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

+ **W.P.(C) 558/2023**

KHAIRUN NISA

.....Petitioner

Through: Mr. Kshitiz Mahipal, Ms. Geeta Devi,
and Mr. Shirin Raza, Advs.

versus

DELHI JAL BOARD AND ORS & ANR.Respondents

Through: Mr. Rishi Kant Singh, Adv. for R-1 &
2
Mr. Puneet Yadav, ASC for MCD
Mr. Moksh Arora and Mr. Santosh
Ramdurg, Advs. for R-5
Mr. Prashant Manchanda, ASC for
GNCTD with Ms. Nancy Shah, Adv.
for R-6
Mr. S.M. Hussain, Adv. for R-7

CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

ORDER
14.08.2024

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1. The present petition has been filed seeking the following reliefs:-

“(i) Issue a writ of mandamus and/or any other appropriate writ/ orders/ directions against the Respondent No. 1 to 6 to initiate action against illegal and unauthorized Water RO plant is running by using the underground water by using illegal borewell in property bearing no. E-18, old Jasola, Okhla, New Delhi-110025 and also for discharging the waste water of RO in the sewer causing water pollution and wastage of lots of underground water and the misuse of premises for commercial activities and also by mis-using the domestic electricity connection by the respondent no. 7 and directions to immediately stop ongoing illegal water RO Plant;



(ii) Issue a writ of mandamus and/or any other appropriate writ/ orders/ directions against the Respondent No. 6 to provide police assistance to carry out action against illegal and unauthorized illegal and unauthorized Water RO plant is running from property bearing no. E-18, Old Jasola, Okhla, New Delhi-110025;

(iii) issue any other or further appropriate writ(s) order(s) or direction(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in favour of the petitioner and against the respondent. ”

2. The Status Report dated 14.02.2024 filed by the respondent No.1- Delhi Jal Board reads as under:-

“I, Bhupesh Chandra Patel, S/o. Sh. S.P Patel, aged about 53 years, working as Superintendent Engineer (M)-XI , Delhi Jal Board, having its office at 102, Jal Sadan, Old Shiv Mandir Marg, Lajpat Nagar, New delhi-110024, do hereby solemnly declare and affirm as under:-

A. That I am authorized in my official capacity to swear and depose to the present status report and as such, I am aware of the facts and circumstances bases on the records of the case.

1. That the present status report is being filed on behalf of respondent No. 1 and 2 i.e. Delhi Jal Board in compliance of order dated 30.10.2023 wherein the Hon'ble court has directed the respondents to file a further status report and to produce original record in relation to inspection of the premises in question.

2. It is respectfully submitted that the premises in question (E-18, Old Jasola Village, Jamia Nagar, Okhla, New Delhi- 110025) has been jointly inspected by the Tehsildar (Defence Colony, link officer to Tehsildar Sarita Vihar) with Sh. Ritesh Singh and Sh. Rahul Kumar JE, DJB; Sh. Mukesh Kumar Supervisor BSES and constable Jahid Police station Sarita Vihar on 13.02.2024.

3. It is submitted that on joint inspection, no RO plant was found at site. However a functional bore well was found in front of the said property which was sealed on the spot in presence of two independent witnesses. A copy of the sealing memo and joint inspection note is enclosed herewith for ready reference. (Annexure A-1)

In view of the submission, it is respectfully prayed that this Hon'ble court may kindly be pleased to take submission on behalf of the respondent on record and proceed further in the matter accordance of the law. The



answering respondent shall be ever bound to adhere with the orders and or direction issued by this Court in the present matter.”

3. Learned counsel appearing on behalf of the petitioner raises serious objection with respect to the conduct of the official respondents and of the private respondent No.7. He submits that the record would indicate that in the past also, respondent No.7 was found to be illegally using the borewell for commercial purpose and despite the sealing order, again the borewell was found to be illegally used for extraction of water for commercial purposes. He, therefore, submits that stern directions need to be issued to ensure that the borewell in question should not be put to illegal use by any private individual.

4. Learned counsel who appears for the official respondent submits that there is no reason to entertain such an apprehension. He, however, submits that they will make all possible endeavours to ensure that the borewell which has already been sealed will not be utilised by any private individual without any sanction of law.

5. Therefore, keeping in view the controversy and the nature of submissions made by learned counsel for the parties, the Court deems it appropriate to dispose of the instant writ petition with the following directions:-

- (i) The respondent-Delhi Jal Board is bound by the Status Report placed on record.
- (ii) The respondent-Corporation shall ensure that the borewell in question shall not be misused by any private individual including respondent No.7.
- (iii) In case the petitioner finds that there is a violation of the Status



Report or the borewell in question is being put to use by any private individual without any permission from the official respondents, he shall be at liberty to file the complaint before the Delhi Jal Board. The Delhi Jal Board is directed to take necessary action strictly in accordance with the law.

6. With the aforesaid observations, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 14, 2024

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