

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IN RE: GREENING AND CONNECTED ISSUES IN W.P. (C) NO. 4677/1985
"ONLY" LISTED NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE
BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE
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PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K.
MARORIA, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M.
SHROFF, MR. NISHIT AGRAWAL, MR. MANAN VERMA, ADVOCATES

Date : 17-02-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IN RE: GREENING AND CONNECTED ISSUES

1. We have perused our order dated 26th June, 2024 wherein a direction was issued to the Forest Department of the Delhi Government to convene a meeting of the concerned authorities in the presence of a Committee of the three experts to discuss comprehensive measures to be taken to enhance the green cover of the Government of National Capital Territory of Delhi (GNCTD). Earlier orders show that hardly anything concrete was done by the Secretary of the Forest Department in terms of this

Court's order dated 26th June, 2024. Therefore, it is necessary for us to appoint an expert agency to prepare an action plan for enhancing the green cover of the area under the jurisdiction of the GNCTD. Enhancing green cover means that a massive afforestation drive to increase the comprehensive tree cover of the area falling within the limits of the GNCTD must be undertaken.

2. We, therefore, appoint the Forest Research Institute, Dehradun, Uttarakhand (for short, " the FRI") as the agency to prepare an action plan for enhancing the green cover which includes initiating a massive afforestation drive in the area covered by the GNCTD. The mandate of the agency will be as under:

"Mandate of the Agency

1. Afforestation Plan:

- Assess the current status of green cover and identify suitable sites for afforestation. More focus shall be given to areas with low green cover.
- Develop a comprehensive afforestation plan/strategy, including species selection (suitable for climate conditions of Delhi), scientific planting techniques, and maintenance plans.
- Ensure that afforestation plan aligns with the Green Action Plan of NCTD with particular reference to the target of 33% green cover vis-a-vis tree/forest cover.

- Provide technical expertise in mapping, surveying and monitoring of the afforestation efforts.
- Use satellite data and Geographical Information System (GIS) tools to assess the progress and impact of the afforestation plan.
- Provide training and capacity-building workshops for field staff on periodic maintenance.

2. Coordination with Forest Agencies:

- Work closely with Forest Department of NCTD to facilitate the monitoring of progress, research on species suitability and planting methods, and the implementation of afforestation work on the ground.

3. Generally:

- Provide overall guidance, technical expertise, and oversight to ensure progress as per the afforestation plan.
- Conduct periodic audits and reviews to ensure transparent and effective use of resources.

4. Roles and Responsibilities of Forest Department, Government of NCTD:

- Ensure provision of land, resources, and manpower for implementing the afforestation plan.
- Coordinate with local bodies (MCD/DDA) for land-use planning, especially in areas with high potential for greening and in areas with low density of green cover."

3. A copy of this order shall be forwarded to the FRI. The FRI shall file an affidavit setting out the timelines in the following terms:

"III. Timeline

- Phase 1: Planning and Strategy Development:
- Phase 2: Pilot Projects and Initial Afforestation:
- Phase 3: Full-Scale Implementation:
- Phase 4: Ongoing Monitoring and Evaluation:"

4. The agency will also set out in the affidavit the requirement of funds required for the project so that necessary directions can be issued for payment of the requisite amount to the agency.

5. We grant time of one month to the FRI to file a compliance affidavit which will be considered on 26th March, 2025 at 3.00 p.m. The affidavit shall be sent by the FRI to the learned Amicus Curiae.

6. Our attention is invited to the various orders passed by the Delhi High Court in Writ Petition (Civil) No.7253 of 2023 which show that a Committee headed by Mr. Justice Nazmi Waziri, a retired Judge of the Delhi High Court has undertaken the task of identification of all deemed forests within the area of GNCTD. Needless to add that the FRI shall take feed back and suggestions from the Committee headed by Mr. Justice Nazmi Waziri, a retired Judge of the Delhi High Court.

IN RE: TREE AUTHORITY

7. We have perused the affidavit of the Conservator of Forests-cum-Member Secretary, Tree Authority, Government of National Capital Territory of Delhi, New Delhi. We fail to understand why a Working Committee has been constituted contrary to the directions issued by this Court in order dated 19th December, 2024. The learned Additional Solicitor General appearing for the State Government states that the order will be withdrawn.

8. We clarify that the FRI and the three experts appointed under our order dated 19th December, 2024 are free to take the services of Geo-Spatial Delhi Limited (GSDL). We fail to understand why time of 12 weeks is sought by the Conservator of Forests, in terms of paragraph 8. The affidavit in terms of the our earlier order will have to be filed by the FRI, Dehradun, Uttarakhand and not by the Conservator of Forests.

9. We direct the FRI to file an affidavit in terms of this Court's order dated 19th December, 2024 within a period of one month from today. The affidavit to be sent to the learned Amicus Curiae. We will consider the affidavit on 26th March, 2025 at 3.00 p.m.

IN RE:IA No.135709 OF 2024

10. Our attention is invited to the certain orders passed by the Delhi High Court regarding implementation of the Delhi Preservation Of Trees Act, 1994.

11. We will have to examine whether there is any conflict between the order dated 19th December, 2024 passed by this Court and the orders passed by the Delhi High Court. To consider this issue, the application shall be listed on 24th March, 2025 at 3.00 p.m.

12. A note filed by the learned Amicus Curiae appointed by the Delhi High Court shall be also kept along with this application.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER