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

+ W.P.(C) 4246/2019, CM No. 18982/2019

B B PATEL AND ORS. Petitioner

Through: Mr.Jasmeet Singh, Adv.

versus

GOVT. NCT OF DELHI AND ORS. Respondent

Through: Ms.Sangita Rai, Adv. for R1
Ms.Puja Kalra, Adv. for R2
Mr.Sumeet Pushkarna, SC for R3-
Delhi Jal Board

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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24.04.2019

The present writ petition is filed by the petitioners with the following prayers:

“a) Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to take all necessary steps, including necessary permissions, if any, to cover the remaining about 1/4th of 10.31 of the storm water drain from adjacent to the residences of the petitioners and to cover & develop the same with greenery as done in other parts of Greater Kailash-I and Defence Colony;

b) Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to ensure that the

storm water drain is sewage and sullage free and no untreated sewage/sullage/any other waste is allowed into the same;

c) In the alternative pass a writ in the nature of mandamus or any other appropriate writ directing the respondents directing the respondents to dismantle the entire cover/uncover the storm water Nallah and thereafter conduct timely and periodic cleaning of the same and continue to use the same as a Storm Water Drain and not as a sewerage drain;

d) Pass such other further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case”.

It is the submission of Mr.Jasmeet Singh, learned counsel for the petitioners that the petitioners are seeking the coverage of storm water drain, which is causing the great harm to the petitioners herein who are residents of properties adjacent to the storm water drain. He concedes to the fact that the National Green Tribunal (NGT) has passed various orders with regard to the coverage of storm water drain. According to him, the petitioners have approached the Committee, constituted by the NGT, with their grievance, but, unfortunately, the said Committee has not considered the representation.

Ms.Puja Kalra, learned counsel appearing for the respondent No.2 also states that various orders have been passed by the NGT from time to

time. She also draws my attention to page 173 of the paper book to contend that there is a restraint order of the NGT against coverage of the storm water drain. She states that appropriate would it be for the petitioners to approach the NGT with the prayers as sought for, in this writ petition.

Mr.Jasmeet Singh states, he would be contented if a direction is issued by this Court to the Committee constituted by the NGT, to consider the representation of the petitioners and pass appropriate orders.

Noting the above submissions made by the counsel for the parties, I direct the Committee constituted by the NGT to look into the representation of the petitioners dated February 19, 2019 and pass appropriate orders, as expeditiously as possible, preferably within a period of two months from today. It goes without saying that if the petitioners still have any grievance against the order to be passed by the aforesaid Committee on their representation, they can approach the NGT.

With the aforesaid direction, the petition is disposed of.

Order dasti.

V. KAMESWAR RAO, J

APRIL 24, 2019/akb