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

+ W.P.(C) 7253/2023

NEERAJ SHARMA

..... Petitioner

Through: Mr. Aditya N. Prasad, Advocate.
Mr. Gautam Narayan and Ms.
Prabhsahay Kaur, Advocates (Amicus
Curiae).

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Nidhi Raman, CGSC for UOI
with Mr. Debarchan De, Advocate.
Ms. Kritika Gupta, Advocate for
DDA.
Mr. Avishkar Singhvi ASC for
GNCTD with Mr. Naved Ahmed and
Mr. Vivek Kumar Singh, Advocates.
Dr. P. Viswakannan, Chief
Conservator of Forest.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

04.04.2024

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(The proceeding has been conducted through Hybrid Mode)

**CM APPL. 14749/2024 (for recall/ modification of order dated
21.12.2023 and directions)**

1. This Court has heard the arguments of Mr. Gautam Narayan, learned Amicus Curiae, Mr. Aditya N. Prasad, learned counsel appearing for the petitioner, Mr. Avishkar Singhvi, learned ASC for GNCTD. As also the submissions of Dr. P. Viswakannan, Chief Conservator of Forest, who is present in person and his request has also been heard.

2. Mr. Narayan, learned Amicus Curiae has handed over the

W.P.(C) 7253/2023

Page 1 of 12



Bench the copies of the three meetings, which were held by the Internal Departmental Committee constituted by this Court, on 06.02.2024, 06.03.2024 and as recent as on 03.04.2024. In order to appreciate, it would be apposite to extract the minutes of the meetings, as under :-

MINUTES DATED 06.02.2024

***“DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NCT OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN
I.P. ESTATE, NEW DELHI-110002***

F.1(2611)/Legal/HQ/23-24/Pt-II / 7901-7905 Dated: 06.02.2024

***MINUTES OF THE INTERNAL DEPARTMENTAL
COMMITTEE MEETING HELD UNDER THE
CHAIRMANSHIP OF CHIEF CONSERVATOR OF FOREST
(ADMIN), GNCTD ON 05.02.2024 AT 04:00 PM IN
COMPLIANCE OF ORDER OF THE HON'BLE HIGH COURT
OF DELHI IN WPC NO. 7253/2023 "NEERAJ SHARMA VS
UOI & ORS.***

In pursuance of the Hon'ble High Court of Delhi order dated 21.12.2023 in WPC NO. 7253/2023 in the matter of "Neeraj Sharma Vs UOI & ORS, a meeting was held under the Chairmanship of the Chief Conservator of Forest (Admin), GNCTD on 05.02.2024 at 04:00 PM in his chamber to discuss the issue of protection and management of deemed forests.

Meeting started with welcome of all attendees (list enclosed). At the outset, the committee was briefed about deemed forest and issues related to protection and management of deemed forests.

The committee was briefed that an affidavit was filed by Shri. R.K. Goel, the then Conservator of Forests, Govt. of NCT of Delhi dated 15.09.1997, where it was solemnly declared and affirmed by him that a Committee in terms of the Supreme Court's judgment dated 12.12.1996 in WP(C) No. 202/1997 had been constituted to identify Forest area.



As per the decision of the committee areas above 2.5 acres having density of 100 trees per acre as well as stretches of land along roads, drains etc. having length of 1 km besides areas already shown as forests etc. in Revenue Land Records shall be considered as deemed forest.

In addition to that, the said affidavit has mentioned the details of Reserve Forest, Protected Forest & other forest areas and plantation areas managed by Forest department, other land managing agencies including NDMC, M.C.D, Railways, I&FCD, Delhi Cantonment, P.W.D.

Issues discussed and decisions taken in the meeting for protection and management of deemed forests are as follows:

1. The committee was informed that the deemed forests are managed by multiple land managing agencies including Forest Department, DDA, NDMC, MCD, Railways, I&FCD, Delhi Cantonment, PWD.

Further, it was brought to the notice of chair that letters no. F.1(2611)legal/HQ/23-24/4 003-19 dated 11.09.2023 and F.1(2611)/legal/HQ/23-24/4279-82 dated 22.09.2023 were sent to the land owning/managing agencies of deemed forests to identify and provide the details of deemed forest along with kml files. However, no reply has been received till date.

Hence, it was decided to send reminder letters to all the land owning/managing agencies to provide kml/ shapefiles of the deemed forest as per the affidavit dated 15.09.1997 for effective protection and management.

