



2025:DHC:6215-DB

\$~SB-5 TO 13

* IN THE HIGH COURT OF DELHI AT NEW DELHI

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

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.

Mr.Ripudaman Bhardwaj, CGSC with Mr.Kushagra Kumar and Mr.Abhinav Bhardwaj, Advocates for UOI.

Ms.Prabhsahay Kaur, Standing Counsel with Ms.Deeksha L.Kakar, Ms.Ananya Sahu and Mr.Rashneet Singh, Advocates for DDA with Mr. Gaurav Meena, AE, Mr. Nipun Kumar, AE and Mr.Harsh Sharma

Mr.Ali Qambar Zaidi, Mr.Kamran Khwaja, Advocates for Impleader in CM No.42189/2024

Mr.Tushar Sannu, ASC for NDMC.

Ms. Sangeeta Bharti, SC with Ms.Vidushi Gupta Advocate for DJB.

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

Ms.Puja S Kalra, Advocate with Mr.Yadav, S. Eng. for MCD

Mr. Harsh Gattani, Advocate for R-13 & 14.



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Mr.Sudhanshu Tiwari, Advocate with
Ms.Preeti Sirohi, Advocate for
Applicants in CM APPL.62545/2024
Ms.Priyam Mehta, Advocate in CM
No.47142/2024
Mr.Ashok Agarwal, Mr.Kumar
Utkarsh and Mr.Manoj Kumar,
Advocates in CM No.57187/2024

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+ **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, Adv. for
GNCTD with Mr. Dharmendra, Chief
Secretary, GNCTD along with Mr.
K.S. Jayachandran, Spl. Secretary,
IDMC and other senior officials of
GNCTD

Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Ananya Sahu,
Advocates for DDA with Mr. Gaurav
Meena, AE, Mr. Nipun Kumar, AE
and Mr.Harsh Sharma

Mr. Manish Mohan, Advocate with
Mr. Jatin Teotia, Advocate for UOI.
ASI Devender Singh, Pairvi Officer
Traffic.

Mr.Vikrant N.Goyal, Advocate for
UOI.

Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Siddhant Dutt, Adv. for



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GNCTD with Mr. Dharmendra, Chief Secretary, GNCTD with Mr. K.S. Jayachandran, Spl. Secretary, IDMC and other senior officials of GNCTD Ms. Sangeeta Bharti, SC and Ms. Vidushi Gupta, Advocate for DJB.
Ms.Rashmi Chopra, Advocate for DDA

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

AMITA SACHDEVA & ANR. Petitioners
Through: Ms.Amita Sachdeva, petitioner no.1
(through VC)
Ms.Mallika Parmar, Advocate for
petitioner no.2.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through: Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Arjun Basra,
Advocate.
Mr. Haruddin Khan, AE/MCD.
Ms. Sangeeta Bharti, SC with Ms.
Malvi Balya and Ms. Vidushi Gupta
Advocate for DJB.
Ms. Latika Malhotra, Advocate for
DDA.

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

DR. ARPANA CAUR Petitioner
Through: Mr. Sanjeev Anand, Sr. Adv. with
Mr. Sameer Sood, Advocate

versus



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

..... Respondents

Through: Mr.Manu Chaturvedi, Advocate for
MCD.
Mr.Shivendra Singh, Advocate with
Ms.Prakriti Rastogi, Advocate for R-
4.

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+

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

MURUGAN

..... Petitioner

Through:

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD AND ORS.

..... Respondents

Through: Mr. Anuj Chaturvedi, Ms. Harshit
Maheshwari and Mr. Pawan Karan,
Advs. for DUSIB
Mr. Parvinder Chauhan, Ms. Aakriti
Garg, Advs. for DUSIB with Mr. P.K.
Jha (Dy. Director) with Mr. Pranav
Siroha, LA
Ms. Avni Singh, Panel Counsel
GNCTD
Ms.Arati Bansal, Advocate with
Mr.Kamal Digpaul, Ms.Suniti Singh,
Advocates for DDA.
Ms.Gauri Goburdhun, Sr.Panel
Counsel for R-8.
Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Ananya Sahu,
Advocates for DDA with Mr. Gaurav
Meena, AE, Mr. Nipun Kumar, AE



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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:

