



\$~2 (SDB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15399/2024 & CM APPLs.4918/2025, 8786/2025, 45271/2025**

SHAILENDRA BHATNAGARPetitioner

Through: Petitioner in person

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through:

Ms. Sangeeta Bharti, SC, DJB with
Ms. Malvi Balyan, Adv. and Mr.
Aman Tiwari, Junior Engineer, DJB
Mr. Tushar Sannu, SC, MCD with Mr.
Shivam, Adv. and Mr. B. K. Shah,
Executive Engineer, MCD

Mr. Mahesh Chandra Saxena, Adv. in
CM APPL. 45271/2025

Dr. Harsh Pathak, Mr. Mohit Choubey
& Mr. Aditya Nema, Advs. with Mr.
Satish Kumar, Asst. Engineer (Civil),
AIIMS (9516509476)

Ms. Beenashaw Soni, SC, MCD with
Ms. Mansi Jain, Adv. (9810046611)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **19.08.2025**

1. This hearing has been done through hybrid mode.
2. The present petition filed by the Petitioner under Article 226 of the Constitution of India relates to the waterlogging problems in Green Park Extension and surrounding areas. On the last date of hearing i.e., 28th July,



2025, this Court was informed that the representatives of All India Institute of Medical Sciences, Delhi (hereinafter, ‘AIIMS’) did not attend the meeting scheduled on 8th July, 2025 which was to be held in the office of Chief Engineer (South), Delhi Jal Board (hereinafter, ‘DJB’) in terms of the directions issued *vide* order dated 18th June, 2025. Mr. Pathak, Id. Counsel appearing for the AIIMS on the last date submitted that he does not have instructions as to why AIIMS did not attend the said meeting. Accordingly, this Court *vide* order dated 28th July, 2025 directed Mr. Deepak Bhatale, the concerned Superintendent Engineer, AIIMS to be present in Court for the next date of hearing. The relevant portion of the said order dated 28th July, 2025 reads as under:

“5. On a query from the Court, Mr. Pathak, Id. Counsel appearing for the AIIMS submits that he does not have instructions as to why AIIMS did not attend the said meeting. The DJB now requires permission of the AIIMS for laying the sewer line. Let this report be placed before AIIMS and the permission be communicated by it to the DJB within two weeks.

6. Mr. Deepak Bhatale, the concerned Superintending Engineer, AIIMS shall remain present in Court on the next date of hearing.”

3. Today, neither Mr. Deepak Bhatale, Superintendent Engineer, AIIMS nor Mr. Devender Kumar, Executive Engineer, AIIMS is present in Court.

4. Mr. Harsh Pathak, Id. Counsel submits that the only instructions that he has received is in regard that AIIMS is planning to challenge the orders passed by this Court. Mr. Satish Kumar, Assistant Engineer, AIIMS, is present in Court and submits that he has been instructed by Mr. Pawan from the Legal



Cell, AIIMS that AIIMS is planning to challenge the orders passed by this Court.

5. The issue involved in the present case is regarding the construction of a 200 metre sewer line to avoid flooding in the Green Park Extension area so that backflow of sewage is avoided in the said colony. The said drain is proposed to be constructed and connected to the Aurobindo Marg drain so as to ensure that there is no backflow of sewage and that the sewage pumping station at Andrews Ganj, New Delhi, is enabled to effectively address the situation of flooding and backflow.

6. The manner in which AIIMS has been assisting this Court is a cause of concern in this matter as the sewage drain which is proposed to be constructed by the DJB has received complete approval from all the concerned authorities. Moreover, AIIMS has been a part of this matter since 5th May, 2025 and have attended the hearings through their concerned officials as also the Id. Counsels on 29th May, 2025, 30th May, 2025 and 18th June, 2025. Id. Counsel for AIIMS also attended the hearing on 28th July, 2025.

7. On behalf of AIIMS, it was initially stated on 29th May, 2025 that the land does not belong to AIIMS and that the same belongs to the New Delhi Municipal Council (hereinafter, 'NDMC') which then delayed the resolution of the issue for a considerable period. Finally, *vide* order dated 18th June, 2025, it was recorded that the land in question actually vests with the AIIMS administration and that the authority to take a decision rests with the AIIMS administration itself. The relevant portion of the said order reads as under:

*“5. The minutes of the meeting dated 4th June, 2025 have also been annexed as per which **it is stated that the Land & Development Officer (hereinafter***



‘L&DO’) has informed the participating Authorities during the meeting that the concerned land formally stands allotted to the AIIMS. This is slightly in deviance with the stand taken by AIIMS before this Court on the last date of hearing. ...”

8. Thereafter, surprisingly, AIIMS stopped participating in the meetings conducted in pursuance of the directions by this Court. It was only after last order dated 28th July, 2025 passed by this Court that the concerned Engineer has joined back the proceedings.

9. On the last date *i.e.*, 28th July, 2025, on the statement of Id. Counsel appearing on behalf of AIIMS, it was directed that Mr. Deepak Bhatale, the concerned Superintendent Engineer, AIIMS shall remain present today. However, Mr. Deepak Bhatale is not present in Court today.

10. The residents of a substantial area in South Delhi are being repeatedly inconvenienced on account of backflow of sewage in their colonies during the monsoon. There cannot be any reason as to why AIIMS cannot cooperate in the construction of the sewage drain.

11. Accordingly, it is directed that the sewage drain be constructed by the DJB in terms of the plan already placed before this Court. The AIIMS administration shall fully cooperate in the said construction.

12. The action taken report of the said construction shall be placed on record by DJB on the next date of hearing.

13. At this stage, the Court is informed that the budget approval for the construction of the said drain is stated to have not been received. Accordingly, let the Finance Department, DJB give approval for the said project within ten days from today, and the construction of the drain shall begin immediately thereafter.



14. Insofar as the Residents Welfare Association of Green Park Extension is concerned, an affidavit is stated to have been filed pursuant to the order dated 28th July, 2025 which is not on record. Let the same be brought on record by the next date of hearing.
15. The appearance of Ms. Sangeeta Bharti, Id. Standing Counsel, DJB is taken on record for the previous order *i.e.*, order dated 28th July, 2025.
16. List on 19th September 2025.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

AUGUST 19, 2025

kk/ck