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

Date of Decision: 05th August, 2021

+ W.P.(C) 7810/2021

RAJA SINGH

..... Petitioner

Through Mr. K.C.Mittal, Mr. Amit Prakash
Shahi, Mr. Yugansh Mittal & Mr. Ashish Ranjan,
Advocates

versus

UNION OF INDIA THROUGH ITS SECRETARY
THE MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE & ORS.

..... Respondents

Through: Mr. Chetan Sharma, Additional
Solicitor General with Mr. Anurag Ahluwalia,
Central Government Standing Counsel with
Mr. Abhigyan Siddhant, Mr. Vinay Yadav,
Mr. R.V. Prabhat, Mr. Akshay Gadeock, Mr. Amit
Gupta & Mr. Sahaj Garg, Advocates for R-1.
Mr. Santosh Kumar Tripathi, Standing Counsel for
GNCTD/R-3.
Mr. Biraja Mahapatra, Advocate for R-4.
Mr. Sanjeev Sabharwal, Standing Counsel for
SDMC/R-6.
Mr. Balendu Shekhar, Advocate for CPCB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

CM APPL.24310/2021 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(C) 7810/2021

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“a) Issue a writ in the nature of mandamus or any other appropriate writ/order/direction (s) to the respondents to take appropriate measures enabling the proper dilution-ventilation of air in built environments keeping in view of the presence of biological contaminants in air; and/ or

b) Pass such other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. We have heard learned counsel for the Petitioner and looked into the facts and circumstances of the case. The grievance of the Petitioner, as ventilated in the writ petition, is that one of the major reasons for the worsening air quality is the presence of biological contaminants in air as well as the improper dilution and ventilation of air in built-up spaces, such as houses, offices as well as air-conditioned modes of transport, such as buses, trains etc. According to the learned counsel for the Petitioner, the mathematical solution to the problem of air pollution is to adopt a modelled approach to dilution-ventilation. This would diffuse the concentration of the droplets and minimise the probability of infection. It is also submitted that in the wake of Pandemic Covid-19, there is an urgent need to take actions to minimise the air pollution. The Petitioner accordingly seeks directions to the Respondents to take appropriate measures enabling proper dilution-ventilation of air in closed environments, keeping in view the presence of biological contaminants in the air.

3. Having heard the learned counsel for the Petitioner, we are of the view that while the cause brought forth by the Petitioner is laudable and

does require action on the part of the Respondents, however, the exercise can only be carried out by the Experts in the said field. This Court does not have the necessary expertise to direct the Respondents to act in a particular manner. The required steps can only be carried out by the concerned Respondents after due deliberation with the experts in the field, which would entail visiting the premises and suggesting measures, which again could vary from one place to another. If necessary, this may also require framing a Policy/Guidelines to reduce the air pollution by resorting to methods, such as dilution-ventilation, as suggested by the Petitioner.

4. We, therefore, deem it appropriate to direct the concerned Respondent Authorities to treat this writ petition as a representation and look into the suggestions made by the Petitioner, who is stated to be a Research Scholar working in the field of Airborne Infection Spread. We are sanguine that the Respondents would take appropriate and necessary measures to improve the air quality in the larger public interest. The representation of the Petitioner shall be decided by the concerned Respondents, in accordance with law and Government policies applicable to the facts of the case as expeditiously as possible and practicable, especially keeping in view the need for urgent measures on account of Pandemic COVID-19.

5. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 05, 2021

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