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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18th August, 2021

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W.P.(C) 981/2020 & CM APPLS. 3962/2020 & 23214/2021

SHRIKANT PRASAD

..... Petitioner

Through Petitioner in person

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ORS.

..... Respondents

Through Mr. Mukesh Gupta, Standing Counsel
with Mr. Mayank Ahuja, Advocate for SDMC/R-1
Ms. Sangita Rai, Advocate for R-2/DJB

Ms. Khushboo Nahar & Ms. Latika Malhotra on
behalf of Ms. Mini Pushkarna, Standing Counsel
for DUSIB & Mr. Naveen Raheja and Ms. Aditi
Shastri, Advocates for R-3

Mr. Naushad Ahmed Khan, Additional Standing
Counsel for GNCTD with Mr. Zahid &
Ms. Manisha Chauhan, Advocates

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

1. Present Public Interest Litigation has been filed seeking the following reliefs:-

“1. The Respondent no 2 should be given a order so that they start providing portable water to all household where there is high scarcity of water in area at earliest so that their time of

high importance which they have to spend in having water should be saved and people do not roam street to street in search of water.

2. Respondent no 1 should be given an order without any delay so that the sewer line should be started in the entire area for immediate use so that women, children, old and young people can get rid of the problem of open defecation so that they do not have to wait for the night, which in today's age is very much a matter of household and spoils the image of our country.

3. The Horticulture department of Respondent no 1 should be ordered to remove illegal possession in all the parks in this area as soon as possible so as plantation of trees, flowers, etc. and keep at least one gardener to take care of them. So that the children here have the opportunity to live their childhood and get a clean and tidy environment.

4. Respondent no. 5. should be ordered that all the roads in this area which are in dilapidated should be rebuilt and repaired with good material as soon as possible and the water coming from the drains across the pits should be curved by making curbs in the sides so that people can walk on the roads. And at some distance, should be installed to get rid of the problem of littering in the road. By doing this, all people should have a jug to meet their everyday needs. We can go on foot to another place.

5) The major class of this area belongs to uneducated people they do not know the values of education and left their children as they are, so the Respondent 4 should be ordered to constitute a board of few officers to arrange awareness programme related to value of education and reserve seats in all the private schools of Delhi for children of all weaker sections of this area though this provision is in right to education act 2009 so that they can be admitted in private schools in a very easy manner without any hesitation and

difficulty. Which is the fundamental right of all these children under Article 21a and the right to education? And his father and mother are also expected to get happiness in old age if they will get a good education.

6) Under the Right to Information Act 2005, no information has been given till date, it seems to be a problem in which all the department officials of Respondent no 1, Respondent no 2, Respondent no 4, Respondent no 5 found who are not allowing the funds of this area to reach the people here, the common man's right to justice should be ensured and a special investigation team of CBI should be formed and the scams of funds that have come to this area for so many years to be known and action must be taken as per the Appropriate sections of various acts in case they found with any misappropriation of funds.

7) The Proposals for any development work from Year 2000 to 2019 which if have been given by any respective M.P/ M.L.A as well as the amount of M.L.A /M.P Fund allocated and the work done by the concern M.L.A or M.P in its name and the list of expenses should be brought before the court so that public can get to know how much amount is misappropriated by the concern officials i.e Respondent no 4 along with the concern office holding ministers in their respective year as in memo of parties.

and if any false or frivolous information will be given in it, then the case of giving false evidence u/s 191 of IPG against them should be tried.

8) Respondent no 4 should be ordered that from now onwards the entire list of the amount of fund that is being allotted to concern district nodal authority that the M.P/ M.L.A receives along with all the development work done, is to be made transparent in this way that it should be uploaded on the website that even common person is aware of all these that How much development work is going on in his area and

how much money is being spent, by doing so, the number of funds that are misappropriated can be stopped as well as the misappropriation of fund at large-scale can be prevented. And this method could be the weapon to completely prohibits the misappropriation of funds which is the main weapon of politicians.”

2. Petitioner, who is a resident of Gautampuri, Phase-2, Badarpur, Delhi, seeks directions to the Respondents to provide various amenities in the said area, such as, potable water, sewage lines, removal of illegal encroachments in the parks and plantations of trees, flowers, etc. therein, repair of roads, constitution of a Board of responsible officers to carry out awareness programmes in the field of education and reservation of seats in all the private schools of Delhi for children of the weaker sections of this area under the Right to Education Act, 2009. Additionally, Petitioner also prays for directions for supply of information under the Right to Information Act, 2005 regarding the utilization of funds by the M.L.As./M.Ps. of the concerned area allegedly used for public welfare activities as also for uploading the details of utilization of funds on the website so that the information is in the public domain.

3. Perusal of the writ petition and the reliefs sought therein shows that the Petitioner has sought multifarious reliefs. Insofar as the allegation of non-supply of information relating to the utilization of funds in the welfare activities by the concerned Authorities is concerned, Petitioner cannot be permitted to use the platform of a Public Interest Litigation to seek information. There is a remedy available under the Right to Information Act, 2005 and in case the Petitioner is aggrieved due to non-supply of the information, if and when sought for, he has a remedy of First Appeal and

thereafter a Second Appeal under Sections 17(1) and 17(3) of the Right to Information Act, 2005, respectively. Thus, Petitioner is not remediless and has an alternate efficacious remedy.

4. As far as the other reliefs are concerned, not only there is a misjoinder in the reliefs sought, but we also find that the Petitioner has approached this Court without even preferring a single representation before the concerned Authorities to ventilate the grievances. It would be appropriate if the Petitioner first approaches the Authorities tasked with the functions, whose inactions are complained of. Hence, we see no reason to entertain this petition at this stage.

5. Petition is accordingly dismissed. Liberty is, however, granted to the Petitioner to prefer a representation to the concerned Authorities setting out the exact grievances including suggestions, if any. Needless to state that if and when such a representation is preferred by the Petitioner, the concerned Authorities shall look into the issues highlighted and grievances ventilated, in accordance with law and Government policies.

6. In case of any surviving grievances thereafter, it is open to the Petitioner to resort to appropriate remedies available to him in law.

7. With these observations, writ petition along with pending applications is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 18, 2021
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