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Prabhsahay Kaur, Standing Counsel with Ms. Ananya Sahu, Advocates for DDA with Mr. Gaurav Meena, AE, Mr. Nipun Kumar, AE Mr. S.D. Windlesh, Advocate for impleader.
Mr.Avishkar Singhvi (ASC) with Mr.Vivek Kr. Singh, Advocate for GNCTD
Mr. Parvinder Chauhan, Ms. Aakriti Garg, Adv. for DUSIB with Mr. P.K. Jha (Dy. Director) with Mr. Pranav Siroha, LA
Ms.Vrinda Grover, Mr.Prasanna S, Mr.Soutik Banarjee, Ms.Devika Tulsi, Advocates in CM Nos.52780/2024, 52897/2024, 59163/2024
Mr.Gopal Shakar Narayanan, Sr. Adv. with Mr.Talha Abdul Rahman, Ms.Rupali Samuel, Mr.Rafid Akhter, Mr.Tushar Shrivastav, Mr.Pradyut Kashyap, Advocates in CM Nos.52659-52660/2024

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



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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.
Mr.Jawahar Raja, ASC (Civil) for R-2
to 4.

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+ **W.P.(C) 13190/2024**

MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND
WELFARE SOCIETY LTD., & ANR. Petitioners
Through: Mr.Udayan Jain, Advocate with
Mr.Raj Surana and Mr.Ranjan
Mishra, Advocates.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, GP for UOI.
Mr.Tushar Sannu, Standing Counsel
and Mr.Utkarsh Mishra, Advocate for
MCD.
Ms.Sangeeta Bharti, SC with
Ms.Vidushi Gupta Advocate for DJB.
Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Ananya Sahu,
Advocates for DDA with Mr. Gaurav
Meena, AE, Mr. Nipun Kumar, AE

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+ **W.P.(C) 15399/2024**



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SHAIENDRA BHATNAGAR

..... Petitioner

Through: Mr. Shailendra Bhatnagar, Mr. Maruti
Nandan, Ms. Shivani Pal, Advocates

versus

GOVT. OF NCT, DELHI & ORS.

..... Respondents

Through: Mr. Manu Chaturvedi, Advocate for
MCD.
Mr. Sahaj Karan Singh, Mr. Tushar
Sannu and Mr. Utkarsh Mishra,
Advocates for GNCTD
Ms. Beenashaw N. Soni, SC for MCD
with Ms. Mansi Jain, Advocate for R-
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Mr. Shivendra Singh, Advocate with
Ms. Prakriti Rastogi, Advocate for R-
4.
Ms. Sangeeta Bharti, SC with
Ms. Vidushi Gupta Advocate for
DJB.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **22.11.2024**

CM APPLs.68300-68301/2024 in WPC 15399/2024

1. Present applications have been filed for amendment and for taking on record additional documents on behalf of the petitioner-applicant.
2. Keeping in view the fact that the matter is at nascent stage, the present applications are allowed without prejudice to the rights and contentions of the respondents/non-applicants.
3. Accordingly, the present applications stand disposed of.



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

W.P.(C) 9617/2022

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

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

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

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

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

W.P.(C) 13190/2024

W.P.(C) 15399/2024

4. GNCTD has filed an action taken report dated 21st November, 2024 in W.P. (C) 7594/2018 to place on record the steps taken in view of the directions passed in order and judgment dated 8th April, 2024 and 12th November, 2024.

5. Learned counsel for the concerned Petitioners states that they have not been served with a copy of the status report and since directions were issued on 12th November, 2024 to redress their grievances, they seek an opportunity to review the stated action taken by authorities.

6. Mr. Udyan Jain, learned counsel appearing in W.P.(C) 13190/2024 states that there has been no improvement in the Taimur Nagar drain despite the categorical directions issued by this Court on 12th November, 2024. He states that the status report suggests that the issues highlighted by the Petitioners have been resolved; whereas, the citizens have experienced no change on ground.

7. Similarly, learned counsel appearing for Petitioners in W.P.(C) 8489/2024 states that the said Petitioners are resident of Mundka Village. She states that the civic authorities have built elevated roads, which are



higher than the plinth of the houses and thus in monsoon, the rain water floods the homes of the residents. She states that the Petitioners have approached this Court with trepidation; however, civic authorities are not addressing the urgent concern of the residents of Mundka village despite several representation.

8. This Court is of the opinion that the civic authorities have failed to upgrade the city's infrastructure in keeping with the ever-increasing population of the city, which currently stands at approximately 3.3 crores. The submissions in the writ petitions with respect to the dismal state of affairs on ground, which are admitted by the Respondent authorities show that the civic administration has virtually collapsed. There appears to be no intent or resolve of the authorities to incur expenditure on infrastructure, which is the sovereign duty of the authorities.

