

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: COMPLIANCE OF ORDER DT. 26.06.2024 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, ADVOCATES (IA No. 219797/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 30-09-2024 This matter were called on for hearing today.

CORAM :

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

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Ms. Srishti Agnihotri, AOR

For Applicant(s)
(IA No. 219797/2024)

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Mr. Purna Chandra Patnaik, AOR

For Parties

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

IN RE: COMPLIANCE OF ORDER DATED 26TH JUNE, 2024

1. Only for the benefit of the Government of NCT of Delhi that we are referring to the earlier orders passed by this Court.
2. The order dated 26th June, 2024 was specifically passed in Writ Petition (C) No.4677/1985 and not in the Contempt Petitions. A direction was given to the Secretary of the Forest Department of the Delhi Government to convene a meeting of responsible officers of various Authorities named in the said order for discussing and implementing the comprehensive measures to be taken for enhancing

the green cover of the NCT of Delhi.

3. Today, the learned counsel appearing for the Delhi Government pointed out that necessary material showing compliance with the said direction has been filed in the Contempt Petition filed by Bindu Kapurea. We fail to understand this action on the part of the Delhi Government. Knowing very well that the direction has been issued in the main Writ Petition and not in the Contempt Petitions, the Delhi Government is claiming that they have filed the compliance report in the Contempt Petition which has been transferred from this Bench to another Bench. Only Contempt Petitions have been withdrawn from this Bench. But the main Writ Petition (C) No.4677/1985 has been retained with this Bench in which the order dated 26th June, 2024 has been passed. Apart from this approach of the Delhi Government, a status report dated 21st September, 2024 shows complete lack of interest shown by the Principal Secretary of the Forest Department of the Delhi Government and the Forest Department of the Delhi Government. Very elaborate suggestions given by Mr. Guru Krishna Kumar and Ms. Anitha Shenoy, learned Senior Advocates, appointed as Amicus Curiae, have been recorded in the Minutes of meeting dated 21st September, 2024. Moreover, experts in the field were called for the earlier meeting. Even their suggestions have been recorded. However, there is absolutely nothing placed on record to show what steps the Delhi Government has taken on the basis of the said suggestions.

4. Our attention is invited to paragraph 13 of the Minutes of the

meeting dated 10th July, 2024 which refers to Working Plan of Delhi being prepared by Forest Research Institute. The Delhi Government must place on record what is that Working Plan. Moreover, for last more than three months, the Delhi Government has not placed on record any measures taken by them for enhancing the green cover of NCR. We fail to understand this lackluster approach on the part of the Secretary of the Forest Department and others.

5. We direct the Secretary of the Forest Department to file his personal affidavit dealing with compliance with the order passed by this Court on 26th June, 2024 as well as subsequent orders and this order. The affidavit will contain concrete measures already taken by the Delhi Government for enhancing the green cover of the area. The said affidavit shall be filed by 15th October, 2024.

6. List on 18th October, 2024 when the Secretary of the Forest Department shall remain present through video conference.

IA No. 219797/2024 (FOR APPROPRIATE ORDERS/DIRECTIONS)

1. The learned Amicus Curiae pointed out that on 27th August, 2024, the Judicial Committee has directed that before taking action of demolition, individual notices must be served on all concerned and there is an order of status quo passed by the Judicial Committee.

2. Issue notice on this Application to the Municipal Corporation of Delhi, returnable on 18th October, 2024.

IN RE: REPORT NO.189 OF THE MONITORING COMMITTEE

1. A copy of this Report shall be served by the Registry upon the

learned counsel for the Municipal Corporation of Delhi. The learned counsel for the Municipal Corporation of Delhi is present in the Court. He will take instructions about what is stated in paragraph 7 of the Report by the Monitoring Committee.

2. This Report will be considered on 18th October, 2024.

3. In the meanwhile, the Commissioner of the Municipal Corporation of Delhi shall continue the services of Shri Nand Kishore Gupta, SSA/UDC (Retd.) till further orders on contractual basis.

IN RE: REPORT NO.190 OF THE MONITORING COMMITTEE

1. Issue notice to the Municipal Corporation of Delhi, New Delhi Municipal Council, Land & Development Officer of the Delhi Government and the Delhi Development Authority, along with a copy of this Report. The notice is made returnable on 18th October, 2024.

2. The Authorities to whom the notice is issued shall appear before this Court and explain the delay in realising the penalty. In fact, the Delhi Development Authority has not realised a single penny. All the four Authorities shall file their affidavits dealing with the issue.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)