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

+ **W.P.(C) 15399/2024 & CM APPLs.4918/2025, 8786/2025**

SHAILENDRA BHATNAGAR

..... Petitioner

Through: Ms. Bhumika Gupta and Ms. Shivani
Pal, Adv. with Petitioner in person.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Tushar Sannu and Mr. Aman
Kumar, Advs. for GNCTD and ASC
for NDMC. (M:9911991162)
Ms. Beenashaw N Soni, Adv. for
MCD.
Ms. Sangeeta Bharti, Standing
Counsel for DJB with Mr. Vineet
Dwivedi, Zonal Engineer.
Mr. Manish from the MCD.
Dr. Harsh Pathak, Mr. Mohit
Choubey, Advs. with Mr. Devender
Kumar, Executive Engineer, AIIMS.
(M: 8510003041)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **30.05.2025**

1. This hearing has been done through hybrid mode.
2. On the last date of hearing i.e., 29th May, 2025, AIIMS denied the required land and the permission to construct a new sewerage system *vide* its Status Report dated 27th May, 2025, *inter alia* on the ground that the land was under the jurisdiction of New Delhi Municipal Corporation (hereinafter 'NDMC') and in view thereof, the Court had impleaded NDMC.



3. Mr. Tushar Sannu, Id.Standing Counsel has entered appearance today for the NDMC and submits that he also appears for the GNCTD in this matter. As can be seen from the previous orders, the issue is in respect of creating a connecting sewage line that would go through the AIIMS and which can enable the flow of sewage from Green Park Extension to Aurobindo Marg.

4. *Vide* the Status Report dated 27th May, 2025, the proposed sewer line is being opposed by the AIIMS by refuting the Petitioner's assertion that the waterlogging in Green Park extension and surrounding area can be prevented by construction of the proposed sewer line. According to AIIMS, the waterlogging is rather caused by the ineffective functioning of the rain water drains. It is the further grievance of AIIMS that laying of the proposed sewer line shall disrupt the future infrastructural plans of AIIMS. In view there of it is the submission of AIIMS that the proposed sewage line cannot be passing through its premises.

5. Insofar as the stand of Delhi Jal Board (hereinafter 'DJB') and Municipal Corporation of Delhi (hereinafter 'MCD') about the necessity to lay the sewerline is concerned, the same is answered in affirmative. The relevant status reports are summarised below:

(i) **Status report of MCD dated 27th February, 2025** - relevant portion of the same reads as under:

"3. That this Hon'ble Court vide its order dated 28/01/2025 mainly passed the following directions qua the respondent - MCD:

"6. Mr. Bhatnagar, Id. Counsel also submits that there is no outflow of sewage from Green Park Extension as there is a blockage near AIIMS and the connection to the Aurobindo Marg drain is not being permitted to be created



7. Let the MCD take instructions and file a specific affidavit on this aspect as well, by the next date of hearing.”

8. That pursuant to above, joint inspection was carried out by the officials of respondent - Delhi Jal Board and answering respondent - MCD alongwith petitioner on 20/02/2025. During the course of inspection, the official of respondent Delhi Jal Board, Sh. K.K. Meena JE (DJB), told that at present no storm water drain is mixing in sewer line and nor sewer line is mixing with storm water drain. **He also informed that the existing sewer line is very old and insufficient to take the load during rainy season, hence, the same needs to be replaced.** Further during the said inspection it has also been observed that cleaning of storm water drain is underway. The copy of the joint inspection report as prepared, during the aforesaid inspection is also annexed herewith as Annexure -D.”

(ii) **Status report of DJB dated 15th April, 2025** - relevant portion of the same reads as under:

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iv.	Whether the extension or connection between the drains through AIIMS to the bigger drain is feasible and if so, in what manner.	<u>On inspection, it has been noticed that the only solution is to lay new sewer line across AIIMS (West Ansari Nagar)</u> and, accordingly, it is decided that DJB and AIIMS both will submit a feasibility report for lying new Sewer Line across AIIMS West Ansari Nagar (Vacant Land) with a week time. <i>In pursuant to aforesaid</i>
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		<i>decision Delhi Jal Board has also written a letter to SE, AIIMS regarding permission for lying of new DJB sewer line across AIIMS Campus to facilitate sewer disposal of Green Park Extension Area. Copy of letter dated 17/03/2025 as received in the office of EE(M)-I of South Zone – MCD for information regarding the same is annexed herewith as Annexure -C.</i>
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6. In view of the above, the stand of MCD and DJB is clear that a new sewer drain would be required to prevent waterlogging in concerned areas. However, AIIMS is refuting the said stand on this matter. In view of this, since the land, on which the AIIMS is standing, is stated to be belonging to the NDMC, let a meeting chaired by the Secretary, NDMC be held, at NDMC Palika Kendra on 4th June, 2025 at 11:00 AM. In the said meeting, all the officials, who are familiar with the issues and are from the following Departments, shall attend the meeting.

- (i) Irrigation and Flood Department
- (ii) DJB
- (iii) MCD
- (iv) NDMC
- (v) AIIMS
- (vi) PWD



- (vii) Mr. Shailendra Bhatnagar with two other residents of the area, shall also be invited for the meeting.
7. The Secretary, NDMC is free to conduct an inspection of the relevant areas within the AIIMS premises, if so required and place a report on the next date of hearing. On behalf of the NDMC, Tariq Thomas IAS, Chief Secretary NDMC (Phone No: 01123742451, 9910938337) shall coordinate this meeting with all the officials and the residents of the area.
8. List the matter on 18th June, 2025 at 10:00 AM before this Bench.

PRATHIBA M. SINGH, J

MANMEET PRITAM SINGH ARORA, J

MAY 30, 2025/dk/Ar.