2026 INSC 270

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10656 OF 2024

NAVEEN SOLANKI AND ANOTHER ... APPELLANT(S)

VERSUS

RAIL LAND DEVELOPMENT AUTHORITY AND OTHERS ...RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO.860 OF 2024

J U D G M E N T

AUGUSTINE GEORGE MASIH, J.

1. This Appeal arises out of judgment and order dated 13.02.2024 ("Impugned Judgment") passed by the National Green Tribunal, New Delhi ("NGT"), whereby it dismissed the Original Application No.697 of 2023 ("OA") filed by Shri R.M. Asif, Respondent No. 5.

2. The OA was filed challenging the Request for Proposal number RLDA/RFP/CD-85 of 2022 dated 19.12.2022 ("RFP") issued by the Rail Land Development Authority, Respondent No.1 ("RLDA") for the combined Multi-Use plot, MU4+MU5+MU6 Railway Land parcel ("subject land") admeasuring approximately 1,24,000 sq. mtrs. or 12.40 hectares situated along New Bijwasan Railway Station, Delhi, on the plea that the subject land was part of forest land and in terms of Section 2 of the Forest (Conservation) Act, 1980 ("1980 Act"), permission of the Central Government has not been obtained to cut trees in the process of implementation of the above RFP.

3. The Original Applicant – Respondent No.5 has not challenged the Impugned Judgment. This Appeal has been filed by two advocates who claim to be public-spirited persons but were not party before NGT. RLDA – Respondent No.1 is a statutory Authority under Ministry of Railways – Respondent No.2 established under the Railways Act, 1989 to develop the vacant

Railway Land for commercial use for the purpose of generating revenue by nontariff measures. Department of Forests and Wildlife, Government of National Capital Territory of Delhi – Respondent No.3, is the governmental organization responsible for the management and conservation of forest and wildlife resources in Delhi, India. Bagmane Developers Private Limited ("BDPL") - Respondent No.4 is a private company engaged in the business of buying, selling, renting and operating of self-owned or leased real estate and Shri R.M. Arif – Respondent No. 5 is the original applicant before the NGT in OA.

4. The necessary and undisputed facts, as culled out from the material on record and pleadings of parties are as follows: -

(i) The subject land is a part of larger tract of land acquired by the Delhi Government vide Award No. 19/86-87 from village Bhartal, South-West Delhi. The land was in the nature of agricultural land as noted in the acquisition award dated 22.09.1986

mentioning therein that the land contained standing crops. This acquired land was handed over to Delhi Development Authority ("DDA") on 22.09.1986.

(ii) Out of the aforesaid acquired land, the Project land admeasuring 110.07 hectares was allotted by the DDA to the Railway Authority on 21.01.2008 on permanent perpetual leasehold basis for the purpose of development of Integrated Metropolitan Passenger Terminal (IMPT). Possession of the same was handed over to the Railway Authority on 01.07.2009. It would not be out of way to note here that as per the material on record and the satellite images of the said period produced by the parties, the subject land was a barren/agricultural land at the time of handing over of possession to the Railway Authority and admittedly not a declared forest land. The Northern Railway constructed a boundary wall surrounding the Project land in 2009 itself.

(iii) In a Governing Body meeting dated 19.12.2014 of DDA's Unified Traffic & Transportation Infrastructure Centre ("UTTIPEC") under Chairmanship of the Lt. Governor of Delhi, the project for redevelopment of Bijwasan Railway Station was approved. Pursuant to the approval, a Master Plan of 2015 was prepared which also included the subject land. The subject land was classified as a parcel for Multi Use (MU4+MU5+MU6). The Master Plan of Delhi, 2021 also indicates the subject land as a part of planned development for Bijwasan (South-West Delhi-Dwarka Project).

(iv) While the construction of proposed Bijwasan Railway Station was ongoing, Respondent No.1 issued an RFP dated 19.12.2022 for mixed-use development (55% Residential and 45% Commercial) on the subject land for 99 years. It is pertinent to note here that the RFP states that all forest/tree clearances, where required, shall be obtained by the bidder.

(v) Respondent No.4-BDPL became successful bidder of the RFP, and the subject land was leased out to it on 25.05.2023 for mixed-use development for 99 years.

5. In the background of the above facts, Respondent No.5 filed OA before the NGT challenging the above issued RFP dated 19.12.2022 alleging that the subject land is part of forest land as per Section 2 of 1980 Act, as there are as many as 1100 trees standing on the subject land which will be cut in the process of implementation of the project and the said land is covered under the definition of *deemed forest*.

