv.
Mr. Bheem Pratap Singh, Adv.
Mr. Umesh Dubey, Adv.
Ms. Madhulika, Adv.
Mr. Amrish Kumar, AOR
Ms. Supriya Juneja, AOR
Mr. Anand Shankar, AOR
Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Mr. Abhas Kumar, AOR
Ms. Akriti Chaubey, AOR
Ms. Pratibha Jain, AOR
Mr. Ajay Pal, AOR
Mr. Shekhar G Devasa, Sr. Adv.
M/S. Devasa & Co., AOR
Mr. Manish Tiwari, Adv.
Ms. Astha Sharma, AOR
Mr. Abhijit Pattanaik, Adv.
Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Ms. Ruchi Kohli, Sr. Adv.
Ms. Suhashini Sen, Adv.
Mr. Rajat Nair, Adv.
Mr. B.K. Satija, Adv.
Ms. Shagun Thakur, Adv.

Ms. Chitrangda Rastravara, Adv.
Ms. Chinmayee Chandra, Adv.
Dr. N. Visakamurthy, AOR

Mr. Manan Verma, AOR

Mr. Ajay Kumar Singh, AOR

Mr. Rahul Narayan, AOR

Mr. Dhananjay Garg, AOR

Ms. B. Vijayalakshmi Menon, AOR

Mr. Nishit Agrawal, AOR

Ms. Rakhi Ray, AOR

Ms. Manika Tripathy, AOR

Mr. Mayank Aggarwal, AOR
Mr. Pradeep Kumar Aggarwal, Adv.

Mr. Jasmeet Singh, AOR

Mr. Gaurav Goel, AOR

Mr. Umesh Kumar Khaitan, AOR

Ms. Vanita Bhargava, AOR

Mr. Amit Kumar Singh, AOR

Mr. Anando Mukherjee, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Rahul Khurana, Adv.
Ms. Himanshi Shakya, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.
Ms. Aakanksha, Adv.

Mr. T. Mahipal, AOR

Mr. S.S. Shroff, AOR

Ms. Firdouse Qutb Wani, AOR

Mr. Kamal Mohan Gupta, AOR
Mr. Sunny Choudhary, AOR
Mr. D.K. Devesh, AOR
Mr. Kailas Bajirao Autade, AOR
Mr. Anand Varma, AOR
Mr. Ayush Gupta, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Prithu Garg, AOR
Mr. Krishnanand Pandeya, AOR
Ms. Neha Sharma, AOR
Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Pankaj Prakash, Adv.
Mr. Vikas Chopra, Adv.
Mr. Abhinav Agrawal, AOR
Mr. Avadh Bihari Kaushik, AOR
Ms. Saloni Mahajan, Adv.
Mr. Prateek Goyal, Adv.
Mr. Rishabh Kumar, Adv.
Mr. Shekhar Prit Jha, AOR
Ms. S. Janani, AOR
Mrs. Gargi Khanna, AOR
Mr. Somnath Mukherjee, AOR
Ms. Mayuri Raghuvanshi, AOR
Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Rakesh Chander, Adv.
Mr. Siddhartha Chowdhury, AOR
Mr. Amarjit Singh Bedi, AOR
Mr. Vishnu Sharma, AOR

Mr. Vivek Narayan Sharma, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.
Mr. V P Pandey, Adv.
Mr. Vikas Bharti, Adv.

Mr. Guntur Pramod Kumar, AOR
Mr. Keshav Singh, Adv.
Mr. B.P. Naidu, Adv.

Mr. Abinash Kumar Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Ramesh Kumar Mishra, AOR

Mr. Arvind Gupta, AOR

Dr. Arvind S. Avhad, AOR

Ms. Madhu Sikri, AOR

Mr. K.V. Mohan, AOR

Mr. Arjun Garg, AOR

Mr. Karunakar Mahalik, AOR

Mr. Yoginder Handoo, AOR

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.

Mr. Ambhoj Kumar Sinha, AOR

Ms. Binu Tamta, AOR

Mrs. Rani Chhabra, AOR

Mr. Vishnu Kant, AOR

Mr. V.N. Raghupathy, AOR

Mr. Suryajyoti Singh Paul, Adv.
Mr. Varun Apan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

WRIT PETITION (CIVIL) NO(S).4677/1985

1. In this Writ Petition, this Court has passed directions for taking steps to enhance the green cover of Delhi. This Court, in the present Petition, has granted several permissions for tree felling subject to conditions. It is brought to our notice that in many cases, though permissions were conditional, the conditions such as compensatory afforestation, trans-location, etc. have not been complied with. Therefore, the issue which this Bench is required to consider is whether a different approach is required to be adopted while granting permission for tree felling so that the conditions on which tree felling is permitted are scrupulously complied with. The conditions are imposed with a view to minimize the damage to the environment caused by tree felling. It is only in that view of the matter that we requested the learned Amicus Curiae to bring to our notice five or six cases where permission for tree felling was granted in the present Writ Petition and where there is a non-compliance with terms and conditions.