Further, the chairman desired that all land owning/managing agencies may be requested to appoint a Nodal officer of appropriate seniority, so as to closely coordinate with the committee for all the matters related to deemed forests.

2. It was decided to map the deemed forests (as mentioned in the ibid affidavit) jurisdiction-wise in respect of the forest divisions (South, West, Central, North) for effective protection and monitoring.

3. The chair was informed that the Department of Forest and Wildlife has identified deemed forest in some areas mentioned in the affidavit dated 15.09.1997 using satellite imagery. However,



some areas are still not identifiable. This needs to be identified in close coordination with the concerned land managing/ owning agency.

Meeting ended with vote of thanks to the chair.

Sd/-

(Jabestin A.)

Dy. Conservator of Forests (P&M)

F. 1(2611)/Legal/HQ/23-24/Pt-II / 7901-7905 Dated: 06.02.2024

To,

- 1. CF, Department of Forests and Wildlife, Govt. of NCT of Delhi.*
- 2. DCF (P&M), Department of Forests and Wildlife, Govt. of NCT of Delhi.*
- 3. DCF (S/W/C/N), Department of Forests and Wildlife, Govt. of NCT of Delhi.”*

MINUTES DATED 06.03.2024

**“DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NCT OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN
I.P. ESTATE, NEW DELHI-110002**

F.1(2611)/Legal/HQ/23-24/Pt-II / 8675-79 Dated: 06.03.2024

**MINUTES OF THE 2nd MEETING OF INTERNAL
COMMITTEE HELD UNDER THE CHAIRMANSHIP OF
CHIEF CONSERVATOR OF FOREST (ADMIN), GNCTD ON
29.02.2024 AT 10:30 PM IN COMPLIANCE OF ORDER OF
THE HON'BLE HIGH COURT OF DELHI IN WC NO.
7253/2023 "NEERAJ SHARMA Vs UOI & ORS.**

In pursuance of the Hon'ble High Court of Delhi order dated 21.12.2023 in WPC NO. 7253/2023 in the matter of "Neeraj Sharma Vs UOI & ORS, a meeting was held under the Chairmanship of the Chief Conservator of Forest (Admin), GNCTD on 29.02.2024 at 10:30 PM in his chamber to discuss the issue of protection and management of deemed forests. List of participants is enclosed herewith.

The Chairman was briefed that in compliance of the minutes dated 06.02.2024, reports are received from DCF (Central) &



DCF (North). In the report received from DCF(North) & DCF(Central), a list of deemed forest & protected forests falling under North & Central Forest Division was shared along with details of area, ownership and plantation status & satellite images of the area. The list appears to be not complete as per the details given in RK Goel affidavit. DCF(North) and DCF(Central) were requested to furnish the complete list of deemed forest and protected forests, duly verified, falling in their Divisions.

[Action: DCF(North) & DCF(Central)]

DCF(South) & DCF(West) have not furnished any list of details of Deemed Forest and Protected Forests falling in their jurisdiction. Both DCFs were once again requested to furnish the complete details of Deemed Forest & Protected Forests falling in their jurisdiction, duly verified immediately.

[Action: DCF(South) & DCF(West)]

*It was also informed to the chair by GIS Cell that maps and kml files of deemed forests (as mentioned in RK Goel Affidavit) identified using satellite imagery were shared with all forest divisions (South, West, Central, North). DCFs concerned are requested to get the ground verification of the same and furnish a status report by **01.04.2024**.*

[Action: DCF(S/W/C/N)]

As there are multiple agencies owning/ managing the land in GNCTD, it was decided to request them to appoint a Nodal Officer to closely coordinate with the committee for all the matters related to deemed forests. However, it was informed that correspondence in this regard had already been initiated. Hence, it was decided to write a letter in continuation of previous correspondence with the land owning/managing agencies for appointment of Nodal Officer.

[Action by: Legal Section (HQ)]

It was decided to digitize the deemed forest (as per the details given in RK Goel affidavit) and the protected forests in GNCTD. Previously letters have been sent to land owning/ managing agencies for furnishing the details of deemed forest that could not be identified from satellite imagery and verify the kml/shapfiles of the deemed forest, which were identified from



satellite imagery, in their jurisdiction, as per the RK Goel affidavit dated 15.09.1997. Since no response was received, it was decided to send reminder letters to all the land owning/managing agencies for necessary action in their end.

[Action by: Legal Section (HQ), GIS Section]

Meeting ended with vote of thanks to the chair.

Sd/-

(Jabestin A.)

