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

(34)

+ W.P.(C) 7253/2023, CM APPL.66075/2023 & CM APPL.
26752/2024

NEERAJ SHARMA

..... Petitioner

Through: Mr. Aditya N Prasad, Advocate for
the petitioner.
Mr. Gautam Narayan and Ms.
Prabhsahay Kaur, Amici Curiae.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Ms. Nidhi Raman,
CGSC with Mr. Akash Mishra,
Advocates for R-1, 10 & 15.

Mr. Avishkar Singhvi, ASC with Mr.
Naved Ahmed, Mr. Vivek Kr Singh
and Mr. Shubham Kumar, Advocates
for R-2 to 7.

Dr. P. Viswakannan, Chief
Conservator of Forest.

Ms. Kritika Gupta, Advocate for R-
9/DDA.

Mr. Vipul Ganda, ASC with Ms.
Sakshi Rastogi, Advocate for R-
16/NDMC.

Ms. Neha Jain, ASC for MCD.

Mr. R.A. Iyer, Advocate for the
Chairperson-Internal Departmental
Committee.

Ms. Vishnupriya Pandey, Executive
Project Associate (Legal) DCF, Forest
Department.



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+ CONT.CAS(C) 1065/2016, CM APPL. 54046/2023, CM APPL. 54202-03/2023, CM APPL. 54205-06/2023 & CM APPL. 54208-09/2023

SURJEET KUMAR

..... Petitioner

Through: Mr. Aditya N Prasad, Mr. Gautam Narayan and Ms. Prabhsahay Kaur, Amici Curiae

versus

KEWAL KUMAR SHARMA & ORS

..... Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Varun Rajawat, Ms. Vidhi Jain, Mr. Aryan Agrawal, Mr, Kartik Bajjal and Mr. Varun Pratap Singh, Advocates for UOI. Ms. Vishnupriya Pandey, Executive Project Associate (Legal) DCF, Forest Department.

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+ CONT.CAS(C) 1057/2023

AFZALGARH PHARMACY COLLEGE

..... Petitioner

Through: Mr. Aditya N Prasad, Mr. Gautam Narayan and Ms. Prabhsahay Kaur, Amici Curiae

versus

DR. MONTU M. PATEL

..... Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr.



Waize Ali Noor, Mr. Varun Rajawat, Ms. Vidhi Jain, Mr. Aryan Agrawal, Mr, Kartik Bajjal and Mr. Varun Pratap Singh, Advocates for UOI.

Ms. Manika Tripathy, Standing Counsel with Mr. Naveen K Sarswat and Mr. Rony John, Advocates for DDA.

Ms. Vishnupriya Pandey, Executive Project Associate (Legal) DCF, Forest Department.

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+ W.P.(C) 9965/2016, CM APPL. 27478/2017 & CM APPL. 29901/2017

DEVINDER

..... Petitioner

Through: Mr. Madan Lal Sharma and Ms. Tejaswini Verma, Advocates for the petitioner.

Mr. Aditya N Prasad, Mr. Gautam Narayan and Ms. Prabhsahay Kaur, Amici Curiae

versus

THE LT. GOVERNOR & ORS

..... Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Varun Rajawat, Ms. Vidhi Jain, Mr. Aryan Agrawal, Mr, Kartik Bajjal and Mr. Varun Pratap Singh, Advocates for UOI.

Mr. Sanjay Katyal and Ms. Kritika Gupta, Advocates for DDA.

Ms. Vishnupriya Pandey, Executive Project Associate (Legal) DCF, Forest Department.



CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
31.05.2024

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(The proceeding has been conducted through Hybrid Mode)

1. Mr. Avishkar Singhvi, learned ASC for GNCT of Delhi and Dr. P. Viswakannan, Chief Conservator of Forests appear through VC Mode.
2. Mr. Singhvi had handed over the bench, a copy of the Note prepared by the Department of Forest & Wildlife, Government of NCT of Delhi in accordance with the direction of this Court dated 30.05.2024. The details are in regard to when were the previous meetings held and what transpired therein have been briefly mentioned therein.
3. As per the second report dated 20.05.2024, submitted by the learned Chairperson of the Internal Departmental Committee, the respondent were informed of the requirement of infrastructure, alongwith the Secretarial Support Staff, Transportation, etc., which would be required for learned Chairperson to efficiently discharge the responsibilities referred to learned Chairperson.
4. Dr. Viswakannan, Chief Conservator of Forest submits that the approval for the said requirements have already been put up to the Minister, General Administration Department of GNCT of Delhi. Subsequent whereto, the said requirement is to be placed before the Cabinet and finally to the Lieutenant Governor for final approval, before the requirements are put in place.
5. Mr. Gautam Narayan, learned Amicus Curiae refers to Rule 23 of the Business Rules of the GNCT of Delhi and submits that the assignment



conferred upon the learned Chairperson was by way of a order of this Court dated 04.04.2024 wherein any requirement, including of Staff and Infrastructure, was also observed and directed. He submits that the order passed by this Court cannot be limited under Rule 23 of the Business Rules as if an order of an Inter-Departmental Officers is being complied with.

6. Learned Amicus further submits that once this Court had passed an order, the infrastructure and other facilities as required for efficient administration and discharge of the responsibilities upon the learned Chairperson have to be complied with at the earliest and not entangle them with Red Tapism. This Court agrees with the submissions made by learned Amicus Curiae.

7. In fact, Mr. Aditya N Prasad, had handed over the Court a short abstract of the second report submitted by the Committee wherein there is a suggestion that in the meanwhile in case it is getting delayed for some reason, the Staff and the Infrastructure can be provided in a diverted capacity, until proper arrangements are made.

8. Be that as it may.

9. This Court cannot countenance a situation where the learned Chairperson is unable to discharge the responsibilities on account of lack of an Office Space or a Secretarial and Support Staff or even Transportation. However, rather than directing the Department to provide Staff in a diverted capacity, it is considered appropriate to direct the Department to pursue the matter in all earnest and in no case shall the approval be delayed beyond 15.06.2024.

10. Consequent to the said approval being granted by the Competent Authority, the Infrastructure Development should, in all earnest be



completed within the next 15 days thereafter. Since, the next date of hearing is already fixed for 29.07.2024, it is expected that all things and requirements of the learned Chairperson as also the Committee, shall be put in place and in full working condition, prior thereto.

11. The suggestion of Mr. Prasad in renaming the Committee is well taken. In place of referring the Committee as “Internal Departmental Committee”, it be called as “Special Empowered Committee” (In short “SEC”). Another reason for renaming would be that the name “Internal Departmental Committee” gives a picture as if the Committee and the learned Chairperson is within the Department’s purview, whereas it actually is not. This Court is clear in its mind that the “Special Empowered Committee” is a Committee which has independent reference powers as conferred on it and will discharge its responsibilities accordingly.

12. Even in the second report submitted by the Chairperson, it is apparent that Officers from Ministry of Environment, Forests & Climate Change, Land and Development Office, Central Public Works Department and Delhi Cantonment Board have not been attending the meetings.

13. It is made clear once again that all the concerned Officers of the concerned Departments are directed to attend all the meetings as and when called for, except in special circumstances in which they are unable to attend so. However, the learned Chairperson be given prior intimation as to their inability to attend the particular meeting.

14. The aforesaid strict measures are only for the purpose of ensuring that the Committee completes its responsibilities and references made to it in all earnest, keeping in view the worsening situation of climatic conditions in Delhi.



15. Judicial notice is taken of the fact that as recent as on 30.05.2024, the official temperature recorded in Delhi was 52.3 degree Celsius. It is not far to see the day when this City may be only a barren dessert, in case the present generation continues an apathetic view on the deforestation. Having said that, the aforesaid directions to be complied with in strict timelines.

16. The compliance report of the aforesaid directions be filed by the respondents on or before 10.07.2024.

17. Documents handed over the bench are taken on record.

18. List these matters on 29.07.2024, the date already fixed.

TUSHAR RAO GEDELA, J

MAY 31, 2024

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