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

% ***Date of decision: 17.10.2023***

+ **W.P.(C) 2706/2014**

MANOJ KUMAR

..... Petitioner

Through: Mr.Arun Bhardwaj, Sr. Adv. with
Mr.Nikhil Bhardwaj & Mr.Abhishek
Sharma, Advs. as Amicus Curiae.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms.Kanika Agnihotri, ASC with
Ms.Snehal Kaila & Ms.Garima
Khanna, Advs. for DJB.
Mr.Kailash Vasdev, Sr. Adv. with
Mr.Nitin Mishra, Ms.Shagun
Sabharwal & Ms.Ashta Bhardwaj,
Advs. for DDA.
Ms.Mehak Nakra, ASC (Civil)
GNCTD with Mr.Abhishek Khari,
Ms.Disha Chaudhary & Md.Asif,
Advs. for GNCTD/Respondent No.2.
Mr.Ajjay Aroraa & Mr.Kapil Dutta,
Standing Counsel with Mr.Vansh
Luthra, Adv. for MCD.
Mr.Balendu Shekhar & Ms.Krishna
Chaitanya, Advs. for DPCC.
Mr.Ravi Prakash, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)



1. Present writ petition has been filed under Article 226 of the Constitution of India read with Section 151 CPC by way of a public interest litigation seeking a direction to the respondents to set up water treatment plants to purify the polluted water for saving forest jungle birds, animals, trees, environment and human life so that the purified water could be used by animals, birds, trees and humans. The petitioner sought setting up of a Committee to find out a solution to cure the pollution created by the filthy water and further directions to respondent nos.5 & 6 to restrain a particular community from burying the dead bodies in the jungle. Moreover, he sought direction to respondent nos.1 to 4 to plant 5000 new trees and to install 4-5 bore wells in the jungle for purification so that fresh water could reach to the greenery of the forest and to animals, birds and human life.

2. Essentially, in the present petition, the petitioner who is a social worker and is living in Tekhand village, Okhla Industrial Area, New Delhi has drawn the attention of this Court to the extraordinary polluted water cumulated due to running of illegal factories and using all chemicals causing to become an artificial lake in the area which is actually the green forest land of DDA. The petitioner averred in the present petition that because of overflow of artificial lake in the whole jungle, it had turned polluted and the animals and birds of the jungle were drinking the said poisonous and polluted water which is hazardous to their lives.

3. When this petition came up for hearing, this Court vide order dated 04.02.2015 posed a question to the respondents whether the said area could be preserved as a Bio-Diversity Park. With the collective efforts of different authorities of respondents i.e. Delhi Jal Board, Delhi Development Authority and Delhi Pollution Control Committee, efforts were drawn to



explore the possibility to maintain the water bodies in a proper way after purifying the water using Bio-technology. The Court considered that as per the Master Plan, the area falls under the green belt and same could be developed as a nice park.

4. Keeping in view that the matter was prolonging since the Order of 2014, this Court vide order dated 20.11.2019 appointed Mr.Arun Bhardwaj, Advocate as Amicus Curiae to assist this Court in the present matter. The status report dated 14.04.2023 has been placed on record by the learned Amicus Curiae who had first visited the site on 09.12.2019 and thereafter, on 31.01.2020, 15.02.2021, 25.02.2022 and 07.10.2022.

5. On the directions of this Court, status report was also filed by the DDA. Vide order dated 03.02.2020, learned counsel appearing on behalf of the DDA had informed this Court that Rs.2.60 crores was sanctioned for protection of the area and a boundary wall will be constructed so that there would be lesser chance for unauthorised construction and efforts for preservation of biodiversity were in progress.

6. Vide order dated 07.12.2022, this Court directed the DDA to place on record the status report dated 13.04.2023 in respect of steps taken as suggested by the learned Amicus Curiae in his report. In the status report, the respondent/DDA has stated that all possible efforts to ensure the protection of ecological diversity and improve environment sustainability in Tughlaqabad Biodiversity Park have been made.

7. In view of the status report dated 13.04.2023, no further order is called for and the present petition is, accordingly, disposed of with the directions to the respondent/DDA to ensure compliance of undertaking furnished by way of status report dated 13.04.2023.



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8. Before parting with this order, this Court highly appreciates the contribution and assistance provided by Mr.Arun Bhardwaj, Senior Advocate in the present matter.

(SURESH KUMAR KAIT)

JUDGE

(NEENA BANSAL KRISHNA)

JUDGE

OCTOBER 17, 2023/ab