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

Date of Decision: 09.12.2019

+ W.P.(C) 11418/2018

RAJ KUMAR BANERJEE & ORS

..... Petitioners

Through: Mr. Deepak Kumar, proxy counsel for
Mr. Vinod Pant, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Anil Soni, CGSC for R-1/UOI.
Mr. Arjun Pant, Adv. for R-2/DDA.
Mr. A.K. Pandey & Mr. Amit Kumar
Sharma, Adv. for R-4 & 5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (*Oral*)

1. When the matter is called out, counsel appearing for the petitioners submitted that the arguing counsel is not available.
2. We have heard learned counsels appearing for the respondents.
3. This Public Interest Litigation has been preferred with the following prayers:-

“A. Issue an appropriate Writ, Order or Direction, to respondent DDA to immediately take steps to cover the open sewer line to improve the environment near the portion of drain flowing near Sector 3, Pocket-16, Dwarka, New Delhi-78 and/or close down all openings from which human waste, excreta and garbage is flowing in the portion of drain near the society and also to arrange for proper drainage system for adjoining colonies like Rajapuri, Madhu Vihar etc so that waste, of the colonies do not flow before Sector-3, Pocket-16, Dwarka, New Delhi-78 society.

B. Issue an appropriate Writ, Order or Direction, to respondent SDMC to immediately take steps to beautify surroundings of drain adjacent to Sector-3, Pocket-16, Dwarka, New Delhi-78 by planting quality trees and to remove all garbage lying on the banks of the drain and to clean the area Or, allow RWA of sector-3, pocket-16, to maintain the patch and control the garbage disposal.

C. Issue an appropriate Writ, Order or Direction, to respondent Irrigation & Flood control department to immediately take steps to stop discharge of human waste, garbage on the floor of the drain portion adjacent to Sector 3, Pocket-16, Dwarka, New Delhi and do deep de-silting.

D. Issue an appropriate Writ, Order or Direction, to respondent DDA/SDMC to investigate into the funds used in last 5 years in name of various projects and tasks undertaken for the drain portion adjacent to Sector 3, Pocket-16, Dwarka, New Delhi and result thereof and submit its findings to this Hon'ble court.

E. Issue an appropriate Writ, Order or Direction, to respondent DDA/SDMC/ Irrigation & Flood control department/Ministry of Environment through Union of India & NCT of Delhi to send their senior officials to meet the residents of SECTOR 3, Pocket-16, Dwarka, New Delhi to understand their problems and environmental issues as raised by them through this petition.

F. Pass any other and further orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of this case."

4. Looking to the facts and circumstances of the case, it appears that this petitioner is in search of directions from this Court to the respondents to cover the open sewer line to improve the environment of nearby area adjacent to drain flowing near Sector 3, Pocket-16, Dwarka, New Delhi-78, and to provide proper drainage system for adjoining colonies.

5. Learned counsel appearing for the petitioners submitted that let this petition be treated as a representation and suitable direction be given to the respondents to decide the same.

6. In view of this limited submission and also looking to the nature of the prayers of this petitioner about covering of the sewer line, provision of proper drainage system and for beautification of the surroundings of drain adjacent to Sector-3, Pocket-16, Dwarka, New Delhi-78 by planting quality trees and such other prayers, we hereby direct the respondent No.4 to treat this petition as a representation and decide the same in accordance with law, rules, regulations and Government policy applicable to the facts of the case and also keeping in mind the order passed by the National Green Tribunal dated 26.07.2016, which is referred as Annexure R/1 in the counter-affidavit filed by the respondent No.4 in this writ petition. Similarly, the respondent No.4, while taking the decision in the matter, will also keep in mind the circular issued by the Lieutenant Governor of Delhi dated 09.02.2010 which is referred as Annexure R/2 in the counter-affidavit filed by them.

7. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 09, 2019

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