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

+ W.P.(C) 7594/2018 & CM APPLs. 30022/2018, 41885/2024,
41886/2024

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

UNION OF INDIA

.....Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali, Adv. for UOI
Mr. Ripu Daman Bhardwaj, CGSC with Mr. Kushagra Kumar and Mr. Abhinav Bhardwaj, Advs.
Ms. Prabhsahay Kaur, SC with Ms. Deeksha L. Kakkar, Panel counsel with Mr. Prashant Kaushik (EE HCD-9) Mr. Gaurav K. Meena (AE, HCD-9) and Ms. Shivali Singh, Mr. Rashmeet Singh, Ms. Ananya Sahi and Mr. Bir Inder Singh, Advs.
Ms. Kanika Singh, ASC with Mr. Tushar Sannu, ASC for NDMC
Mr. Anuj Aggarwal, ASC GNCTD with Mr. Narayan Singh, Adv. GNCTD
Ms. Puja Kalra, SC with Mr Virendra Singh, Adv. with Mr. S.C. Yadav, EE for MCD
Ms. Sangeeta Bharti, SC DJB with Mr. Malvi Balyan, Adv.
Mr. Aman Panwar, Mr. Harsh Gattani and Mr. Shivam Singh Baghel, Advs. for applicant in CM APPLs. 41885/2024, 41886/2024
Applicant in person in CM APPL.



42161/2024

+ W.P.(C) 9617/2022
COURT ON ITS OWN MOTION

....Petitioner

Through:

versus

GOVT. OF NCT OF DELHI

....Respondent

Through:

Mr. Anuj Aggarwal, ASC GNCTD
with Mr. Narayan Singh, Adv.
GNCTD

Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali, Adv. for UOI

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

Mr. Kirti Uppal and Mr. Mohit
Mathur, Sr. Adv. with Mr. Sandeep
Sharma, Mr. Saurav Kr. Singh, Mr.
Moksh Kataria, Ms. Muskan, Ms. S.
Dhingra, Ms. Kavya Dauk, Mr.
Nishant Kumar, Mr. Ved Prakash,
Mr. Pawan Kumar Sharma, Mr. Amit
Choudhary and Ms. Simrandeep
Singh, Adv. in CM
APPL.41911/2024

Ms. Smriti Churiwal, Mr. Vishesh
Kalra and Mr. Jaiveer Kant, Mr.
Sourabh Tandon, Mr. Hardik Khatri
and Ms. Atika Chaturvedi, Adv. In
CM APPL. 41913/2024

Mr. Naresh Kumar, Chief Secretary
(Through VC)

Mr. Ashwani Kumar, Commissioner
MCD (Through VC)



CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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25.07.2024

W.P.(C)7594/2018

CM APPL. 42161/2024

1. This is an application filed by Mr. Neeraj Basoya seeking impleadment in this petition for highlighting the issues pertaining to water logging in the areas falling in the constituency of Kotla Mubarakpur.

2. For the reasons stated in the application, the application is allowed and the applicant, Mr. Neeraj Basoya is arrayed as Respondent No. 10.

CM APPL. 41913/2024

3. The is an application filed by Vidhi Partners, Advocates seeking impleadment in the present petition. The applicant states that it is aggrieved by the flooding which occurred on the intervening night of 27th June,.2024 and 28th June,2024 following which numerous offices in the South Delhi area being run by professionals in the basement and ground floors of the premises were completely submerged leading to huge losses. The applicant states that the flooding occurred due to a lack of proper desilting of sewers and drains in the South Delhi area by the statutory authorities, which includes GNCTD, MCD, DJB, PWD and the Irrigation and Flood Control Department.

4. For the reasons stated in the application, the application is allowed and the applicant, Vidhi Partners, Advocates is impleaded as Respondent No. 11.

5. Respondent No. 11 is directed to file an amended memo of parties within one week.



CM APPL. 41911/2024

6. This is an application filed by Mr. Sulalit Singh Sisodia seeking impleadment in this petition in his personal capacity. It is contended by the applicant that the applicant is an Advocate and is aggrieved by the flooding that occurred on the intervening night of 27th June,.2024 and 28th June,2024, which led to flooding in the Defence Colony. It is stated that he has an office in a basement in Defence Colony. It is stated that the basement was flooded and there was water logging upto 10 feet in the office premises which led to damage to the infrastructure installed in the office. It is stated that the flooding occurred due to clogging of the sewer drains.

7. For the reasons stated in the application, the application is allowed and the applicant, Mr. Sulalit Singh Sisodia is impleaded as Respondent No. 12.

CM APPL. 41885/2024

8. This is an application filed by Mr. Abhishek Dutt, applicant no. 1 and Mr. Devender Kumar, applicant no. 2 seeking impleadment in the present writ petition. It is stated in the application that the applicants wish to highlight the agony of the residents of Village Garhi adjoining East of Kailash Colony. It is stated that there is stagnant sewage water in this area as on date and there is an urgent requirement for intervention from the civic authorities to desilt the sewers and the stormwater drains in this area.

9. For the reasons stated in the application, the application is allowed and the applicants, Mr. Abhishek Dutt and Mr. Devender Kumar are impleaded as Respondent Nos. 13 and 14 respectively.

