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

+ **W.P.(C) 8891/2017**

NIRMAL GORANA Petitioner

Through: **Mr. Siddharth, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through: **Mr. Swastik Singh & Mr. Raghu
Vasishth, Advs. for R-1**

**Mr. Parvinder Chauhan & Mr. Nitin Jain, Advs.
for R-2/DUSIB**

**Mr. Arun K. Sharma & Mr. Iram Mazid, Advs. for
R-3/DJB**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% 12.07.2019

1. This so called public interest litigation has been preferred with the following prayers:

“Wherefore in the light of issues raised, arguments presented and authorities cited, it is humbly prayed that this Hon'ble Court may be pleased to decree a writ of mandamus or any other writ, order or direction declaring that:

a. Respondents be held accountable for all violations of constitutional and legislative guarantees, which resulted in denying the poverty stricken slum dwellers their right to healthy sanitation and that an independent inquiry be ordered to look into the incidents of violations.

b. *For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to ensure effective implementation of their responsibilities.*

c. *For an order directing Respondents No. 1 for immediate cleaning of sewage, drainage and also to develop a mechanism implement the same for improved sanitation including drainage, sewage and regular disposal of filth and garbage.*

d. *For an order directing Respondent No. 2 for immediate renovation of public toilet complex including those for person with disability by making necessary budgeting or personnel decisions in order to carry out their aforementioned duties and also to appoint a person for the maintenance of toilets. Also, if the DUSIB delegates its responsibilities, they must provide sufficient funds so as to make it user charge free public toilet complex and to display it at the front of the gate of toilet complex.*

e. *For an order directing Respondent No. 3 repair as well as install new clean drinking water pipelines away from the sewer lines, as the old drinking water pipeline had been submerged in the sewer line which caused eventual contamination of clean water causing scarcity of water in the area. But for the time being at least the above mentioned respondent should be directed to provide water tanker facility for clean drinking water to avoid ill health to residents including pregnant women, lactating mothers and children of Bhat camp, Badarpur, South Delhi, Delhi.*

f. *For any such other and suitable order/s as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case and in the interest of justice."*

2. Having heard both sides and looking to the counter affidavits filed by respondents No.1, 2 and 3, it appears that adequate steps have been taken by the respondents.

3. In the counter affidavit filed by respondent No.2 in para 11, 12, 13

and 14 they have mentioned that toilets were repaired by respondent No.2, maintenance agency has also been engaged and this facility is available from 01.01.2018 onwards for 24 x 7. It has also been stated in para 16 that now no user charges are being taken by respondent No.2 and it is now free of charge. Relevant paras of counter affidavit dated 27.01.2018 filed by respondent No.2 read as under:

“11. That it is submitted that the entire Toilet Complex, as existing on the subject area, stands repaired. The Photos depicting the said factum are annexed as ANNEXURE - R-2/1 (Colly).

12. That it is also relevant to note that the Maintenance Agency is already deployed for maintenance and is sternly directed to keep the Toilet Block clean.

13. That it has been contended by the Petitioner that the Toilets which are provided in the subject area, are operational only from 5:30 a.m. to 10:00 p.m. However, this is absolutely false, in as much as, the said Toilets were operational from 4:00 a.m. to 10:00 p.m., which is also evident from the Photo as annexed by the Petitioner at Pg. 73 of the instant Petition. Further, the said Toilet is now operational for 24 hours since 1st January, 2018.

14. That even during night time, two toilet each for Men and Women is kept open with entry from outside so that the rest of the complex can be kept locked.

15.

16. That without prejudice to above, it is submitted that, in its 20th meeting held on 07.11.2017, the Answering Respondent has decided that all the Toilets in Delhi, which are under the control and management of the Answering Respondent, will remain operational 24 Hours a day, and no user charges will be demanded from any user.”

4. Similarly, it has been stated by respondent No.1 in para 2 and 3 of the
W.P.(C) 8891/2017

status report dated 04.12.2018 as under:

“2. That the answering Respondent is responsible for cleaning of the drains and roads of the Bhatt camp.

3. That the answering Respondent is regularly on daily basis carrying out the cleaning activities at the said site. That photographs showing the current status are annexed herewith and marked as ANNEXURE-A(COLLY).”

5. As aforesaid, daily cleaning activity is also being carried out by respondent No.1.

6. Looking to the affidavit filed by respondent No.3, it is apparent that Delhi Jal Board – respondent No.3 is providing adequate water.

7. In view of the above, we see no reason to monitor further in this case. The respondents have taken adequate steps. Hence, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 12, 2019

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