6. Respondent No.1 herein filed an affidavit in response to the allegations levelled in the OA stating that the subject land is part of Master Plan of Delhi, 2021 and is allotted to Railways by the DDA in 2008 for development of Bijwasan Railway Station Project. Further, it was stated that the subject land is not a forest land or deemed forest as per municipal revenue records and was a completely barren land with no tree(s)

nor any significant vegetation. Over a period of time some shrubs and trees have come up on the subject land, which would not make it a forest land. Respondent No.1 further submitted that the RFP issued on 19.12.2022 includes a clause instructing the successful bidders to obtain requisite permission as per law, if required.

7. Respondent No.3 has also filed an affidavit dated 12.02.2024 stating that the said land is not a notified forest land and status of land, as on date, as deemed forest is not ruled out.

8. The NGT vide Impugned Judgment dismissed the OA filed by the Respondent No. 5 holding that the applicant has not produced any cogent material to show that the land in question is a forest land, and as far as deemed forest is concerned the NGT relied upon the submission of the Respondent No.1 that the definition of deemed forest requires 100 trees per acre which is not the case in the OA filed by the Respondent No.5. The NGT further recorded that the Forest

(Conservation) Act, 1980 has been amended by the Forest (Conservation) Amendment Act, 2023 and amended Section 1(A) does not cover deemed forest.

9. The above findings and observations of the NGT are challenged before this Court in the present Appeal. This Court vide order dated 17.09.2024 restrained the respondents from felling and/or damaging the trees on the subject land and directed that no construction shall be carried out thereon, and vide Order dated 03.03.2025 clarified that the stay granted will remain confined to subject land of OA filed before the NGT.

10. The Learned Counsel for the Appellants submits that the Impugned Judgment overlooks the fact that the said land consists of dense forest and is home to many trees, plants, animals, and bird species. The said land falls within the definition of "forest land" under the 1980 Act, as per the test laid down in ***T.N. Godavarman***

Thirumulkpad v. Union of India and Others[1] and as clarified in the affidavit dated 15.09.1997 filed in the Supreme Court.

11. He asserts that the Impugned Judgment proceeds on incorrect premise that the concept of *deemed forest* has been completely excluded by the 2023 Amendment carried out in the 1980 Act. This assertion of the Respondent No.1 as made has been accepted by the NGT without discussing the merits of the said argument. Reliance is placed on ***Narinder Singh and Others v. Divesh Bhutani and Others***[2], wherein it is held that Article 21 of the Constitution of India confers a fundamental right on individuals to live in a pollution-free environment, and the principles laid down therein are squarely applicable to the present case.

12. He further submits that the affidavit dated 02.02.2024 filed by the Divisional Forest Officer is silent on the issue as to whether the disputed

[1] (1997) 2 SCC 267
[2] (2023) 17 SCC 779 : [2022] 15 S.C.R. 1066

land is a forest or not. Instead, the NGT relies solely on the submissions made by the Respondent No. 1, which is an interested party, whose statements cannot be relied upon. He submits that a survey report and certificate dated 06.06.2024 issued by Sky Blue Engineering Consultant clearly show that 530 trees are present on 2.5 acres of land, establishing thereby the trees to be more than 100 per acre.

13. He rests his submissions by stating that the transplantation of mature trees poses significant challenges and that the survival rate is notoriously low due to extensive root damage during the process. Planting saplings as substitutes is also not a viable solution, as they require decades to match the ecological benefits of the mature trees.

14. The learned Additional Solicitor General, appearing for the Respondent No.1, challenges the maintainability of the present Appeal by submitting that this Court in ***Mantri Techzone***

Private Limited v. Forward Foundation and Others[3] laid down that the remedy of appeal under Section 22 of the National Green Tribunal Act, 2010 does not *ipso facto* permit the appellants to agitate their appeal so as to seek reappreciation of the factual matrix of the entire matter.

15. She further submits that the survey dated 06.06.2024, relied upon by the Appellants is unauthorized, as only Delhi Tree Authority is the body authorized to conduct such survey for the purpose of calculation of trees under Delhi Preservation of Trees Act, 1994. The survey includes no supporting documents or the manner in which it is conducted, leaving it susceptible to conjectures and errors.

16. She asserts that the subject land is neither a declared reserved forest nor recorded as forest in the government or revenue records and hence is not covered under the 1980 Act. She emphasizes that even letter dated 10.03.2022 of

[3] (2019) 18 SCC 494

Ministry of Environment, Forest and Climate Change clarifies that prior permission of Central Government under Section 2 of 1980 Act is not required for works on railway land.