CM APPL. 41886/2024

10. This is an application filed by newly impleaded Respondent Nos. 13



and 14. Mr. Aman Panwar, learned counsel for the applicants has drawn our attention to the photographs filed with this application at Annexure A-12 to show that the sewage system is non-functional in Village Garhi and this is resulting in daily hardships for the residents, which is posing significant health hazards. He states that there is a sewage water overflow in this area on account of blocked sewers. He states that there is an imminent threat of outbreak of waterborne diseases in the area due to these conditions. He states that there is an urgent need for the civic authorities to employ super-sucker trucks/machines for desilting the sewers and the stormwater drains.

11. Mr Peeyoosh Kalra, learned counsel appearing for Respondent No. 10 states that similar are the conditions in the Kotla Mubarakpur area and there is an urgent need for deployment of super-sucker trucks/machines for desilting of sewers and stormwater drains in this area.

12. Mr. Kirti Uppal, learned senior counsel and Mr. Sandeep Sharma, learned counsel appearing for Respondent Nos. 11 and 12 similarly state that desilting of the sewers and stormwater drains in Defence Colony require urgent attention from the civic authorities with the use of super-sucker trucks/machines. Mr. Sharma states that this morning's rainfall alone caused stagnation of water in the entire colony. He states therefore the claim of MCD that the stormwater drain has been desilted appears to be incorrect. He states that MCD, DJB and other civic authorities need to review the status of desilting.

13. Mr. Naresh Kumar, Chief Secretary has joined the proceedings through video conferencing link along with other officials of GNCTD as well as Mr. Ashwani Kumar, Commissioner MCD.

14. At the outset, Mr. Naresh Kumar states that he will prioritize desilting



of the sewer and drains in the areas of Defence Colony, Kotla Mubarakpur and Village Garhi complained of in these proceedings. He states that super-sucker trucks/machines will be deployed for desilting.

14.1. He states that in Defence Colony the main drain is 1600 mtr. in length, however, 1300 mtr. of this drain has been covered, which has made it difficult to desilt the drain. He states that only 300 mtr. drain is open. He states however, MCD is taking steps to resolve this issue by taking permission for cutting the slab over the covered portion of the drain. He states that desilting of the drain under the covered portion has thrown up challenges. This fact has also been confirmed by learned counsel appearing for MCD.

15. This Court enquired from the Chief Secretary with respect to the compliance of the direction issued in an order dated 08th April, 2024 with respect to the transfer of responsibility of management and operations of all the 22 open drains, which are out-falling in river Yamuna, to one department for facilitating effective management.

16. In reply, the Chief Secretary states that the office order for assigning the drains to the Irrigation and Flood Control Department had been issued on 29th April, 2024. He states however, since desilting work in the 22 drains had already been undertaken by the existing statutory agencies to avoid disruption of work for the current monsoon season they have been permitted to continue. He however, states that after this monsoon season is over in compliance with this Court's order dated 08th April, 2024 and the office order dated 29th April, 2024 with regards to the responsibility, management and operation of the 22 open drains will be taken over by the Irrigation and Flood Control Department.



17. He further states that for the planning of an integrated and comprehensive drainage and management plant, the Government has already identified two agencies to undertake the preparation of a detailed plan. He states for the Najafgarh basin- M/s Haskoning DHV Consulting Pvt. Ltd. has been appointed as a consultant and they are scheduled to submit their report by October, 2024. He states that for Barapulla basin and Trans-Yamuna basin - M/s Green Design & Engineering Services Pvt. Ltd. has been appointed as a consultant and they are expected to submit their report by the end of the year. He states that work stands already awarded to these consultants. He states that the report will assist the Irrigation and Flood Control Department to ensure that all the drains are connected and the level of the drains is in sync.

18. This Court is of the considered view that the GNCTD and the other statutory departments must ensure that the timelines set out in the order dated 08th April, 2024 are strictly adhered to. The photographs filed by the newly impleaded applicants show a very disheartening state of affairs in the colonies.

19. The Chief Secretary is directed to file an affidavit within three days placing on record the proposal for desilting of sewers and stormwater drains in the Defence Colony, Kotla Mubarakpur and Village Garhi. However, the present writ petition is not limited to the said three colonies and therefore the Chief Secretary is directed to place on record the timelines for completing desilting sewers and stormwater drains in the entire city.

20. We may note that the concern for completing desilting prior to the onset of the monsoon was highlighted in the order of the Court on 08th April, 2024 and therefore, it is imperative that the statutory agencies now



complete the said work considering that we are in the midst of the monsoon.

21. Mr. Sandeep Sharma, counsel for Respondent Nos. 11 and 12 states that it is often seen that contractors who carry out desilting dump the silt on the side of the roads and this silt flows back into the residences/buildings or the drains when the rains arrive. Therefore, the statutory authorities are directed to ensure when the desilting work is now carried out there is strict compliance and vigilance to ensure that the contractor removes the silt and does not leave it lying on the sides of the roads.

22. In view of the assurances held out by the Chief Secretary that the issues highlighted in this order with respect to desilting of sewers and stormwater drains will be given urgent attention, no other directions are being issued.

23. List for review of the status of desilting as well as compliance of the directions in the order dated 08th April, 2024 and the Action Taken Report dated 23rd May, 2024 on 16th August, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JULY 25, 2024/hp