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

+ **W.P.(CRL.) 1794/2018**

MAHESH

.....Petitioner

Through: Mr. Sachin Sharma, Advocate.

Versus

STATE (GOVT OF NCT OF DELHI) & ORS. Respondents

Through: Mr. Rahul Mehra, Standing Counsel with
Mr. Sanjay Lao, Additional Standing
Counsel.

Mr. Nisheeth Saxena, Conservator of Forest
(M. No.9968312090).

Mr. S. K. Muan Guite, DCF [(South),
M.No.8800873022] and Mr. Suresh Chand,
Section Officer (M. No.9870502280), West
Forest Division.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **01.10.2018**

1. Mr. Rahul Mehra, the learned Standing Counsel for the Government of NCT of Delhi, states upon instructions that due to some constraints apropos identification of ready availability of lands for plantation of trees in terms of this Court's orders, the compliance could not be made. He seeks and is granted six weeks time to have the said plantation completed. He submits that recently about 170 acres of Gram Sabha land, which is under the Forest Department in the village of Asola, New Delhi , has been cleared of encroachments by the Deputy Commissioner (South), GNCTD and the

possession of the same has been handed over to the Forest Department. This large area will be utilized for the purpose of afforestation. He submits that possibly over 16,000 trees could be planted in the said area.

2. The learned counsel submits that in number of cases where the Court has directed plantation of trees while quashing FIRs, the Forest Department is facing difficulty in identifying suitable lands under its jurisdiction. Therefore, now that the aforesaid 170 acres land have been handed over to the Forest Department, the other orders too will be complied with wherever suitable lands are not available in other areas of Delhi.

3. Maintenance of the plantation in the said land shall be carried out by monitoring through the satellite pictures procured from Geospatial Delhi Ltd., a company owned by the Govt. of NCT of Delhi.

4. For the sake of convenience for monitoring the said plantation and implementation of the various court orders, the Conservator of Forest shall be the nodal officer. He shall obtain satellite pictures of the plantations in compliance of this Court's orders and maintain them with the help of employing e-Green Watch Portal. The Chief Conservator Officer assures the Court that additionally efforts shall be made to ensure that afforestation/plantation is carried out in the areas near to human habitation as well.

5. To begin with, satellite pictures of the aforesaid 170 acres of land, which have been handed over to the Forest Department, shall be obtained from the Geospatial Delhi Ltd. And be filed by the CFO by 20.11.2018.

6. The Conservator Officer assures the Court that all plants shall be of deciduous indigenous variety, with a nursery age of three and a half years, and a height of at least six feet. Depending upon the soil type and

topography of the area, preferably the following types of trees would be planted:-

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|--|-------------------------------------|
| (i) Gular (Cluster Fig) | (ii) Kadamba (Burflower Tree) |
| (iii) Pilkhan (White Fig) | (iv) Jaamun (Black Plum) |
| (v) Bargad (Banyan Tree) | (vi) Mango |
| (vii) Amaltas (Golden Shower)
[Indian Laburnum] | (viii) Mahua (Butter Tree) |
| (ix) Putranjiva | (x) Badh |
| (xi) Sagwan (Teak Wood) | (xii) Safed Siris (Albizia Procera) |
| (xiii) Kala Siris | (xiv) Anjeer |
| (xv) Kathal- Jackfruit | (xvi) Palash |
| (xvii) Arni | (xviii) Bistendu |
| (xix) Rohida | (xx) Medshingi |

7. Citizens themselves may want to take care of the trees so planted by them and would want free access to the said forests/trees/ plantation as often as they may wish to. Let such access and assistance be provided to them by the Forest Department for their voluntary but guided maintenance of the trees.

8. In these times of alarming levels of air pollution in Delhi throughout the year, where people yearn and gasp for clean air, especially the children, the aged and the indisposed, the provision of numerous green areas and of city forests is a necessity for the residents of Delhi and NCR, its neighbourhood. It is the duty of the Forest Department to maintain the forests in areas under their watch. The Forest Department would also be alive to the orders of the Supreme Court in ***W.P.(C) No.4677/1985, titled as M. C. Mehta vs. UOI***, which had directed that the thousand of acres of southern ridge of Delhi (Aravali Ridge) be maintained as a green barrier/forest area.

9. The Court is assured by the Conservator of Forests that the said orders

shall be duly complied with and due Compliance Reports shall be filed, as directed. In any case, a Compliance Report of such plantations showing their maintenance, growth and status of the plantation shall also be filed every three months for the next one year.

10. A copy of this order be given *dasti* to the learned counsel for the parties under signature of the Court Master.

11. List for directions on 26.03.2019.

NAJMI WAZIRI, J.

OCTOBER 01, 2018

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