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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 787/2011

GRAM SUDHAR SAMITTEE

..... Petitioner

Through: Mr. N.S. Dalal and Devesh P Singh,
Advocates

versus

KS MEHRA & ANR

..... Respondent

Through: Mr. Ajay Arora and Kapil Dutta for
MCD
Ms. Krishan Sarup for CSI**CORAM:****HON'BLE MR. JUSTICE VIPIN SANGHI****ORDER**
25.11.2011

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The grievance of the petitioner in this petition was with regard to the willful and deliberate disobedience of the order dated 19.05.2010 passed in W.P.(C.) No.3424/2010. By this order, the MCD was directed to take steps to remove the heaps of dirt and filth lying on the private property of respondent nos.3 and 4 in the writ petition, namely, Sh. Dharamvir and Sh. Bhoop Singh within five days from the date of the order. The MCD was also directed to take all other actions as permissible under law against the owner/occupants of the plot where heaps of dirt and filth had been collected. The Court also directed that necessary prosecution, if permissible under law be also launched against them, and to recover cost for the removal of heap of dirt and filth from respondent nos.3 and 4.

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 Certify that the digital file and
 physical file have been compared and
 the digital data is as per the physical
 file and no page is missing.

Since there was utter non compliance of the order, this contempt petition has been preferred on 15.10.2011, i.e. after nearly one year and five months.

The photographs filed alongwith the contempt petition depicts a horrific state of affairs of garbage collection as on 10.09.2011.

Only after advance notice was given of this petition to the respondents and they appeared through counsel on 20.10.2011, the garbage has now been cleared as shown in the photograph filed by the respondent in its reply.

The respondents have also stated that they have issued a demand dated 22.11.2011 on Sh. Bhoop Singh for Rs. 14,320/-, i.e. half of the amount incurred for removing the garbage.

The removal of filth and garbage within the area falling in their jurisdiction is the primary duty of the MCD. First and foremost, the respondent MCD and its responsible officers should not have waited for passing of orders by this Court in writ proceedings to remind them of their primary responsibility. Despite the passing of the orders in the aforesaid writ petition in May 2010, no steps were taken.

The submission of learned counsel for the respondent that the said orders were not communicated to the concerned officers is neither here nor there, as the said authorities should have been mindful of their responsibility even without such orders from the Court.

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Anyone who goes through different parts of the city can see for himself large collection of malba and garbage along the road side and other public areas and on public road. It is clear that the concerned authorities are showing complete lack of responsibility and are demonstrating complete apathy in discharge of their statutory obligations.

While directing the respondents to ensure that there is no recollection of garbage at the site in question, and to ensure that garbage is immediately removed and steps are taken to prosecute those illegally collecting garbage, the present petition is disposed of with costs of Rs.25,000/- imposed on the respondents. The same may be recovered from the salaries of the erring officials of the MCD. The responsibility for the same should be fixed by the highest authority. Costs be paid within four weeks.

Petition stands disposed of.



VIPIN SANGHI, J

NOVEMBER 25, 2011
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