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

% *Decided on: 9th December, 2020*

+ W.P.(C) 8009/2020

RAVINDER YADAV Petitioner

Through: Petitioner in person.

Versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr.Jawahar Raja, ASC with
Mr.Archit Krishna, Adv. for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. This public interest litigation has been preferred for the following reliefs:

- “1) Direct the respondents to reconstruct all drains in Najafgarh by taking level of floor/bed of drains with high capacity within a specific time.*
- 2) Direct the respondents to make ensure proper flow of water and to connect the road side drains to main drain.*
- 3) Direct to make the audit of amount spent in the name of cleaning, construction of drains in Najafgarh by PWD in last 8 years.*
- 4) Direct the respondents not to construct the drains higher than road surface.*
- 5) To take stringent action against respondent no.-3 for filing false/misleading affidavits/report/ATR in WPC-*

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4292/2017(Annexure P-8) and CONS. CAS(C)-342/2020 (Annexure P-25) before this Hon'ble court.

- 6) To take appropriate action against respondents for not comply with the interim orders dated- 22.05.2017(Annexure P-5) and 18.12.2018 (Annexure P-13) passed in WPC-4292/2017.*
- 7) Orders for an enquiry for dismantle of Metro site at Khaira mor, Najafgarh due to heavy water logging at metro site on 22.07.2020(Annexure P-27) and 13.08.2020 (Annexure P-28) which cause heavy pecuniary loss of Rs. 50 Crore and public inconvenience.*
- 8) Award any other relief Hon'ble High Court want deemed fit in the circumstances of the case."*

2. We have issued notice in this writ petition and the counter affidavit has been filed by respondents No. 1 to 3.

3. Having perused the counter affidavit filed by respondents No.1 to 3, it appears that several steps have been taken by the respondents, which are enumerated in paragraph 3, 4, 5, 17, 25 & 26 of the counter affidavit filed by respondents No.1 to 3, which read as under:

"3. That it is submitted that the answering Respondent is sincerely and tirelessly working to solve the problem of water logging in Najafgarh area by modifying the existing drains, constructing new drains and road such as raising of road at Ekta Vihar/Jharoad road and construction of 5.0 KM missing drain, laying of 600 mm dia 5.5 km DI pipeline from Mitroan sump to Samaspur drain, construction of missing drain at Dhansa road, Laying of 500 mm dia 2.8 KM DI pipeline from Dhansa stand pump house to Mungeshpur drain, laying of 500 mm dia 2.1 KM DI pipeline from Najafgarh stand sump to Mungeshpur drain, construction of 2.2 KM missing drain at Dichaon road.

4. *That it is further submitted that the respondent is constructing the drains in Najafgarh by considering the level of the roads and following standard procedure and guidelines for construction of drains.*
5. *That the road side drains are connected to main drain that is why 24x7 flow of rain water/sewerage in these drains does not stagnate and flows freely. Part of this sewerage is collected in the sumps and is pumped into the drains.*

xxxx xxxxx xxxxx

17. *That the contents of the para 12 of the writ petition are admitted to the extent that they are a matter of public record. It is submitted that the order of Hon'ble High Court in WP(C) No. 4292/2017 dated 22.05.2017 was followed in its letter and spirit and the drains are being cleaned throughout the year being perennial drains.*

xxxx xxxxx xxxxx

25. *That the contents of para 20 of the writ petition are false and frivolous and hence, wrong and denied. It is submitted that in compliance of order dated 18.12.2018 of Hon'ble High Court inter departmental meetings were held. In one of such meetings in the office of Deputy Commissioner (SDMC) on 28.03.2019 programme for removal of water logging in Najafgarh area was chalked out as under:*

- *Drain cleaning/desilting to be done on regular basis on Khaira Roads.*
- *Temporary encroachment like parking of vehicles at road and dumping construction materials shall be removed with the help of MCD/Police. Necessary complaints to be made in STF to remove the encroachment.*
- *Regular challan to be given to individual and copy of challan may be attached in affidavit in the court on next hearing 05.08.2019.*
- *In the meeting after discussion, it was directed to*

construct pucca drain with fully covered and opening chambers to avoid any unauthorised dumping of malba in drain/dumping of building material on drain.

26. *That the contents of the para 21 of the writ petition are false and frivolous and hence, wrong and denied. It is submitted that in compliance of order dt.18.12.2018 Of Hon'ble High Court of Delhi inter departmental meetings were held. In one of such meetings in the office of Deputy Commissioner (SDMC) on 28.03.2019 programme for removal of water logging in Najafgarh area was chalked out as under:*

- *Drain cleaning /desilting to be done on regular basis on Khaira Roads.*
- *Temporary encroachment like parking of vehicles at road and dumping construction materials shall be removed with the help of MCD/Police. Necessary complaints to be made in STF to remove the encroachment.*
- *Regular challan to be given to individual and copy of challan may be attached in affidavit in the court on next hearing 05.08.2019.*
- *In the meeting after discussion, it was directed to construct pucca drain with fully covered and opening chambers to avoid any unauthorised dumping of malba in drain/dumping of building material on drain.”*

4. In view of the aforesaid steps taken by the respondents, particularly, the steps regarding laying down of the pipelines, construction of the drainage, raising the road and laying down of the pipeline of the diameter as stated hereinabove, and also looking into the construction of the missing drain etc., we see no reason to further monitor this case.

5. The steps taken by the respondent authorities have been mentioned at length and in detail in the counter affidavit, with all technical details. It is

expected from the respondent authorities that they will complete the pending work, if any, and continue to clean the drains as stated by them in the counter affidavit. The work already completed by them should be maintained properly so that no water logging etc. takes place in the area in question as referred to in the memo of this writ petition.

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

CHIEF JUSTICE

PRATEEK JALAN, J

DECEMBER 09, 2020

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