17. She further submits that the Appellants have stated distorted facts in the Appeal by referring to the land as 120 acres without specifying which segment of total land admeasuring 272 acres of Bijwasan Railway Station Project is being referred to in the pleadings. She rests her submission by stating that the redevelopment project is in public interest and in consonance with the Master Plan of Delhi, 2021 which has provided for inclusion of five new directional passenger terminal in order to decongest the central area of Delhi.

18. The learned Senior Counsel appearing for Respondent No.4 submits that the project land was handed over to the Ministry of Railways by the DDA in 2009, at that time there existed no greenery and it was a barren land, as shown in the Google Earth photographs. Subsequently,

the Project was approved by the Central Government under National Transit Oriented Development Policy. The Indian Railway Stations Development Corporation has also sought the opinion of the Ministry of Law and Justice, which recognises that commercial development on railway land is covered within the term "railway" for the purposes of the Railway Act and that no clearance from the Environment Ministry is necessary.

19. He further submits that one of the compliances in the RFP is that 20% of project area is to be left for green cover. There are measures adopted to minimize the loss of trees, as an application dated 16.08.2024 is already filed before the Forest Department seeking necessary approval for removal and transplantation of trees. A survey is conducted through an empanelled surveyor, and the report provides details of each tree on the subject land, identifying the trees that can be transplanted, those that have to be removed, and those that cannot be transplanted. An agreement of sale dated

05.09.2024 is entered into for purchase of 60 acres of land in Delhi for transplantation of trees, and additional approval is obtained from the Delhi Nagar Nigam to plant 4000 trees at specified locations.

20. He contends that as per the affidavit dated 12.02.2024 filed before the NGT on behalf of the Deputy Conservator of Forest, West Forest Division, Department of Forest and Wildlife, GNCTD the land is not a notified forest land or a forest land, and the Indian Forest Act, 1927 also does not declare it to be a reserve forest. Moreover, the surrounding area around subject land are fully developed land with Metro Station on one side and Railway Station on other side, and Airport lies across the land with surrounding residential and commercial areas.

21. Reliance is also placed upon the publication titled *Delhi's Forest at a Glance*, issued by the Department of Forest and Wildlife, NCT of Delhi to contend that invasive species such as *Vilayati Kikar* affect the ecological balance of the area

and dominate indigenous vegetation thereby reducing natural biodiversity resulting into disruptions in entire food chain. The Government of NCT of Delhi is undertaking initiatives to restore native species in place of harmful invasive species. The subject land consists 70% trees of such invasive species which are not beneficial for maintaining ecological balance rather disrupting the native biodiversity.

22. He submits that if branches are excluded and the trees of invasive species are not taken into consideration, the number of trees comes down to 2047 trees in subject land i.e. 2047 trees/30.64 acres = 69 trees per acre. In this view of the matter, even if the parameters laid down in ***T.N. Godavarman*** *(supra)* are applied, the land does not qualify as deemed forest.

23. Learned Senior Counsel rests his submissions relying upon the case of ***Essar Oil Ltd. v. Halar Utkarsh Samiti and Others***[4], wherein this

[4] (2004) 2 SCC 392

Court held that there must be a balance between economic development and social needs on the one hand and environmental considerations on the other, and that there should not be a deadlock between development and environment. Reliance is also place upon ***The Auroville Foundation v. Navroz Kersasp Mody and Others***[5], wherein this Court observed that while the right to a clean environment is a fundamental right under Articles 14 and 21 of the Constitution of India, the right to development through industrialisation also claims priority under the same provisions, and therefore sustainable development requires a harmonised and balanced approach between the right to development and the right to environment.

24. Having heard the counsel for parties and on perusing the material on record, we are of the opinion that it is undisputed that the subject land is not a declared forest land, which is also not the claim of the Appellants.

[5] (2025) 4 SCC 150

25. The issues, therefore, that arise for determination are:

(i) Whether the land which is not a forest land as per revenue record or a declared forest nor fulfilling the requirement of a deemed forest, when the same is earmarked for execution of a project under a Master Plan, could with the efflux of time be declared as deemed forest, overriding the statutory binding force and sanctity of the said Master Plan.

(ii) Which would be the relevant date for consideration and determination of the nature of the land as 'deemed forest' i.e., the date of coming into force of the Master Plan or the date on which the actual work on the project, as earmarked under the Master Plan, is initiated on the ground.

26. Before we delve into analyzing the issues at hand, we find it apposite to examine the definition and legal understanding of the expression "forest" and "forest land" as provided under section 2 of the 1980 Act. Section 2 reads as follows:

> *"**2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.**— Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—*
>
> *(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved:*
>
> *(ii) that any forest land or any portion thereof may be used for any non-forest purpose.*
>
> *Explanation.—For the purposes of this section "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for any purpose other than reafforestation."*

Section 2 of the 1980 Act places restrictions on the use of forest land for non-forest purposes and mandates prior approval of the Central Government before any such diversion can take place. The provision reflects the legislative intent to check further deforestation and ecological imbalance and to ensure that forest land is not diverted for non-forest purposes without careful scrutiny by the Central Government.

27. In the absence of any statutory definition of the expression "forest", this Court in ***T.N. Godavarman*** *(supra)* held that the word "forest" must be understood according to its dictionary meaning and that the provisions of the 1980 Act would apply not only to statutorily recognised forests but also to areas recorded as forest in government records, irrespective of ownership. The relevant extract is reproduced herein:

> "**4.** The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(*i*) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the

> ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works* v. *State of Gujarat* [(1987) 1 SCC 213], *Rural Litigation and Entitlement Kendra* v. *State of U.P.* [1989 Supp (1) SCC 504] and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee* v. *Mussoorie Dehradun Development Authority* [WP (C) No 749 of 1995 decided on 29-11-1996]). The earlier decision of this Court in *State of Bihar* v. *Banshi Ram Modi* [(1985) 3 SCC 643] has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay."

28. The principle laid down in ***T.N. Godavarman*** *(supra)* has since remained a cornerstone of environmental jurisprudence. The judgment ensured that the protective umbrella of the 1980 Act would extend to all areas which answer the

description of forest in ordinary sense and are recognised as such in official records, even if such areas are not formally notified forests. The concept commonly termed as "*deemed forest*" has evolved during the proceedings arising out of this case, reflecting the understanding that ecological protection cannot be restricted merely to areas that have undergone formal statutory notification.

29. At the outset, it is necessary to note as to what is meant by the expression "*deemed forest*". In the jurisprudence emanating from ***T.N. Godavarman*** *(supra)* and the proceedings connected therewith, reliance has been placed on paragraph 3 of the affidavit dated 15.09.1997 filed by the Conservator of Forest, Government of NCT of Delhi before this Court in W.P. (C) No. 202 of 1995, wherein it was stated that a decision had been taken to identify areas above 2.5 acres having a density of 100 trees per acre, as well as stretches of land along roads, drains, etc. having a length of 1.0 km, in addition to

areas already shown as forests in the revenue records to be a deemed forest.

30. This Court, however, has consistently clarified that the interpretation accorded in ***T.N. Godavarman*** *(supra)* be applied in the factual and legal context in which the issue arises. ***In Re: Construction of Park at NOIDA near Okhla Bird Sanctuary***[6], this Court undertook an extensive analysis of the scope of ***T.N. Godavarman*** *(supra)* and proceeded to observe that a mechanical application of the judgments of this Court defining "forest" and "forest land" without regard to historical land use and contemporaneous official records cannot be done and due consideration must be given to the overall facts of the case. The Court placed reliance on revenue records and acquisition documents which pre-dated the project and observed that it would be inconceivable that land, which was forever agricultural could, within a span of a few years, be converted into

[6] (2011) 1 SCC 744

forest land merely on account of subsequent plantation or tree growth. Relevant extract stands reproduced herein:

> "**25.** NOIDA was set up in 1976 and the lands of the project area were acquired under the Land Acquisition Act mostly between the years 1980 to 1983 (two or three plots were notified under Sections 4/6 of the Act in 1979 and one or two plots as late as in the year 1991). But the possession of a very large part of the lands under acquisition (that now form the project site) was taken over in the year 1983. From the details of the acquisition proceedings furnished in a tabular form (Annexure 9 to the counter-affidavit on behalf of Respondents 2 and 3) it would appear that though on most of the plots there were properties of one kind or the other, *there was not a single tree on any of the plots under acquisition*. The records of the land acquisition proceedings, thus, complement the revenue record of 1952 in which the lands were shown as *agricultural and not as jungle or forest*. There is no reason not to give due credence to these records since they pertain to a time when the impugned project was not even in anyone's imagination and its proponents were nowhere on the scene.
>
> **26.** Further, in the second response of the MoEF, dated 22-8-2009/24-8-2009 there is a reference to the information furnished by the Deputy Horticulture Officer, NOIDA according to which plantations were taken up along with seed sowing of subabul during the years 1994-1995 to 2007-2008. A total of 9480 saplings

were planted (including 314 saplings planted before 1994-1995). NOIDA had treated this area as an "urban park". It is, thus, to be seen that on a large tract of land (33.45 ha in area) that was forever agricultural in character, trees were planted with the object of creating an urban park (and not for afforestation!). The trees, thus, planted were allowed to stand and grow for about 12-14 years when they were cut down to make the area clear for the project.

