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

+ **W.P.(CRL) 598/2024**

ASHOK MEHTA

.....Petitioner

Through: Mr. Yash Kadyan and Mr.
Kaustubh Mehta,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC
alongwith Mr. Kshitiz
Garg and Mr. Ashwani
Kumar, Advocates for the
State alongwith SI Paveen
Kumar P.S. Malviya
Nagar.

Ms. Sangeeta Bharti,
Standing Counsel for R-
15/Delhi Jal Board
(Through VC)

Mr. Aquib Ali, Ms.
Amreen and Md.
Shahnawaj, Advocates for
R-5,9,11,13.

Mr. Priksh Sabharwal,
Advocate for MCD
alongwith Mr.
Shawathank, JE
(Building), South Zone,

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

15.07.2024

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1. The learned counsel for the petitioner submits that the MCD was informed way back in the month of March, 2024 about the present proceedings *vide* the notice issued by this Court.

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2. Mr. Sabharwal, learned counsel for MCD submits that the notice in respect of the present proceedings was served on 12.07.2024. Mr. Shawathank, the concerned Junior Engineer is present in court in compliance of the order dated 12.07.2024

3. The learned counsel for MCD, on instructions, submits that the inspection has been carried out and it was found that there was some leakage in the pipeline in House No. G-14/11, Malviya Nagar, New Delhi-110017 (the '**subject property**'). The leakage has caused seepage in the house of the petitioner. He submits that the MCD does not have any jurisdiction and the same can be rectified by the owner of the property. He, however, submits that in case, in future it is found that the property is inhabitable or is endangering the life of the occupant, then appropriate action can be taken.

4. The learned Additional Standing Counsel for the State, on instructions, submits that in case the problem persists and it is found that there is breach of peace, due to the said reason, appropriate action under Section 145 of the CrPC can be taken by the State authority on complaint given by either of the parties.

5. The learned counsel for Respondent Nos. 5, 9, 11 & 13, on instructions, submits that since it has now been pointed out by the concerned engineer of MCD that fault lies in the pipeline at the subject property, appropriate action will be taken at the earliest to rectify the same.

6. He further submits, on instructions, that in case any damage is found to be not reparable or for which assistance of civic agencies are required, an appropriate application will be filed with the MCD/DJB to that extent.

7. The learned Additional Standing counsel for the State submits that pursuant to the order passed by the Sub-Divisional
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Magistrate on 17.10.2017, appropriate action had, in fact, been taken and the necessary repair work had been carried out by the owner of the subject property. She submits that it appears that subsequent thereto, problem arose again in regard to seepage that was showing in the property of the petitioner.

8. In view of the fact that the occupant, of the subject property (i.e. Respondent No.7 Mr. Vipin, Respondent No.8 Mr. Rakesh Sharma, Respondent No.10 Mr. Romi Sharma and Respondent No.13, Mr. Kishore Sharma) have now undertaken to carry out the appropriate repair work, the Court does not consider it appropriate to keep the present petition pending. The petitioner is, however, at liberty to approach the concerned authority or court in case any grievance remains in future.

9. The respondents are bound down to the undertaking.

10. The Delhi Jal Board and MCD are directed to forthwith address any application that may be filed by the respondents seeking their assistance in regard to the repair work being carried out by the respondents.

11. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JULY 15, 2024

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