Dy. Conservator of Forests (P&M)

F. 1(2611)/Legal/HQ/23-24/Pt-II / 8675-79 Dated: 06.03.2024

To,

1. CF, Department of Forests and Wildlife, Govt. of NCT of Delhi.
2. DCF (P&M), Department of Forests and Wildlife, Govt. of NCT of Delhi.
3. DCF (S/W/C/N), Department of Forests and Wildlife, Govt. of NCT of Delhi for information and necessary action.”

MINUTES DATED 03.04.2024

**“DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NCT OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN
I.P. ESTATE, NEW DELHI-110002**

F.1(2611)/Legal/HQ/23-24/Pt-II / 88-93 Dated: 03.04.2024

**MINUTES OF THE 3rd MEETING OF INTERNAL
COMMITTEE HELD UNDER THE CHAIRMANSHIP OF
CHIEF CONSERVATOR OF FOREST (ADMIN), GNCTD ON
02.04.2024 AT 11:00 AM IN COMPLIANCE OF ORDER OF
THE HON'BLE HIGH COURT OF DELHI IN WPC NO.
7253/2023 "NEERAJ SHARMA Vs UOI & ORS.**

In pursuance of the Hon'ble High Court of Delhi order dated 21.12.2023 in WPC NO. 7253/2023 in the matter of "Neeraj Sharma Vs UOI & ORS, a meeting was held under the Chairmanship of the Chief Conservator of Forest (Admin), GNCTD on 02.04.2024 at 11:00 am in his chamber to discuss the issue of protection and management of deemed forests. List of participants is enclosed herewith.



The committee was informed that vide letter dated 18.03.2024 it was requested to appoint a Nodal Officer from multiple agencies owning/ managing the land in GNCTD to closely coordinate with the committee for all the matters related to deemed forests. However, no response has been received in this regard.

Hence, it was decided to send reminder letters in continuation of previous correspondence for appointment of Nodal Officer. As no response has been received from other agencies, it was decided that digital maps of all Deemed & Protected Forests as mentioned in RK Goel Affidavit shall be placed in E-Vanlekh portal of the Forest Department and the concerned land-owning/managing agency may be asked to verify the accuracy of deemed/ protected forests prepared using satellite imagery. The KML files of the said maps are available on the E-Vanlekh portal. (<https://evanlekh.eforest.delhi.gov.in/>).

[Action: DCF(P&M), Legal Cell (HQ), GIS Section]

In compliance of the minutes of meeting dated 06.03.2024 and DO letter dated 21.03.2024, DCFs were instructed to take the following actions:

- Ensuring better coordination between staff (posted at HQ and Divisions) assigned with this task.*
- Furnishing the complete list of deemed forest and protected forests, duly verified by ground truthing falling in their Divisional jurisdiction along with relevant details.*
- Ground verification of the maps and kml files of deemed forests identified using satellite imagery (as mentioned in RK Goel Affidavit) and furnishing a status report.*
- DGPS survey of Protected Forests/Deemed Forests under the management of Forest Department is to be completed latest by 16.04.2024 and kml files shared with IT Team for placing the same in the e-vanlekh Portal.*

However, it appears the required information is not furnished timely due to lack of co-ordination and understanding. DCFs were requested to personally look into the matter and ensure timely action by frequent reviews at their level.



DCFs concerned are requested to furnish the required kml files/ other details of PFs by 18.04.2024.

[Action: DCF (P&M/ C/S/W/N)]

Meeting ended with vote of thanks to the chair.

Sd/-

(Mandeep Mittal)

Dy. Conservator of Forests (P&M)/LO

F.1(2611)/Legal/HQ/23-24/Pt-II / 88-93

Dated: 03.04.2024

To,

1. CF, Department of Forests and Wildlife, Govt. of NCT of Delhi.
2. DCF (P&M), Department of Forests and Wildlife, Govt. of NCT of Delhi for information and necessary action.
3. DCF (S/W/C/N), Department of Forests and Wildlife, Govt. of NCT of Delhi for information and necessary action.”

3. Dr. P. Viswakannan, the Chief Conservator of Forest has described the detailed manner in which the Committee headed by him is fervently and sincerely trying to collate the information relatable to the present issue from various land owning agencies. In fact, he submits that within a short period of time, the basic information would be successfully collated and presented to this Court in the form of a report.

4. Mr. Narayan and the other learned amici have submitted that this is not an adversarial litigation nor is the prayer seeking modification of the order dated 21.12.2023. They only submit that the issue has been pending before the Supreme Court since the year 1997 onwards and as could be seen, the Forest Area is being denuded day by day.

5. In that view of the matter, the learned amici suggest that the



nomination of a learned Retired Judge of this Court would instill more seriousness in the various departments to act in tandem with each other.

6. After hearing the learned amici, Mr. Singhvi as also Dr. P. Viswakannan, Chief Conservator of Forest, it is clear that all the parties are adverting and moving towards the goal of ensuring that the forests and deemed forests both are protected from further incursions and denudation of the forest trees. However, it appears to this Court that the other land owning departments though, being party to the present petition, are not serious enough in collecting or assisting the Committee in collating the necessary documents, maps and other records.

7. In that view of the matter, it would be apposite to appoint a Retired Judge of this Court to head the Committee, so as to ensure that the other departments are under an obligation to co-operate with the Committee.

8. In that view of the matter, it is deemed appropriate to request Mr. Justice Nazmi Waziri (Retd.), learned former Judge of this Court to accept the Chairmanship of the Internal Departmental Committee, which would ably assist the learned Judge. Dr. P. Vishwakannan, Chief Conservator of Forest, would obviously be of great assistance to the Chairman and is requested to continue so.

9. It appears that the order dated 21.12.2023 was passed after deliberations on the short note on constitution of a Committee, submitted on 27.09.2023 by Mr. Prasad, learned counsel for the petitioner. The relevance of the note would be brought out by



extracting the same hereunder :-

“SHORT NOTE ON CONSTITUTION OF A COMMITTEE

A Committee may be Constituted by this Hon'ble Court for the purpose of monitoring and ensuring compliance with the Orders of this Hon'ble Court covering the subject matter of forests and wildlife and related issues, including that arising out of the present matter and any other matter that may be directed by this Hon'ble Court.

The suggested powers and functions may be as follows:-

1. To get demarcated all Deemed Forests listed in the Affidavit dated 15.09.1997 and other Deemed Forests areas identified by the Department of Forests, GNCTD till date and get appropriate signages installed therein to protect and preserve the same.

2. To monitor the implementation of this Hon'ble Court's Orders which are specifically directed by this Hon'ble Court and place reports before this Hon'ble Court.

3. To examine the; issues/ matters specifically directed by this Hon'ble Court on a case-to-case basis regarding forests and wildlife and place its recommendations before this Hon'ble Court for Orders.

4. For the purposes of effective discharge of responsibility conferred upon the Committee; the Committee may: -

(a) call for any documents from any persons or the government of or any other official;

(b) undertake site inspection of forest area involved;

(c) seek assistance or presence of any person(s) or official(s) required by it in relation to its work;

(d) co-opt one or more persons as its members or as special invitees for dealing with specific issues;

(e) issues ancillary to the above.

5. The GNCTD shall provide suitable and adequate office accommodation for the Committee and shall bear all the expenses



of the working of the Committee including suitable remuneration.”

10. Though, the said instances and the suggested powers and functions of the Committee have been stated in the said note, however, this Court is of the opinion that the same should not restrict the Committee headed by Mr. Justice Nazmi Waziri (Retd.).

11. This Court is of the opinion that the said note would only be an indicator and Mr. Justice Nazmi Waziri (Retd.) would obviously be at liberty to include within the ambit of the said Committee, any or other ancillary issues, which may arise from the said Committee's reference.

12. Accordingly, the order dated 21.12.2023 is modified only to the extent of now requesting Mr. Justice Nazmi Waziri (Retd.) to head the Committee, as a Chairman. The GNCT of Delhi is requested to ensure that all facilities and secretarial assistance, as required by Mr. Justice Nazmi Waziri (Retd.) is provided to him at the earliest.

13. This Court deems it fit to leave it to Mr. Justice Nazmi Waziri (Retd.) to decide his honorarium and the facilities required for the smooth functioning of the Committee.

14. It goes without saying that the least this Court expects from the heads of the various Governmental Departments, who are parties i.e. respondent Nos. 8 to 16 before this Court, to cooperate with the Committee.

15. The Committee is at liberty to send its regular reports to this Court apart from requiring any further orders for better implementation of the reference, noted above.

16. The application stands disposed of in the above direction.



W.P.(C) 7253/2023 & CM APPL. 66075/2023 (for direction)

17. List the matter on 29.07.2024.

TUSHAR RAO GEDELA, J

APRIL 4, 2024/nd