27. The satellite images tell us how things stand at the time the images were taken. We are not aware whether or not the satellite images can ascertain the different species of trees, their age and the girth of their trunks, etc. But what is on record does not give us all that information. What the satellite images tell us is that in October 2006 there was thin to moderately dense tree cover over about half of the project site. But this fact is all but admitted; the State Government admits felling of over 6000 trees in 2008. How and when the trees came up there we have just seen with reference to the revenue and land acquisition proceedings records. Now, we find it inconceivable that trees planted with the intent to set up an urban park would turn into forest within a span of 10 to 12 years and the land that was forever agricultural, would be converted into forest land. One may feel strongly about cutting trees in such large numbers and question the wisdom behind replacing a patch of trees by large stone columns and statues but that would not change the trees into a forest or the land over which those trees were standing into forest land.

xxx xxx xxx

35. Almost all the orders and judgments of this Court defining "forest" and "forest land" for the purpose of the FC Act were rendered in the context of mining or illegal felling of trees for timber or illegal removal of other forest produce or the protection of national parks and wildlife sanctuaries. In the case in hand the context is completely different. Hence, the decisions relied upon by Mr Bhushan can be applied only to an extent and not in absolute terms. To an extent Mr Bhushan is right in contending that a man-made forest may equally be a forest as a naturally grown one. He is also right in contending that non-forest land may also, with the passage of time, change its character and become forest land. But this also cannot be a rule of universal application and must be examined in the overall facts of the case otherwise it would lead to highly anomalous conclusions.

36. Like in this case, Mr Bhushan argued that the two conditions in the guidelines adopted by the State Level Expert Committee i.e. (*i*) "trees mean naturally grown perennial trees", and (*ii*) "the plantation done on public land or private land will not be identified as forest like area" were not consistent with the wide definition of forest given in the 12-12-1996 [(1997) 2 SCC 267] order of the Court and the project area should qualify as forest on the basis of the main parameter fixed by the Committee. If the argument of Mr Bhushan is accepted and the criterion fixed by the State Level Expert Committee that in the plains a stretch of land with an area of 2 ha or above, with the minimum density of 50 trees per hectare would be a deemed forest is applied

> mechanically and with no regard to the other factors a greater part of Lutyens Delhi would perhaps qualify as forest. This was obviously not the intent of the order dated 12-12-1996 [(1997) 2 SCC 267].
>
> **37.** In the light of the discussion made above, it must be held that the project site is not forest land and the construction of the project without the prior permission from the Central Government does not in any way contravene Section 2 of the FC Act."

31. In ***Chandra Prakash Budakoti v. Union of India and Others***[7], this Court emphasised that due weight must be accorded to revenue records, particularly those pertaining to a period when no development project or dispute was even contemplated. The Court rejected the contention that subsequent vegetation or tree cover could, by itself, alter the legal character of land which stood classified as *banjar* or barren in official records, and held that in the absence of such land being recorded or treated as forest by the competent authorities, the provisions of the 1980 Act would not stand attracted.

[7] (2019) 10 SCC 154

32. The position, in our opinion, as transpires from the above decisions is that while the principle laid down in ***T.N. Godavarman*** *(supra)* mandates a broad and purposive interpretation in order to advance the cause of environmental protection, and are to prevail, the determination of whether a particular parcel of land answers the description of "forest" or "deemed forest" cannot be undertaken in isolation. Such assertation must necessarily take into account the historical character of the land, the classification reflected in revenue and planning records, and the circumstances in which the land came to be utilised.

33. At this juncture, it is also necessary to appreciate the nature and significance of the project involved in the present case. The project pertains to the redevelopment of the Bijwasan Railway Station area as an Integrated Metropolitan Passenger Terminal forming part of a broader transport and urban infrastructure framework envisaged for the National Capital Territory of Delhi. The Master Plan of Delhi,

2021 recognises the increasing pressure on existing transport infrastructure in the central areas of the city and contemplates the development of new directional passenger terminals with the objective of decongesting the core urban zones.

34. The subject land forms an integral part of this planned redevelopment. The mixed-use development envisaged under the Master Plan is not an isolated commercial venture but is intrinsically linked to the functioning and sustainability of the passenger terminal itself. The integration of residential and commercial components with mass transit infrastructure reflects a conscious planning choice aligned with the National Transit Oriented Development Policy to reduce travel distances, optimise land use, and promote public transport usage. Such planning models are now widely accepted as essential to managing urban growth in metropolitan cities.

35. It is also material to note that the project has received approval at different levels of government and forms part of a coordinated planning effort involving multiple agencies, including the DDA, the Ministry of Railways, and other statutory bodies. The planning framework governing the project has been in place for several years and has been acted upon, with substantial public resources already committed towards the development of the passenger terminal and associated infrastructure.

