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

\+ W.P.(C) 1346/2015, CM APPL. 35024/2016, CM APPL. 640/2017, CM APPL. 4383/2017, CM APPL. 4384/2017, CM APPL. 8565/2017, CM APPL. 18856/2017, CM APPL. 26231/2017, CM APPL. 26232/2017, CM APPL. 26233/2017, CM APPL. 36912/2017, CM APPL. 40871/2017, CM APPL. 51694/2019, CM APPL. 50460/2023, CM APPL. 17641/2025

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)
.....Petitioner

Through:

versus

UNION OF INDIA & ORS .....Respondents

Through: Mr. A.P. Singh, Mr. Varnit Vashistha and Mr. Vikas Soni, Advocates for R-19.
Mr. Pushkar Sood, SPC with Mr. Samarth Sood, Advocates for R-21.
Mr. Subhash Tanwar, CGSC with Mr. Sandeep Mishra, Ms. Bhavi Garg and Mr. Naveen, Advocates for Delhi Police.
Mr. Balendu Shekhar, Mr. Krishna Chaitanya and Mr. Rajkumar Mourya, Advocates for DPCC.
Dr. Abhishek Atrey, Advocate for CAQM.
Ms. Vaishali Gupta, Panel Counsel, (Civil), GNCTD.
Mr. Kapil Dutta, Advocate for MCD.
Ms. Garima Prasad, Senior Advocate with Ms. Puja S. Kalra, Advocate for MCD.
Mr. Puneet Taneja, Senior Advocate

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with Mr. Manmohan Singh Narula and Mr. Amit Yadav, Advocates for NTPC.
Mr. Sanjay Katyal, Standing Counsel with Ms. Kritika Gupta and Ms. S.K. Meena, Advocates for DDA.
Ms. Shagun Shahi Chugh, Ms. Shreya Mittal and Ms. Nandita Mishra, Advocates.
Insp. Shahi Ram, PS, Vasant Vihar.
Insp. Sohal Lal, TI, PS, Madhu Vihar.
ASI, Devender Singh, Parvi Officer.

(2)

\+ W.P.(C) 2115/2015, CM APPL. 7298/2015, CM APPL. 10198/2017 & CM APPL. 53267/2018

SUDHIR MISHRA .....Petitioner

Through: Appearance not given.

versus

MINISTRY OF HEALTH & FAMILY WELFARE & ORS.
.....Respondents

Through: Mr. Vivek K. Goyal, CGSPC for UOI.
Mr. Balendu Shekhar, Mr. Krishna Chaitanya and Mr. Rajkumar Mourya, Advocates for DPCC.
Mr. Subhash Tanwar, CGSC with Mr. Sandeep Mishra, Ms. Bhavi Garg and Mr. Naveen, Advocates for Delhi Police.
Mr. Sanjay Katyal, Standing Counsel with Ms. Kritika Gupta and Ms. S.K. Meena, Advocates for DDA.
Mrs. Avnish Ahlawat, Standing

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Counsel, DTC with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.
Mr. Kapil Dutta, Advocate for MCD.
Insp. Sohal Lal, TI, PS, Madhu Vihar.

(3)

\+ W.P.(C) 6622/2018, CM APPL. 25337/2018, CM APPL. 25338/2018 & CM APPL. 25339/2018

MIHIR GARG & ANR .....Petitioner

Through: Appearance not given.

versus

GOVT OF STATE OF NCT & ANR .....Respondents

Through: Mr. Balendu Shekhar, Mr. Krishna Chaitanya and Mr. Rajkumar Mourya, Advocates for DPCC.
Mr. Subhash Tanwar, CGSC with Mr. Sandeep Mishra, Ms. Bhavi Garg and Mr. Naveen, Advocates for Delhi Police.
Insp. Kishore Kumar, PS, Vasant Vihar.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% 26.03.2025

1. Heard the learned counsel for the parties.

2. The facts mentioned in this application compel us to observe that the authorities, i.e., the authorities of Delhi Police, Delhi Development

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Authority and Forest Department, do not appear to be serious in protecting the notified forest area as mentioned in the application namely the Aravali Biodiversity Park, the Sanjay Van, South Central Bridge abutting the Munirka Marg entering Vasant Vihar, Industrial Area and the forest behind the shopping malls behind Nelson Mandela Marg, Vasant Kunj, New Delhi.

3. Learned counsel representing the Delhi Development Authority has stated that breach of the boundary wall was noticed and repair work has started and within a short period the same shall be completed.

4. Apart from restoration of the boundary wall, we are of the opinion that appropriate continued vigil of the area also needs to be undertaken by the Delhi Police.

5. It equally becomes the responsibility of the forest department specially the Conservator Forest of the area to be on constant supervision and to report any such breaches to the authorities so as to save further damage to the forest. It is needless to underscore the utility and the benefits of the services rendered by the forest and the biodiversity in these forests to the general public.

6. In the aforesaid view of the matter, we direct that breaches in respect of the boundary wall and encroachments etc. shall be reported by the Delhi Police to the Delhi Development Authority after conducting an intensive survey/inspection within a week from today. The said inspection shall necessarily include photographs and videography. The report to be prepared by the Delhi Police in respect of the inspection/survey shall be communicated to the Delhi Development Authority which shall undertake the necessary action not only for repair/restoration of the boundary wall but also if required, take appropriate steps for removal of encroachments, if any.

7. While we have directed survey and inspection to be conducted by Delhi

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Police, it does not mean that Delhi Police stands absolved of its responsibility of keeping a constant vigil in the area to check encroachments which on and off take place.

8. The status report on the progress made in respect of the repair/restoration of the boundary wall shall be filed by the Delhi Development Authority by the next date of listing.

9. The Conservator of Forest/any other responsible authority such as the Ridge Management Board shall also file their affidavits detailing therein the steps which have been taken and which are required to be taken in the future to protect the entire forest area, by the next date of listing.

10. Let notice be served to the unserved respondents without the process fee.

11. List on 14.05.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 26, 2025
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