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

+ **W.P.(C) 17064/2024**

RAVINDER YADAV

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through:

Mr. Anuj Aggarwal, ASC, GNCTD,
Mr. Siddhant Dutt, Mr. Yash
Upadhyay, Advs with Mr. Navin
Kumar Chawdhary, Add. Chief Secy,
Mr. K.S. Jayachandran, Special Secy,
I&FC.

Mr. Dinesh Yadav, Mr. BB Agrawal,
Mr. Rajesh, Mr. Pankaj Atray, Mr.
Adarsh Kumar, Mr. Sanjay Kumar,
Mr. Ashutosh Upadhyay, Mr. Pankaj
Gunawat, Mr. Vikash, Mr. Saurabh
Kutiyal, Mr. Dhanu Prasad, Mr. Anil
Kumar, Mr. Jitendra Kumar, Mr.
Vivek Chauhan, Engineers for MCD,
DJB, DDA, I&FC.

Mr. Manu Chaturvedi, Standing
Counsel with Mr. Khwaja Umair, Adv.
for MCD

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**W.P.(C) 7594/2018 & CM APPLs. 30022/2018, 41886/2024, 42188-
42189/2024, 47142/2024, 48597/2024, 57187/2024, 62545/2024,
69901/2024**

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

UNION OF INDIA & ORS.

..... Respondents

Through:

Mr. Manish Mohan, CGSC with Mr.
Jatin Teotia, Mr. Samarth Talesara,
Advocates for UOI.



Ms. Prabhsahay Kaur, Standing Counsel with Ms. Deeksha L. Kakar, Ms. Ananya Sahu and Mr. Rashneet Singh, Mr. Shivansh Sharma, Advs for DDA with Mr. Gaurav Meena, AE & Mr. Mr. Vishwajeet Gahlot, (AD, Housing), DDA, Mr. Nipun Kumar, Asst. Eng./DDA,

Mr. Ajay Arora, Sr. Adv with Mr. Kapil Dutta and Mr. Nitish Dubey, Advocates.

Mr. Tushar Sannu, Mr. Karan Chaudhary, Advocates for Respondent MCD along with Mr. SC Yadav (Superintendent Engineer), Mr. BB Aggarwal (Superintendent Engineer), BK Sah (Executive Engineer), Mr. Sanjeev Mudgal (Executive Engineer), Mr. AK Mittal (Assistant Engineer), Mr. Shubham Bansal (Assistant Engineer)

Mr. Ali Qambar Zaidi, Mr. Manik Gupta, Advs. in **CM No.42189/2024**

Mr. Tushar Sannu, ASC for NDMC.

Ms. Monika Arora, Mr. Subhrodeep Saha, Ms. Radhika, Advs. for MCD

Ms. Puja S Kalra with Mr. Virendra Singh, Advocates with Mr. S. C. Yadav, S.E., B.K. Sah, E.E. & Sanjiv Mudgal, E.E. MCD

Ms. Preeti Sirohi & Mr. Sudhanshu Tiwari, Advs. in **CM APPL.62545/2024**

Ms. Priyam Mehta, Advocate in **CM No.47142/2024.**

Mr. Yogesh Mahajan, Applicant in person in **CM APPL. 48597/2024**

Mr. Anuj Aggarwal, ASC, GNCTD



with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD with Mr. Navin Kumar Chawdhary, Add. Chief Secy, Mr. K.S. Jayachandran, Special Secy, I&FC. Mr. Sangeeta Bharti, SC(DJB) with Ms. Malvi Balyan, Adv. for DJB. Mr. Anuj Chaturvedi, Adv Mr. Harshita Maheshwari Mr. Pawan Karen, DEO with Mr PK Jha, Principal Director Law and Mr. Pranav Siroha, LA for DUSIB. Mr. Ripudaman Bhardwaj, CGSC with Kushagra Kumar, Mr. Abhinav Bhardwaj, Mr. Vishal Baliyan, Advs for UOI