36. The location of the project further reinforces its public character. The subject land is situated amidst a fully developed urban environment, surrounded by transport infrastructure, residential sectors, commercial establishments, and institutional facilities. The presence of a major metro station, in close proximity to the Indira Gandhi International Airport, and the convergence of multiple transport modes render the project site uniquely suited for integrated development. The redevelopment is thus not an

incursion into an ecologically pristine or undisturbed area, but an exercise in planned urban consolidation within an already developed zone.

37. Having noticed and taking into consideration the jurisprudential development on the understanding of the expression "forest" and the importance of the project in the present case, let us now turn to examine the nature and significance of a statutory Master Plan in the framework of urban planning and development vis-à-vis legal character of subject land.

38. A Master Plan is not a mere policy document of tentative character, but a statutory planning instrument prepared by the competent authority for regulating and guiding the development of a city or urban region. It represents a comprehensive framework intended for the holistic development of the area concerned, identifying the manner in which land is to be utilised, infrastructure is to be

developed, and urban growth is to be regulated over an extended period of time.

39. By its very nature, a Master Plan is conceived as a long-term planned optimum land utilisation document. The development projects contemplated under such a plan are often implemented in phases and may span several years or even decades. Large infrastructure and redevelopment initiatives envisaged under a Master Plan necessarily proceed based on the conditions prevailing at the time of its formulation, including the character and classification of the land concerned.

40. Once a Master Plan is duly prepared, approved by the competent authority, and brought into force in accordance with law, it attains statutory force and becomes binding on all stakeholders. It provides the foundational framework within which development activities, infrastructure projects, and land-use decisions are undertaken.

41. This Court in ***The Auroville Foundation*** *(supra)* has emphasised that a Master Plan which has been approved by the competent authority and notified in accordance with law attains statutory force and finality. This Court proceeded to hold that the Tribunal had exceeded the limits of judicial review by interfering with the implementation of a Master Plan which had been approved decades earlier and substantially acted upon. The Court observed that judicial review cannot be used as a substitute for planning authority, nor can courts or tribunals mandate the preparation of fresh plans or modifications under the guise of applying environmental principles, once a statutory Master Plan has attained finality.

42. The rationale underlying this approach is grounded in the need for certainty, predictability, and stability in planning laws. Developmental projects, particularly those involving public infrastructure and long-term urban planning, are premised on planning instruments i.e. Master Plan etc., which cannot

be rendered perpetually uncertain by subsequent changes on the ground. If subsequent changes were to be treated as sufficient to unsettle the operation of a Master Plan, it would introduce an element of perpetual instability, rendering statutory planning susceptible to continual disruption.

43. A Master Plan is based on extensive surveys, planning studies, and consideration of existing land-use patterns. The classification of land within such a plan therefore reflects the understanding of the planning authority regarding the character and potential use of the land at the time of its preparation. Where, at that stage, the land is neither notified as forest nor recorded or identified as forest in official or planning records, the planning authority necessarily proceeds on the basis that the land is available for the purposes for which it has been designated under the plan.

44. If subsequent changes such as natural growth of vegetation or increase in tree cover over time

were treated as sufficient to alter the legal character of land for the purposes of the 1980 Act, it would introduce an element of perpetual uncertainty into statutory planning. Development projects envisaged under a Master Plan would remain indefinitely vulnerable to disruption at the stage of execution, notwithstanding the fact that the land in question was not treated as forest when the planning framework itself was conceived.

45. The law does not contemplate or conceive, nor can it afford such instability in the planning processes. While the principle laid down in ***T.N. Godavarman*** *(supra)* continues to operate with full force and ensures that forest land is not diverted without compliance with the statutory safeguards, the determination of whether a particular parcel of land answers the description of "forest" or "deemed forest" must necessarily take into account the original nature of the land and the planning framework within which the land is situated and sought to be utilised.

46. The position would naturally be different when the Master Plan itself records the existence of forest land or specifically identifies land containing a substantial number of trees. Where the Master Plan, at the time of its formation, records that a particular parcel of land contains tree cover or indicates the existence of a significant number of trees, such land may well fall within the understanding of deemed forest. However, where the Master Plan does not record the existence of trees or describe the land as containing forest cover, the subsequent emergence or proliferation of vegetation over a period of time cannot, by itself, bring the land within the ambit of deemed forest so as to unsettle the planning framework already put in place.

47. It can, in the above conspectus, be concluded that without changing the Master Plan in accordance with law, if the non-use or use of land leads to some changes due to natural or human intervention, the same shall have no

impact, what so ever on the project as and when the same is to be executed in pursuance of and in accordance with the Master Plan. In other words, the sanctity and statutory binding force of the Master Plan will have primacy and shall prevail.