2. Pursuant to the order of this Court dated 20th August, 2024, the learned Amicus Curiae had interaction with the CEC. Accordingly, the CEC has submitted a report (Report No.18/2024) which we have dealt with in the earlier orders. Today, we noticed that some of the orders which are flagged by the CEC under which the permissions for tree felling were granted, have been passed in Writ Petition (C) No.202/1995 which is not assigned to this Bench. The exercise undertaken by this Court was only to ensure that the

orders passed by this Court in the present Writ Petition are scrupulously complied with and to consider whether a different method needs to be adopted hereafter to ensure that the conditions of compensatory afforestation, trans-location, etc. are scrupulously complied with. It is only in this view of the matter that we considered Report No.18/2024. As Writ Petition (C) No.202/1995 has been assigned to Green Bench, propriety requires that permission of Hon'ble the Chief Justice of India is taken before we deal with the Report.

3. We direct the Registrar (Judicial) to place Report No.18/2024 before Hon'ble the Chief Justice of India for seeking permission of the Hon'ble the Chief Justice of India to consider the cases mentioned in the Report for limited purposes of passing appropriate directions in the present Writ Petition.

(1) IA NOS. 182567, 182573/2019 AND 150265/2021 (APPLNS. FOR IMPLEADMENT, DIRECTION AND VACATING INTERIM ORDER DT. 16.12.2019)

4. In the affidavit filed by the Municipal Corporation of Delhi, several illegalities and irregularities in the construction of the entire building have been pointed out. The proceedings are pending before the competent authority. The present applications are the outcome of a dispute between the two members of the Bar. In this case, this Court is dealing with very serious environmental issues and we would prefer not to waste our time by giving priority to hearing of these applications. These applications will remain pending and will be taken up at appropriate stage.

(2) IA NO. 177315/2024 (APPLN. FOR DIRECTION ON BEHALF OF MANJU SETHI)

5. Considering the counter affidavit filed by the Municipal Corporation of Delhi and considering the fact that the dispute about title is pending, no relief can be granted in this Application as of today. The Application is rejected.

(3) IA NOS. 5329 AND 5331/2019 (APPLNS. FOR INTERVENTION AND PERMISSION TO APPEAR AND ARGUE IN PERSON)

6. Looking to the averments in Applications, the same cannot be entertained and the same are rejected.

7. The applicant appearing in person states that he wants to bring to the notice of the Court the violations and breaches of the orders passed by this Court in the present Writ Petition. If that be so, the applicant will have to file a proper application.

8. IA No.261744/2024 also stands disposed of.

(4) I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.)

9. The learned counsel appearing for the applicant seeks further time to take instructions. Finally we grant time to the applicant till 10th January, 2024.

(5) IA NO. 225939/2024 (APPLN. FOR SETTING ASIDE ORDER ON BEHALF OF PRAVEEN KR.)

10. This Application will be considered along with IA No.238514/2024.

(6) I.A. NOS. 230937 AND 230939/2024 (APPLNS. FOR SET ASIDE ORDER AND INTERIM RELIEF)

11. Issue notice to the Municipal Corporation of Delhi and other parties, returnable on 10th January, 2025.

(7) IA NO. 203615 AND 218080/2024 (APPLN. FOR DIRECTION AND PERMISSION)

12. We have perused the additional affidavit dated 29th November, 2024 of Municipal Corporation of Delhi.

13. The learned senior counsel appearing for the applicant states that the applicant will file an undertaking in this Court.

14. To enable the applicant to file the undertaking to get the illegalities regularised as mentioned in Annexure A to the additional affidavit dated 29th November, 2024 of the Municipal Corporation of Delhi, list the Applications on 9th December, 2024.

(8) IA NO. 203618/2024 (APPLN. FOR DIRECTION)

15. We have perused the additional affidavit dated 29th November, 2024 of the Municipal Corporation of Delhi and in particular, inspection report on page 7 (Annexure A).

16. The learned senior counsel appearing for the applicants seeks time to produce on record the application, if any, filed for regularisation of the illegalities pointed out in the inspection report.

17. List the Application on 9th December, 2024.

(9) IA NO. 204094 AND 218090/2024 (APPLN. FOR DIRECTION AND PERMISSION)

18. List the Applications on 9th December, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)