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AND

W.P.(C) 9617/2022

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through:

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD. Mr. Manish Mohan, CGSC with Mr. Jatin Teotia, Mr. Samarth Talesara, Advocates for UOI. Ms. Prabhsahay Kaur, Standing Counsel with Ms. Deeksha L. Kakar, Ms. Ananya Sahu and Mr. Rashneet Singh, Mr. Shivansh Sharma, Advocates for DDA with Mr. Gaurav Meena, AE, DDA Mr. Mr. Vishwajeet Gahlot, Mr. Nipun Kumar, Asst. Eng., (AD, Housing), DDA. Mr. Vikrant N. Goyal, Adv. for UOI. Mr. Sangeeta Bharti, SC (DJB) with



Ms. Malvi Balyan, Adv. for DJB.
Mr. Anuj Chaturvedi, Adv with Mr PK
Jha, Principal Director Law and Mr.
Pranav Siroha, LA for DUSIB.
Mr. Ripudaman Bhardwaj, CGSC with
Kushagra Kumar, Mr. Abhinav
Bhardwaj, Mr. Vishal Baliyan, Adv
for UOI

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AND

W.P.(C) 10480/2024 & CM APPL. 43099/2024

AMITA SACHDEVA & ANR.

..... Petitioners

Through: Ms. Amita Sachdeva, P-1 (through
VC)

Ms. Mallika Parmar, Adv. for P-2.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Siddhant Dutt and Mr. Yash
Upadhyay, Advocates for GNCTD
Mr. Sangeeta Bharti, SC(DJB) with
Ms. Malvi Balyan, Adv. for DJB.
Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Arjun Basra, Adv.
Mr. Haruddin Khan, AE/MCD.
Ms. Latika Malhotra, Adv. for DDA
Mr. Anuj Chaturvedi, Adv with Mr PK
Jha, Principal Director Law and Mr.
Pranav Siroha, LA for DUSIB.

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AND

W.P.(C) 12626/2024 & CM APPL. 57104/2024

DR. ARPANA CAUR

..... Petitioner

Through: Mr. Sanjeev Anand, Sr. Adv. with Mr.
Sameer Sood, & Mr. Jatin
Mandovaria, Adv. (M: 9999345900)

versus

GOVT. OF NCT, DELHI THROUGH
CHIEF SECRETARY & ORS.

..... Respondents



Through: Mr. Manu Chaturvedi, Standing Counsel with Mr. Khwaja Umair, Adv. for MCD
Mr. Shivendra Singh, Adv. with Ms. Prakriti Rastogi, Adv. for R-4
Ms. Hetu Arora Sethi, ASC for GNCTD
Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD

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W.P.(C) 14094/2024 & CM APPLs. 58974-58975/2024

MURUGAN

..... Petitioner

Through: Mr. Talha Abdul Rahman, Adv with Mr. Rafid Akhter, Mr. M. Shaz Khan, Mr. Faizan Ahmad & Mr. Sudhanshu Tewari, Advs.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ORS.

..... Respondents

Through: Mr. Parvinder Chauhan, Ms. Aakriti Garg, Advs. for DUSIB with Mr. P.K. Jha (Pr. Director) with Mr. Pranav Siroha, LA
Ms. Arti Bansal, Advocate with Mr. Kamal Digpaul, Ms. Akanksha Kumari, Advocates for DDA.
Ms. Prabhsahay Kaur, Standing Counsel with Ms. Deeksha L. Kakar, Ms. Ananya Sahu and Mr. Rashneet Singh, Mr. Shivansh Sharma, Advocates for DDA with Mr. Gaurav Meena, AE, DDA Mr. Mr. Vishwajeet Gahlot (AD, Housing), DDA
Ms. Avni Singh, Adv. for GNCTD. (M: 9958018998)



Mr. Anuj Chaturvedi, Mr. Anuj Chaturvedi, Mr. Harshita Maheshwari and Mr. Pawan Karan, DEO with Mr PK Jha, Principal Director Law and Mr. Pranav Siroha, LA for DUSIB. Ms. Gauri Goburdhun, Senior Panel Counsel for R-8

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD
Mr. Kapil Dutta, Adv for MCD

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W.P.(C) 8035/2024, REVIEW PET.373/2024, CM APPLs.52659-52660/2024, 52780/2024, 52897/2024, 59162-59163/2024, 59345-59346/2024 and 61322/2024

SHABNAM BURNEY

.....Petitioner

Through: Mr. Sumit Kumar, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Prabhsahay Kaur, Standing Counsel with Ms. Deeksha L. Kakar, Ms. Ananya Sahu and Mr. Rashneet Singh, Mr. Shivansh Sharma, Advocates for DDA with Mr. Gaurav Meena, AE, DDA Mr. Mr. Vishwajeet Gahlot (AD, Housing), DDA Mr. Ajay Arora, Sr. Adv. Mr. Kapil Dutta and Mr. Nitish Dubey, Advocates

Mr. Yash S Vijay, Advocate for Review Petitioner

Mr. Avishkar Singhvi (ASC) with Mr. Vivek Kr. Singh, Mr Naved Ahmed and Mr Shubham Kumar, Advs. for GNCTD (M: 8527586706)

Mr. Parvinder Chauhan, Ms. Aakriti Garg, Advs. for DUSIB with Mr. P.K.



Jha (Pr. Director) with Mr. Pranav Siroha, LA

Ms. Vrinda Grover, Mr. Prasanna S, Ms. Devika Tulsiani, Mr. Soutik Banerjee and Ms. Rupali Samuel, Advocates in **CM Nos.52780/2024, 52897/2024, 59163/2024.**

Mr. Anuj Chaturvedi, Mr. Harshita Maheshwari and Mr. Pawan Karan, DEO with Mr PK Jha, Principal Director Law and Mr. Pranav Siroha, LA for DUSIB.

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD

Mr. Kapil Dutta, Adv for MCD

Mr Amit Tiwari, Mr. Aakash Pathak & Ayush Tanwar, Advs for UOI

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W.P.(C) 8489/2024 & CM APPLs.34941/2024 and 63347/2024

KRISHAN KUMAR & ORS.

..... Petitioners

Through:

Mr. Anand Varma, Advocate with Mr. Apoorva Pandey, Advocate

versus

DELHI JAL BOARD & ORS.

..... Respondents

Through:

Mr. Hilal Haider, Advocate with Ms. Amreen Rizvi, Advocate for R-1.

Ms. Aditi Saraswat, Adv for Mr. Jawahar Raja, ASC (Civil) for R-2 to 4.

Mr. Anuj Chaturvedi, Adv with Mr PK Jha, Principal Director Law and Mr. Pranav Siroha, LA for DUSIB.

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Mr. Yash Upadhyay, Advocates for GNCTD

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W.P.(C) 13190/2024



MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND
WELFARE SOCIETY LTD., & ANR. Petitioners

Through: Mr. A.N. Haksar, Senior Advocate
with Mr. Udayan Jain, Mr. Raj Surana
and Mr. Ranjan Mishra, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD,
Mr. Siddhant Dutt, Mr. Yash
Upadhyay, Advs with Mr. Navin
Kumar Chawdhary, Add. Chief Secy,
Mr. K.S. Jayachandran, Special Secy,
I&FC.

Mr. Sangeeta Bharti, SC(DJB) with
Ms. Malvi Balyan, Adv. for DJB.

Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, GP for R-1/UOI.

