



\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10480/2024 & CM APPL. 43099/2024**
AMITA SACHDEVA & ANR.Petitioners

Through: Mr. Sudhir Nandrajog, Senior Advocate with Mr. Aman Nandrajog, Mr. Sumeer Sodhi, Advocates with Mr. Amit Sachdeva, Petitioner No. 1 and Ms. Mallika, Advocate for P-2.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Latika Malhotra, Mr. Mukesh Rawat, Mr. Amar Aggarwal, Ms. Payal Ms. Shilpa, Ms. Mehak Aggarwal, Ms. Alka Goel, Mr. Shivam G., Ms. R. Garg, Advocates for DDA.
Mr. Siddhant Nath, SC with Mr. B. Makhija, Mr. Sandeep Rexwal, Mr. Himanshu Dagar, Mr. Varun Phogaat, Ms. Avani Srivastava and Ms. Kirti Arora, Advocates for MCD.
Ms. Sangeeta Bharti, SC with Ms. Malvi Balyan and Ms. Vidushi Gupta, Advocates for R-4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **31.07.2024**

1. The present petition has been filed seeking compensation from Respondents for the loss suffered by them owing to the dereliction of their



public duty in maintenance of sewage and drainage system. This resulted in flooding of Petitioner's office located in basement of N-26, Malviya Nagar, New Delhi causing extensive damage to Petitioners' properties.

2. Mr. Sudhir Nandrajog, Senior Counsel for Petitioner No. 1 along with Ms. Amita Sachdeva, Petitioner No. 1 in person, urge that Respondents must compensate the Petitioners for loss and damages suffered by them. They contend that the Respondents have failed to discharge their public duty, thereby jeopardising the safety of the Petitioners and other local residents by not taking adequate steps in time which led to water logging in Malviya Nagar.

3. It has been pointed out that the Division Bench in writ petition bearing No. W.P.(C) 7594/2018,¹ considered the issue of Respondents' liability in such situations. A copy of the order dated 25th July, 2024 passed in the said writ petition has been shared with the Court. It is noticed that in the said petition, the Court allowed impleadment of two advocates, who urged their grievance relating to flooding that occurred on the intervening night of 27th June, 2024 and 28th June, 2024, on account of heavy rains.

4. In light of the above, in order to avoid any multiplicity of opinions, it would be appropriate that the present writ petition be also tagged along with W.P.(C) 7594/2018, subject to the orders of Hon'ble the Acting Chief Justice.

5. At this juncture, Ms. Sachdeva, has requested that considering the monsoon season is currently ongoing, there is an apprehension that another heavy rain may again cause flooding in the area. Considering the above, as an interim measure, the Respondent authorities – Delhi Jal Board, Municipal



Corporation of Delhi and Government of NCT of Delhi shall immediately look into the issue and take the necessary remedial action. For this purpose, let a joint inspection of the Engineers not below the rank of Superintendent Engineer of Respondents' authorities coordinate with one other to finalise a time and date in the coming week, for the purpose of carrying out the detailed inspection of the Petitioner's premises and the surrounding area and, subsequently, submit a report to the Court within a period of one week thereafter.

6. Petitioners are permitted to serve a copy of this order, to the concerned Departments for immediate compliance.

7. Subject to the orders of Hon'ble the Acting Chief Justice, list this matter on 16th August, 2024 along with W.P.(C) 7594/2018 before the appropriate Bench.

SANJEEV NARULA, J

JULY 31, 2024

as

¹ Titled *Court on its own motion v. Union of India*