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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1111/2014
G.S. DAVAR Petitioner
Through : Mr. Surjeet Singh Malhotra, Adv.
versus
MUNICIPAL CORPORATION
OF DELHI & ANR Respondents
Through : Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for SDMC.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **11.05.2016**

Petitioner is resident of A-Block, Greater Kailash Part-I, New Delhi.

He is a practicing lawyer. It is alleged in the writ petition that the Nallah (drain) near the A-Block, Greater Kailash Part-I has not been cleaned by the respondent/SDMC for a long time resulting in accumulation of garbage and filth, resulting in unhygienic conditions, thereby making life of the residents miserable. Certain photographs taken on 1st October, 2013 and 26th December, 2013 have been annexed with the writ petition. It is further alleged that area around the Nallah has become a dumping ground for malba and garbage.

Respondent has filed two status reports. In the first status report dated 17th January, 2015 it has been stated that on receipt of the present petition, necessary directions were given to the Works Department/ Central

Zone to de-silt the Nallah and pursuant thereof survey of the area was conducted by the Works Department. Thereafter, de-silting was done in the month of April, 2014 under supervision of Mr. S. C. Yadav, Ex. Engineer (M)-I, Mr. Rajiv Kumar, AE and Mr. J. P. Singh, JE. Photographs taken after de-silting of the Nallah have been annexed as Annexure A (Collectively) to the status report. It has been further stated that de-silting was again done in the month of December, 2014 and January, 2015 under supervision of Mr. Aquil Hussain, AE and Mr. Pankaj Kumar, JE. A lot of sludge was removed from the bed of the Nallah. Photographs taken on 14th January, 2015 and 15th January, 2015 have been annexed as Annexure –B (Collectively).

On 19th November, 2015 learned counsel for the petitioner submitted that drain had not been cleared. On 27th January, 2016, two photographs were produced by the petitioner and copies thereof were given to learned counsel for the respondent. Learned counsel for respondent re-iterated that drain was already de-silted. However, he submitted that if any fresh garbage is found near the drain, same will be removed. The respondent no.1 was directed to file the status report along with the photographs.

Status report has been filed on 15th February, 2016 stating therein that

the Nallah in question was de-silted on 3rd February, 2016. Photographs taken before de-silting and after de-silting has been annexed as Annexure –A, which makes it clear that de-silting has been done by the respondent. Today again, photographs have been produced. It is submitted that these photographs are of the Nallah behind the A-Block and also near BRT Corridor. Learned counsel for respondents submits that photographs have been taken on 7th May, 2016.

It emerges from the facts narrated above that people throw garbage in the Nallah resulting in accumulation of filth. It also appears that garbage removal and de-silting is done by the SDMC periodically to maintain hygienic conditions. Learned counsel for the respondents, on instructions from Mr. Rajiv Kumar Sharma, AE, (M)-I, Works Department/Central Zone, submits that garbage removal and de-silting is a continuous and ongoing process and will be done periodically in future as well. The respondents shall remain bound by this statement.

In view of the status reports and the statement made in the Court, no further directions are required to be passed in this petition. Writ petition is disposed of.

A.K. PATHAK, J.

MAY 11, 2016/dk