Mr. Ajay Arora, Sr. Advocate, Mr.
Karan Chaudhary, Advocates for
Respondent MCD along with Mr. SC
Yadav (Superintendent Engineer), Mr.
BB Aggarwal (Superintendent
Engineer), BK Sah (Executive
Engineer), Mr. Sanjeev Mudgal
(Executive Engineer), Mr. AK Mittal
(Assistant Engineer), Mr. Shubham
Bansal (Assistant Engineer) Mr.
Tushar Sannu, Standing Counsel, with
Mr. Manoviraj Singh, Adv. for MCD.
Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Deeksha L. Kakar,
Ms. Ananya Sahu and Mr. Rashneet
Singh, Mr. Shivansh Sharma,
Advocates for DDA with Mr. Gaurav
Meena, Mr. Nipun Kumar, Mr. Pankaj
Gunawat, AE, DDA Mr. Mr.
Vishwajeet Gahlot (AD, Housing),
DDA



Ms. Hetu Arora Sethi, ASC for
GNCTD

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AND

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W.P.(C) 15399/2024

SHAILENDRA BHATNAGAR

..... Petitioner

Through: Petitioner in person

versus

GOVT. OF NCT, DELHI & ORS.

..... Respondents

Through:

Mr. Tushar Sannu, Adv. for GNCTD
Ms. Beenashaw N. Soni, SC for MCD
with Ms. Mansi Jain, Adv. for MCD
Mr. Sangeeta Bharti, SC(DJB) with
Ms. Malvi Balyan, Adv. for DJB.
Mr. Shivendra Singh, Advocate with
Ms. Prakriti Rastogi, Adv. for R-4.
Mr. Amit Gupta, Adv. (SPC), Mr.
Vidur Dwivedi, Adv. (GP)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.12.2024**

1. This hearing has been done through hybrid mode.
2. These matters pertain *inter alia*, to the water logging issues in Delhi.

W.P.(C) 8035/2024

DUSIB and eligibility determination of the JJ dwellers in Madrasi Camp

3. On the last date *i.e.*, 6th December, 2024 the Court directed that a complete list of eligible and ineligible jhuggi units be placed on record and DUSIB shall focus on the removal of 214 jhuggis, whose removal would be essential for ensuring that any blockages of drains are removed as recorded in the order dated 23rd October, 2024.
4. Further to the last order dated 6th December, 2024, an affidavit dated 13th December, 2024 has been placed on record by the Principal Director-Mr.



P.K. Jha of DUSIB giving the details of the eligible *jhuggi* dwellers for rehabilitation, after a joint survey conducted of the *Jhuggis* at Madrasi Camp, Jangpura by the DUSIB, Public Works Department (hereinafter, ‘PwD’), Irrigation and Flood Control Department (hereinafter ‘I&FCD’). Paragraph 9 of the said affidavit reads as under:

“9. That the said EDC revealed that only 189 jhuggies have been found to be provisionally eligible for rehabilitation as per the Policy, 2015. That the break-up of the said eligible jhuggies is as under:

Jhuggies in Madrasi Camp	No. of Jhuggies as per survey	No. of Jhuggies dwellers found to be provisionally eligible	No. of Jhuggies Dwellers found In-eligible
Situated on right bank of Jungpura drain	248	135	96 (In-eligible) + 17(who did not appeared before EDC)
Remaining Jhuggies of Madrasi Camp	122	54	50(In-eligible)+17(who did not appeared before EDC)
Total:	370	189	182

”

5. As per the above stated survey, overall 189 *jhuggi* dwellers have been found to be eligible and 182 *jhuggi* dwellers have been found to be ineligible. The list of eligible *jhuggi* dwellers has been annexed as Annexure 4 (Colly) with the affidavit. It is seen that some 34 *jhuggi* dwellers had not appeared before the DUSIB. Last opportunity shall be given to such *jhuggi* dwellers who did not appear before the DUSIB to determine their eligibility by appearing in Court by moving an application and make submissions which they wish to make within one week, failing which it shall be deemed that they



have nothing to say in the matter.

