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

Date of Decision: 12.02.2020

+ **W.P.(C) 1616/2020 & CM APPL. 5668/2020 (exemption)**

**SOCIETY FOR PROTECTION OF CULTURE, HERITAGE,
ENVIRONMENT, TRADITIONS AND PROMOTION OF
NATIONAL AWARENESS** Petitioner

Through: Mr. Amit Dubey with Mr. Vikas
Kakkar & Mr. Dilip Kumar Rana,
Advs.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Ashim Sood, CGSC with
Mr. Sameer Sinha, GP and Ms. Payal
Chandra, Adv. for R-1, 2 & 4.
Mr. Rakesh Kumar, CGSC with
Mr. Raghav Nagar, Adv. for R-1, 2 &
4.
Mr. Sanjeev Ralli, Adv. for R-5.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR**

D.N. PATEL, CHIEF JUSTICE (Oral)

CM APPL. 5668/2020 (exemption)

Allowed, subject to just exceptions.

W.P.(C) 1616/2020

1. This Public Interest Litigation has been preferred with the following prayers:

“A. Issue a command in the nature of mandamus or any other writ/order/direction, to respondent No.1 to comply and act in accordance with the mandate of article 49A of the constitution of India, thereby causing inspection, assessment, monitoring of the emissions emitted by aircraft during take-off, landing and taxing, and for this purpose may direct any other agencies under it.

B. Issue a command in the nature of mandamus or any other writ/order/direction to respondent No.2 to also include disclosure of CO2 emissions "in the air surrounding Airport at Delhi and also place before this Hon'ble Court the presence of Oxygen in the atmosphere, consequent to release of multiple gasses in huge quantity. Because deficiency of oxygen causes various serious ailments that result into irreversible damage.

C. Issue a command in the nature of mandamus or any other writ/order/direction directing respondent No.3 & 5 to assess, monitor and publish emission generated by aircraft as also amount of pollution generated by aircrafts at such interval as this Hon'ble Court may deem fit for the purpose of effective monitoring and control of degrading environment.

D. Issue a command in the nature of mandamus or any other writ/order/direction to respondent No.3&5 to suggest and place before the Hon'ble Court measures and mechanism with which it propose to tackle and handle impact of pollution caused by the aircraft and also their future planning for handling issue of pollution regard of the fact that flight operation would increase in future.

E. Issue a command in the nature of mandamus or any other writ/order/direction to respondent No.4 to present/place before this Hon'ble Court its measures taken by it under CAR which are additional to the norms prescribed other authorities.

F. Pass such other order(s) as may deem fit and proper in the facts and circumstances of the case.”

2. Having heard the learned counsels for both the sides and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated about the emissions emitted by aircrafts causing air pollution during take-off, landing and taxing in Delhi Airport.

3. To buttress his contentions, learned counsel appearing for the petitioner has taken this Court to the fine niceties of the data and statistics as mentioned in the annexures.

4. Looking to the subject matter involved in this writ petition, we hereby direct the respondents No.3 and 5 to treat this writ petition as a representation and decide the claims of this petitioner in accordance with law, rules, regulations and Government policy applicable to the facts of the case as early as possible and practicable.

5. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 12, 2020

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