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

+ W.P.(CRL) 1188/2018 & Crl.M.A.Nos.7206-07/2018

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Date of decision : 25th April, 2018

AJIT RAVI

..... Petitioner

Through : Mr. Anish Chawla and
Mr. Nitin Mehta, Advs.

versus

DELHI JAL BOARD & ORS Respondents

Through : Mr. Sumeet Pushkarna,
Standing Counsel with Mr.
Devanshu Lahiry, Adv. for DJB
along with Mr. Pankaj Atray,
E.E., Mr. U.N. Singh, Z.E. and
Mr. O.P. Sharma, J.E.
Ms. Richa Kapoor, ASC with
Mr. Jamal Akhtar, Mr. Ashish
Negi and Ms. Shikha Mehra,
Advs. for State.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

Crl.M.A.No.7207/2018

Allowed, subject to just exceptions.

The application is disposed of.

W.P.(CRL) 1188/2018 & CrI.M.A.No.7206/2018

1. This writ petition has been filed complaining that the Delhi Jal Board has illegally issued work order No.161 to M/s Shiv Singh Construction Company on 31st March, 2017 to carry out repair work in Gali No.3, North Chajjupur, Shahdara.

2. It is contended by Id. counsel for the petitioner that till February, 2018, no construction work was carried out. However, when the residents of Gali No.3, North Chajjupur, Shahdara stated approaching the Delhi Jal Board about the progress of the work, evasive reply was received and digging commenced in Gali No.1 on 24th February, 2018 as a cover of act. The writ petitioner makes the following prayers :

“(a) Direct the Respondent No.2 to provide Police protection to the Petitioner since the Petitioner is receiving constant threats from Respondent Nos.4, 5 and their agents.

(b) Call for records/documents from the Respondent No.1, pertaining to the work of replacement of AC Water line by DI water line in North Chajjupur in AC-67 in NE – III, i.e. NIT no.58(16-17) dated January, 2017; and

(c) Appoint a Local Commissioner to visit the site i.e. Gali No.01, North Chajjupur, (AC-67 Babarpur) Delhi for inspection as also to empower such local Commissioner to take photographs of the said site where the illegal digging is taking place.

(d) Issue writ, order or direction in the nature of mandamus or any other writ, order or direction, restraining the Respondents, its officers, representatives, agents, employees, etc. to immediately stop the digging work being carried out at Gali no.01, North Chajjupur, (AC-67

Babarpur) Delhi.

(e) Issue writ, order or direction in the nature of mandamus or any other writ, order or direction to CBI to investigate the present case.

(f) Issue writ, order or direction in the nature of mandamus or any other writ, order or direction, to Respondent No.2 to register an FIR against the Respondents under sections 143, 160, 341, 409, 506, 426 and 120B IPC and the relevant Sections of Prevention of Corruption Act, 1988 to submit the report accordingly.”

3. Appearing on advance notice, Mr. Sumeet Pushkarna, Standing Counsel for the Delhi Jal Board has handed over the written submissions on behalf of the Delhi Jal Board which are taken on record. The Delhi Jal Board has disclosed that complaints regarding the damage to the old AC water line were made by the writ petitioner himself and other residents of the area. On account of damage to these water lines, there was water contamination resulting in difficulties being faced by the residents of Gali Nos.1 and 2, North Chajjpur, Shahdara. The identification of the work; framing of estimates and their sanction have been undertaken by the Delhi Jal Board as per prescribed procedure. It is further stated that the work is not being undertaken under the MLA fund of the local MLA.

4. So far as the issuance of the work order dated 31st March, 2017 is concerned, the Delhi Jal Board does not dispute the same. However, it is stated that the work could not be executed on account of matter of road cutting permission which matter is pending with the East Delhi Municipal Corporation.

5. It was on account of regular complaints regarding the damage to the pipes and the water from the residents as well as the local MLA that work was commenced in public interest. However, on account of the complaints by the petitioner, the work stands stopped.

6. In view of the above, we are not inclined to entertain this writ petition. The Delhi Jal Board shall ensure that all requisite permissions are obtained at the earliest and the work of replacement of the water pipes is carried out at the earliest so that the area does not receive contaminated water. The East Delhi Municipal Corporation shall ensure that the request for road cutting permission is considered in accordance with law on priority basis.

7. The police shall examine the complaints of the petitioner and, if necessary, shall ensure the necessary protection to him.

8. So far as the registration of the FIR is concerned, we are not passing any orders thereon. It shall be open for the petitioner to proceed with this prayer in accordance with law.

9. This writ petition and pending application are disposed of in the above terms.

Dasti.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 25, 2018

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