6. Ms. Vrinda Grover, Id. Counsel appearing for the said *jhuggi* dwellers submits that the alternative accommodation being provided to the said eligible *jhuggi* dwellers is in Narela. Substantial number of the families have children who are studying in nearby schools near Jangpura including the Delhi Tamil Education Association (DTEA). The weather condition is inclement presently and owing to GRAP 4 conditions having been imposed, the eviction ought to await at least a few months. Id. Counsel further submits that as per the protocol of DUSIB, various facilities ought to be available such as ration shops, clinics and transport in order for the rehabilitation to be fully effective. She, however, concedes that insofar as shifting out is concerned, the *jhuggi* dwellers would not obstruct the same in any manner as long as their concerns are taken care of. As an alternative suggestion, she submits that in the *Kalkaji* area there are several EWS category flats which the DDA has built which could also be considered, bearing in mind the vicinity in which these *jhuggi* dwellers are living. The submission is that if the *Kalkaji* EWS flats could be considered for rehabilitation these families' lives would not be disrupted.

7. Mr. Anuj Aggarwal, Id. Counsel appearing for the GNCTD submits that insofar as the payment of Rs.27.47 crores for relocation of the JJ Dwellers of the Madrasi Camp is concerned, the same had been put up for approval, however, due to some budgetary constraints in the department under which it has been put up, the PWD has been asked to re-submit the file upon which within a week the payment would be made to DUSIB for onward payment to the DDA.

8. If the said payment is not made by the 5th January, 2025, on the next date of hearing, the Secretary, Finance shall remain present in Court.



9. Ms. Prabhsahay Kaur, Id. Counsel submits that insofar as DDA is concerned, the flats in Kalkaji are meant for *in situ* rehabilitation. Id. Counsel further submits that the flats at *Kalkaji* are unavailable and in fact there is a shortage even in that area as the same were meant for rehabilitating *jhuggi* dwellers from other areas such as *Bhoomiheen* Camp and *Navjeevan* Camp. On this issue, final orders shall be passed on the next date. By the next date, the DDA shall inform the Court as to whether there are any other EWS tenements in the vicinity which can be considered for rehabilitation.

W.P.(C) 14094/2024

10. The present petition is filed by one Mr. Murugan who is a part of *Madrasi* Camp in Mathura Road, Jangpura, seeking quashing of the demolition notice dated 5th September, 2024, and the minutes of meeting dated 3rd September, 2024 for the JJ cluster in *Madrasi* Camp Jangpura. Further, the Petitioner seeks *in situ* rehabilitation to the residents of JJ cluster and an additional payment of compensation for threatening to demolish the houses of Petitioner.

11. The matter relating to the entire JJ cluster which is also known as the *Madrasi* Camp, Jangpura is already being dealt with in **W.P.(C) 7594/2018** and **W.P.(C) 8035/2024**. With respect to the issues relating to the rehabilitation of the entire cluster, several orders have been passed. One of the main issues being dealt with in the said writ petition is the blocking of the Barapullah drain leading to water logging, due to the said JJ cluster.

12. It is submitted by DUSIB that the Petitioner has been found to be one of the *jhuggi* dwellers eligible for rehabilitation. In view thereof, in the opinion of this Court, the present writ petition would not survive as the main matter is being considered by the Court in respect of all issues including



rehabilitation. However, it is submitted on behalf of the Petitioner that a transfer petition has been filed by some third party before the Supreme Court seeking transfer from this Court to the Supreme Court. Let the status of the same be placed on record by the next date of hearing in ***W.P.(C) 8035/2024***.

13. Considering that an affidavit has been filed by the DUSIB with respect to the eligible jhuggi dwellers attached as *Annexure 4 (Colly)* in ***W.P.(C) 8035/2024*** and Mr. Murugan being found to be an eligible *jhuggi* dweller, the present writ petition is infructuous as the Petitioner's case would be considered as part of the overall rehabilitation in ***W.P.(C) 8035/2024***. Accordingly, the present writ petition ***W.P.(C) 14094/2024*** stands disposed of.