48. This interpretation preserves the principle laid down in ***T.N. Godavarman*** *(supra)* while at the same time ensuring that the concept of deemed forest is not applied in a manner that destabilises statutory planning instruments conceived for the holistic development of urban area because of changes which came about or are brought about in an unplanned, unregulated, unconceived manner, whether natural or otherwise.

49. At this stage, it becomes necessary to advert to another aspect relevant for determining the character of land claimed to be forest, namely the nature of native/indigenous vegetation and the spread of invasive alien plant species. The mere presence of vegetation or tree cover cannot

by itself be equated with the existence of a natural forest ecosystem. Native vegetation comprises plant species that have evolved within a particular geographical region and form part of its natural ecological system. Such species sustain biodiversity and ecological balance by supporting wildlife, pollinators and soil processes while remaining adapted to local climatic and hydrological conditions. In contrast, invasive alien species are plants introduced from outside their natural range which tend to spread aggressively and displace indigenous vegetation.

50. The publication titled '*Delhi's Forest at a Glance'* issued by the Department of Forest and Wildlife, Government of NCT of Delhi notes that large-scale plantations were carried out during colonial afforestation activities to create quick green cover around the city. During this process, exotic species such as *Prosopis juliflora* (*Vilayati Kikar*), native to Mexico and the Caribbean, were introduced without any study

on impact or effect on the ecology and ecosystem.

51. Although such plantations initially increased tree cover in otherwise barren areas, subsequent ecological experience has demonstrated that species such as *Prosopis juliflora* possess characteristics enabling them to dominate landscapes and displace indigenous vegetation. Owing to rapid growth, tolerance to arid conditions and absence of natural predators, the species spread extensively across parts of Delhi, often forming dense monocultures that replaced native plant communities of the Aravalli ecosystem.

52. Scientific observations indicate that invasive species possess biological traits such as high seed production, long seed viability and expansive canopy growth, enabling them to outcompete surrounding vegetation and suppress native grasses and shrubs. Their proliferation reduces biodiversity, alter soil conditions and disturb the natural hydrological

balance of the area through higher evapotranspiration and reduced groundwater recharge.

53. The ecological impact extends beyond vegetation. The displacement of native plants disrupts the food chain dependent upon them, affecting insects, birds and herbivorous animals that rely upon indigenous species for sustenance and habitat. This ultimately results in declining wildlife presence and ecological imbalance.

54. The material on record, therefore, indicates that the mere proliferation of vegetation, particularly where it consists of invasive alien species introduced through historical human intervention, does not necessarily signify the presence of a natural forest ecosystem.

55. An affidavit dated 12.02.2024 was filed on behalf of the Deputy Conservator of Forest, West Forest Division before the NGT, stating that, as per such records, the land in question is not notified forest land. Nevertheless, as to the

status of the land, on the date of filing of the affidavit as deemed forest was not ruled out.

56. An affidavit dated 29.01.2025 has been filed by the Deputy Conservator of Forest, during the pendency of this Appeal as to the latest position on the subject land, disclosing that an exercise to determine the extent of deemed forest in the area was carried out by the Department of Forest and Wildlife, West Division from 03.01.2025 to 05.01.2025. A report dated 09.01.2025 was prepared pursuant thereto. As per the said report, certain patches within the subject land have been identified as falling under the category of deemed forest, namely: Patch 1 measuring 14.5 hectares with 5,494 trees; Patch 2 measuring 16.9 hectares with 6,083 trees; and Patch 3 measuring 19.39 hectares with 7,810 trees. It has also been stated that approximately 70% of the trees in these patches comprise invasive species such as *Vilayati Kikar* and *Subabul*, and that the definition of "tree" adopted for the purpose of the report is as contained in Section 2(i) of the Delhi

Preservation of Trees Act, 1994. The affidavit further clarifies that while certain parts of the area fall within the category of deemed forest, other parts do not, and that permissions under the 1980 Act would be required for the former, while permissions under the Delhi Preservation of Trees Act, 1994 would govern the latter.

57. After appreciating this broader overall view in context, it becomes appropriate to turn to the question which is sought to be raised, namely whether the subject land can be regarded as a "*deemed forest*" so as to attract the requirement of prior approval under the 1980 Act.

58. The material on record indicates that the subject land formed part of a larger tract acquired in the year 1986 from Village Bharthal and was recorded in the acquisition proceedings as agricultural land containing standing crops. The land was subsequently allotted for the development of the Bijwasan Integrated Metropolitan Passenger Terminal and was incorporated within the planning framework

reflected in the Master Plan 2021 governing the area.