9. This year the State has gone from one crisis to another. In June, the city faced a drought and residents had no water, which was ironically immediately followed by floods where people lost their lives and presently the city is dealing with unprecedented and severe AQI level and pollution of river Yamuna.

10. The authorities admit that the floods caused during the monsoon and lives lost due to the flooding in the buildings, were due to infrastructural lapses. The flooding happened as the road level become higher than the plinth level of the buildings due to the road being relayed in a perfunctory manner. The storm water drains have been covered while laying the roads, as noticed for the area in Green Park. Mindless preference has been given by authorities to laying roads at the irreversible cost of covering storm water drains, without being mindful of the level of the buildings in the area.



11. It is indeed unfortunate that the Court in this petition is being compelled to administer civic issues, which should essentially be done by the Government authorities on their own accord. The Government authorities have the requisite manpower and means to resolve the issues raised by the Petitioners. It is the mandate of the Government authorities to efficiently resolve these issues pertaining to infrastructure and ensure the existence of upgraded and modern infrastructure for the large metropolis of Delhi. However, it is apparent from the writ petitions filed that each of the civic authorities is working in silos, without any coordination causing grave distress to the residents of the state including the petitioners. For instance, the issue of flooding has an interplay of the storm water drain and sewage drain and elevation of the roads. Delhi Jal Board ('DJB') asserts that it is only responsible for sewage drains and not the storm water drains. DJB states that municipal authorities are responsible for storm water drains. There are multiple authorities having jurisdiction over storm water drains. Despite directions issued in the order and judgment dated 08th April, 2024 to GNCTD to consolidate the drains under one agency, the issue of multiplicity of authorities over storm water drains persists. As noted in the order dated 12th November, 2024 the timelines for action given to this Court have been repeatedly breached. The Chief Secretary should consider initiating proceedings against officials, who are unable to meet the deadlines given to this Court. If deadlines given to Court are not adhered to, without any rhyme or reason, there will have to be consequences.

12. Learned standing counsel for GNCTD states that the Chief Secretary has held a meeting with the officials after the hearing dated 12th November, 2024, and has fixed responsibilities. He states that GNCTD is making efforts



to ensure that the directions issued by the Court are complied with. He states that the matter be taken up after a week so as to enable him to address the Court on the steps taken.

13. The standing counsel is directed to circulate the report to the concerned Petitioners appearing in this matter. The official of GNCTD who has filed the Action Taken Report dated 21st November, 2024 shall join the proceedings for presenting the said report.

DUSIB and eligibility determination of the JJ dwellers in Madrasi Camp

14. DUSIB has filed its status report dated 21st November, 2024. It is observed that DUSIB is not complying with the timelines recorded in its minutes dated 6th November, 2024 and recorded in its Court's order dated 12th November, 2024. The DUSIB has represented before this Court that it would complete the determination of eligibility of the JJ Dwellers of Madrasi Camp within 15 days after completion of the survey. DUSIB has undertaken to complete the survey by 20th November, 2024. Thus, DUSIB had represented that the eligibility would be determined on or before 5th December, 2024.

15. The delay in completion of the survey and determination of eligibility by DUSIB is prejudicing the public interest as well as the interest of the eligible JJ Dwellers. The rehabilitation process is in the interest of the eligible JJ Dwellers and the DUSIB by not completing this process is acting in contravention of its policy as noted in the order dated 12th November, 2024.

16. DUSIB shall ensure that the exercise of the survey and determination of eligibility is taken up simultaneously so that the timeline of 5th December, 2024 is met by the said Department, failing which this Court will issue



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directions to the Chief Secretary to invoke Rule 56 (J) of the Central Services (CCS) Pension Rules, 1972 against the erring officials.

17. DUSIB shall file a status report before the next date of hearing and make it available to the concerned parties.

18. Ms. Deeksha Kakkar, learned counsel for DDA states that there are flats available in Narela, which can be made available for the rehabilitation of the eligible JJ dwellers of Madrasi Camp in conformity with the DUSIB policy and in accordance with law provided PWD pays for them. DDA is directed to file a status report in this regard before the next date of hearing; and make it available to the concerned parties.

19. List the matters on 29th November, 2024 at 02:30 PM.

MANMOHAN, CJ

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 22, 2024
AS