W.P. (C) No. 13190/2024

Taimoor Nagar Drain

14. The present petition has been filed by the Maharani Bagh Co-Operative Housing Building and Welfare Society Ltd. & Anr. seeking demolition of illegal constructions on both sides of Taimoor Nagar and Khizarabad drains and removal of all the silt and garbage up to Yamuna flood plains. The petition is further seeking implementation of Drainage Master Plan for NCT of Delhi, 2018 and Master Plan of Delhi, 2021 along with other reliefs.

15. On the last date *i.e.*, 6th December, 2024, after perusing all the photographs which were placed before the Court with respect to the Taimoor Nagar drain, the Court observed that there was clear violation of the order dated 29th November, 2024, which clearly stated as under:

“2. This Court has perused the photographs annexed by the Petitioners with the objections. GNCTD is directed to ensure that all concerned statutory authorities ensure that the portions of the Taimur Nagar drain seen in these



photographs is cleaned up so as to enable unhindered flow of water from the drain towards River Yamuna.
3.The Chief Secretary will call for a meeting of all the concerned civic authorities responsible for the drain to create a Special Task Force to ensure the unclogging of this drain.”

16. The Court issued contempt notice against Mr. K.S. Jayachandran Special Secretary, Integrated Drain Management Cell (IDMC) and Mr. Navin Kumar Choudhary, Additional Chief Secretary Irrigation and Flood Control Department, GNCTD and directed that an affidavit be filed in response to this notice.

17. In compliance of the order dated 6th December, 2024, affidavits have been filed by both the officials trying to give an explanation as to why no work has been undertaken in this drain till date. The affidavits have been filed by Mr. K.S. Jayachandran and Mr. Navin Kumar Chaudhary who are both present in Court. In addition, an Action Taken Report dated 18th December, 2024 has also been filed by the I&FDC. After hearing the officials and the Id. Counsels appearing in these matters, it is clear that the multiplicity of agencies has made the situation worse as there is complete lack of coordination in all of them. In the opinion of this Court, a team of two officials would have to be constituted for the purposes of monitoring the implementation of the orders being passed herein.

18. At this stage, Mr. Aggarwal, Id. ASC submits that the Chief Secretary, Delhi has directed the constitution of a Special Task Force (STF) under the Chairmanship of Chief Engineer, I&FCD consisting of officials from DDA, Delhi Jal Board and MCD. The said STF is stated to have also conducted inspections and the inspection report dated 17th December, 2024 is on record.



The STF consists of the following members:

1. Mr. Anil Kumar, Chief Engineer, I&FC as Chairman
2. Mr. Dinesh Yadav, Chief Engineer, MCD
3. Mr. Pankaj Atray, Chief Engineer, DJB
4. Mr. Ashutosh Upadhyay, EE, DDA
5. Mr. Pankaj Gunawat, Dy. Director, DDA)

19. Since the STF has now been constituted by the Chief Secretary, this Court passes the following directions:

- i) Mr. Anil Kumar, Chairman of the STF shall now be in-charge of ensuring the cleanliness, desilting, de-clogging and maintenance of the Taimoor Nagar drain. The remaining four officials who have been appointed as part of the STF shall report to him and carry out all the directions which are given by him;
- ii) The said directions would include demolition, removal of encroachment, garbage collection and removal related directions, etc. so as to ensure free flowing of the drain and de-clogging of the drain for the entire stretch of the drain;
- iii) If any civil work is to be undertaken, the responsibility of the same shall also be of the STF. The persons who are part of the STF shall not be changed without the permission of this Court;
- iv) From 1st January, 2025 onwards, the task shall be undertaken.

20. Some of the work is already stated to have been handed over to a private contractor. The said private contractor shall appear before the Court on the next date of hearing.



21. List these matters on 24th December, 2024 at 2:30 p.m for further hearing.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

DECEMBER 20, 2024

dj/rahul/gs/ks