



\$~53

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

+ **W.P.(C) 8680/2021**

VIKAS SHARMA

.....Petitioner

Through: **Ms.Mumtaz Ahmad, Adv.**

versus

DELHI JAL BOARD

.....Respondent

Through: **Ms.Kanika Agnihotri, ASC with
Ms.Shabana Khatoon, Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

06.08.2024

1. The petitioner has filed the instant petition seeking the following reliefs:-

"a. To direct the respondent to restore the water supply to the petitioner's house, impose the fine against the respondent for non-compliance of the Hon'ble Court order;

b. Pass the compensation of Rs. 1,00,000/- to the petitioner as the harassment with litigation charges which were caused by the respondent;

c. Further issue the directions to the respondent whereby restrain the respondent to disconnect the water supply to the petitioner's house without giving any written intimation;

d. Any other relief which this Hon'ble Court may deem fit and proper may also be passed in the facts and circumstances of the case to meet the ends of justice."

2. Respondent-DJB in terms of paragraph no.4 of its additional Status Report has held as under:-

"4. In compliance with the order dated 19.09.2022 passed by this Hon'ble Court, an inspection was carried out by the Respondent Officers on 21.09.2022 in the presence of the Petitioner, Sh. Vikas Sharma and Status Report dated 29.09.2022 was filed before this Hon



*'ble Court. In the said Status Report, Respondent reiterated its stand that the water connection of the Petitioner was not disconnected, and that the Respondent has been regularly issuing bills to the Petitioner since October 2019. It was observed that the water supply in the said area was available on alternate days during the supply hours. However, since the house of the Petitioner is in a densely populated area and located at the tail end of the Apollo Command UGR, the water supply to the Petitioner is irregular on some days. It was further stated that to remedy this problem, the Respondent is supplying water through water tanks in the area for the benefit of all the residents who may be facing similar issues in the area. It was further observed that the hole dug near the Petitioner's house was dug with the purpose of checking the water pressure in the pipeline supplying water to the Petitioner and to change the ferrule to improve the water supply system. After having carried out these improvements, the hole was filled up on the very next date. However, during the inspection, it was found by the Respondent Officers that the house in question is being used by the Petitioner for "commercial purposes". It is pertinent to mention that the water connection provided to the Petitioner by the Respondent is for domestic purposes and the bills generated for the said connection is issued as per the subsidy scheme applicable to domestic connections. However, since the premises are being used for **commercial purposes**, the Respondent reserved the right to take steps in accordance with law and recover dues at commercial rates, if applicable."*

3. The petitioner had filed the affidavit on 07.12.2023 and controverts the stand taken by the respondent-DJB and submits that even now, no proper water supply is being ensured by the respondent-DJB.
4. The Court takes note of fact that the respondent-DJB has diligently obeyed the directions of this Court's order dated 19.09.2022 by conducting an investigation in the presence of the petitioner and filing the status report before the Court. It is evident that the respondent is taking all necessary steps to ensure the supply of water by way of supply pipelines as well as water tanks. The respondent-DJB has, however, come to know that the petitioner has been using the water for commercial purposes whereas the respondent has provided the connection for domestic purposes for which it



has reserved the rights to recover dues as per law. It is, therefore, not the case where the respondent-DJB is denying the supply of water to the petitioner. Certain practical constraints have been pointed out. In view of the above, the Court is of the considered opinion that respondent-DJB has taken appropriate steps to ensure that proper water supply is provided to the petitioner. The uninterrupted water supply depends upon various factors.

5. Looking at the nature of the grievance which is sought to be agitated in the instant writ petition, the Court under Article 226 of the Constitution of India is unable to adjudicate the same. The principle of Continuing Mandamus is to aid the working of writ courts to ensure that its responsibility of being the guarantor of fundamental and other significant legal rights can be well executed. Such principle is to ensure specific socio-economic rights, the infringement of which could give rise to critical injustice and unfairness. Appraisal of the disposition of the principle of continuing mandamus, it is evident that such principle ought not to be invoked in every situation, for it should be reserved only for some particular and the most deserving instances.

6. Following the above considered observation and facts, liberty shall be reserved in favour of the petitioner to file a fresh application before the respondent-DJB, if the petitioner feels that there is an irregular or interrupted water supply, and the DJB is responsible for the same.

7. With the aforesaid observation, the instant writ petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 6, 2024/MJ