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

Date of Decision: 29.07.2019

+ W.P.(C) 1169/2016 & CM APPL.12768/2016

**CAMPAIGN FOR PEOPLE PARTICIPATION IN DEVELOPMENT
PLANNING**

..... Petitioner

Through: Mr. Anil Agarwal, Prof. Madan
Mohan & Ms. Nayantara Sharma, Advs.

versus

UOI AND ANR

..... Respondents

Through: Mrs. Suparna Srivastava & Ms. Nehul
Sharma, Advs. for R-1

Mr. Naushad Ahmed Khan, ASC (Civil) with
Mr. Zahid Hanief & Ms. Manisha Chauhan, Advs.
for R-2 & R-3

SI J.D. Yadav, Pairvi Officer (Traffic)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This public interest litigation has been preferred with the following prayers:

“A. Issue writ of or in the nature of mandamus and/or any other appropriate writs, orders, directions directing the respondents to immediately and strictly enforce and implement the section 190 of the Motor Vehicle Act, 1988 to disallow all polluting vehicles from being driven off the roads in Capital; and

B. issue writ of or in the nature of mandamus and/or any other appropriate writs, orders, directions directing the

respondents to carryout surprise inspection of Pollution Control Centres established by the respondents and to ensure that "Pollution under Control" are issued by the Pollution Control Centre after duly and properly conducting all prescribed test and procedures using appropriate and prescribed Instruments; and

C. issue writ of or in the nature of mandamus and/or any other appropriate writs, orders, directions to the respondents to immediately carryout survey and prepare list of all polluting house-hold factories, manufacturing and industrial units illegally operating in unauthorised colonies, and take action to stop and remove the same so that alarming levels of air-pollution in Capital could be brought under control.

D. issue writ of or in the nature of mandamus and/or any other appropriate writs, orders, directions directing the respondents to take immediate steps to check illegal constructions with firm hands, so that increasing number of vehicles due to unchecked influx of people in Capital could be brought under control; and

E. to pass such other writ/s, order/s or direction/s including the cost of this petition, as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice."

2. Having heard the counsels for both the sides and looking at the facts and circumstances of the case, it appears that this writ petition has been preferred for effective implementation of the Motor Vehicles Act, 1988 and the rules made there under, especially with regard to the inspection of the vehicles and the pollution control centres to check the air pollution.

3. We have perused the counter affidavits filed by respondent Nos.2 and 3, namely the Deputy Commissioner, Transport Department, Government of NCT of Delhi and the Deputy Commissioner of Police, Traffic (HQ), Delhi, respectively.

4. It appears from the facts of the case that the respondents are taking

action as stated in their counter affidavits filed before this Court in this writ petition and nonetheless it is submitted by the counsel for the petitioner that air pollution is being caused by the vehicles.

5. We see no requirement of giving further specific directions to the respondents because the respondents have stated to take necessary action and it is expected from the respondents that they will effectively carry out the provisions of the Motor Vehicles Act, 1988 and the rules made thereunder to check air pollution.

6. With the aforesaid observations, this writ petition is hereby dismissed. Pending application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 29, 2019

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