59. It is not in dispute that at the time of formulation of the Master Plan, the land was neither notified as forest land in the revenue records or a declared forest nor treated as deemed forest in official records and for the obvious reason that this land was used for agricultural purposes as crops were standing. Although, affidavits placed on record indicate that certain patches of tree growth presently exist on the land today.

60. Taking into consideration the above and the nature of Master Plan as discussed earlier, it can be concluded that a duly approved and notified Master Plan possesses statutory force and provides the governing framework for use of land and urban development, and its operation cannot be unsettled merely on account of subsequent changes in vegetation or tree growth, particularly where such growth includes invasive species that do not form part

of a natural forest ecosystem. In the absence of any contemporaneous material demonstrating that the land possessed the character of forest at the time of formation of the Master Plan, the subsequent proliferation of vegetation cannot alter its legal status or impede the implementation of the development contemplated under the Master Plan. Consequently, the Master Plan must prevail, and the subject land cannot be treated as "*deemed forest*" and thus, no permission or sanction of the Central Government under Section 2 of 1980 Act would be required. This Appeal is liable to be dismissed on this count alone.

61. However, it would not be out of way to mention that Respondent Nos. 1 and 2 have filed an affidavit dated 28.02.2025 categorically undertaking that, being responsible instrumentalities of the Government, they shall carry out work in the patches as identified in the affidavit dated 29.01.2025 of the Deputy Conservator of Forests only after obtaining all

necessary permissions in accordance with law, and that for all other areas as well, requisite permissions, as may be required, shall be obtained before any work is undertaken.

62. Apart from the abovementioned undertaking, the project framework itself incorporates safeguards aimed at environmental compliance. The project envisages that 20% of the total area shall be maintained as green land. Further, Clause 1.1.12 of the Request for Proposal expressly casts an obligation on the bidders to obtain all permissions, approvals, and clearances as may be required under the applicable rules and law before undertaking any activity pursuant to the project. The Respondents also undertake for tree transplantation and compensatory afforestation and have provided detailed figures for the said exercise as recorded above.

63. Taking into consideration the aforesaid material, including the undertakings furnished by the concerned respondents, the manner in

which the project is structured, coupled with the obligation to obtain all statutory permissions and to maintain a substantial portion of the land as green area, provides sufficient safeguards to ensure that the applicable legal regime governing forest and tree conservation is duly complied with. In our considered view, this approach subserves the ends of justice and brings quietus to the controversy raised on this score.

64. Having regard to the above discussion, we find no infirmity in the conclusion reached by the NGT that the material placed on record does not establish that the land in question is forest land so as to attract the prohibition contained in Section 2 of the 1980 Act. The order of the NGT, therefore, does not warrant interference.

65. The issues as framed in paragraph 25 of the judgment are, thus, answered as follows:

(i) the land, earmarked for execution of a project under an approved Master Plan, which is not a forest land as per revenue record or a declared forest nor fulfilling the requirement

of a deemed forest at the time of coming into force of the said Master Plan, cannot be subsequently declared a forest or a deemed forest overriding the statutory binding force and sanctity of the said Master Plan.

(ii) the relevant date for consideration and determination of the nature of the land as 'deemed forest' would be the date of coming into force of the Master Plan.

66. Before parting with this judgment, we would like to add that in assessing whether a parcel of land possesses characteristics associated with forest ecosystem, it is necessary to consider whether the vegetation forms part of a naturally evolved indigenous ecosystem or whether it represents the spread of invasive species which may in fact signify ecological disturbance. The emphasis of environmental management, as reflected in governmental policy as well as ecological understanding, lies in the restoration and promotion of native species capable of sustaining biodiversity and ecological balance. Therefore, for restoration of forest to its natural ecosystem, trees of native species be planted in

large numbers and preferably by replacing invasive species to save and sustain the ecological balance.

67. In the light of above, we deem it appropriate to direct that all concerned authorities and implementing agencies shall make earnest efforts to ensure transplantation of native/indigenous trees to the maximum extent possible, and to preserve and protect existing trees and in particular native species in and around the project area. Further, prior to the commencement of any work on the site, compensatory afforestation shall be undertaken strictly in accordance with the applicable statutory provisions, rules, and guidelines, and in consonance with the permissions that may be granted by the competent authorities.

68. The present Appeal is disposed of in above terms.

69. The Contempt Petition (C) No. 860/2024 also stands disposed of.

70. Pending application(s), if any, also stands disposed of.

71. There shall be no order as to cost.

.....J.
[DIPANKAR DATTA]

.....J.
[AUGUSTINE GEORGE MASIH]

NEW DELHI;
MARCH 20, 2026.