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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17021/2022, CM APPL. 17686/2023, CM APPL. 30165/2023, CM APPL. 39441/2023**

MANAN AGGARWAL

.....Petitioner

Through: **Mr. Vinay Kumar and Mr. Udit Gupta, Advocates.**

versus

PUBLIC WORKS DEPARTMENT

.....Respondent

Through: **Mr. Avishkar Singhvi, ASC with Mr Naved Ahmed, Mr. Vivek Kr. Singh and Mr. Shubham Kumar, Advocates for GNCTD.**

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.12.2024

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1. The present writ petition seeks the following reliefs:

“A. Issue a writ of mandamus, or any other appropriate writ, order or direction to the respondent to immediately restore the ramp, sewer connection and water connection of the House cum Office of the petitioner situated at A-1/5, Model Town-I, Delhi-110009.

B. Issue a writ of mandamus, or any other appropriate writ, order or direction to the respondent to pay appropriate compensation to the petitioner for the illegal act done by the respondent.

C. Issue a writ of mandamus, or any other appropriate writ, order or direction to the respondent to take disciplinary action against all its officials who are involved in the above said illegal act.”

2. On 14th December, 2022, when the matter was taken up for



consideration for the first time, the Court passed the following order after taking note of the Petitioner's contentions:

- "1. This hearing has been done through hybrid mode.*
- 2. The Petitioner, in the present petition, is a practising lawyer who has been constrained to approach this Court owing to the dire circumstances created by the Respondent - Public Works Department (hereinafter, "PWD") in front of his residence and office in Model Town-I, Delhi.*
- 3. The grievance of the Petitioner is that the entire street right in front of the entrance of his house, and the ramp to his house has been dug out by the PWD. He submits that the water connection and the sewage connection has also been disconnected, and the JCB excavation which is taking place has obstructed access to his house. He further submits that there was a bereavement in his family, however, relatives and friends could not reach the house, due to the extremely precarious condition of the street and the pathway right in front of the entrance to his house.*
- 4. This Court has perused the photographs placed on record. Upon perusing the same, it is obvious that the access to the Petitioner's house is completely unavailable. This Court is of the opinion that such a situation cannot be caused by the concerned authorities. There can be damage to life and property. Moreover, the Petitioner and his family's right to access their own home has itself been severely jeopardised by the work being carried out the PWD. Such work in residential areas ought to be carried out in right earnest and in a manner not to inconvenience residents. The manner in which the entire street is dug up is not just inconvenience, but also endangers the safety of residents especially children and elders.*
- 5. Issue notice. Ms. Nakra, Id. ASC for GNCTD, who is present in Court is requested to accept notice on behalf of the Respondent - PWD.*
- 6. Considering the nature of the matter, the following directions are issued:*
 - i. The Executive Engineer, PWD of the concerned area shall provide a ramp facility to the Petitioner's residence, within 24 hours.*
 - ii. The water connection and the sewage connection to the Petitioner's residence shall be immediately restored, within 24 hours.*
 - iii. The work of the PWD shall be carried out in such a manner so as to ensure that the ingress and egress to the Petitioner's residence, is not stopped or prevented due to the digging of the lane in front of the Petitioner's residence.*



iv. Let the Respondent - PWD file a status report as to the action taken pursuant to the above directions, by the next date. The work of the PWD shall be carried out expeditiously, and the timelines for the same shall also be placed on record.

7. Any non-compliance would be seriously viewed and the concerned Executive Engineer shall be held personally responsible.

8. List on 4th January, 2023.

9. Dasti under signature of the Court Master.”

3. Counsel for the Respondent states that as per the directions issued by this Court, the ramp facility has been provided to the Petitioner and the Respondent have also filed a status report dated 15th September, 2023, to the following effect:

“STATUS REPORT

Case Title: Manan Aggarwal V/s. PWD

Case No. WP(C) 17021/2022

The S.W. drain of Model Town area carries rain water as well as sewage water of unauthorized colonies situated on both sides of road which includes household waste, plastic bottles, polythene etc. During site inspection it was observed that the piped drain portion from Model Town I Junction to Bhola Juice Corner at Princess Road has been choked and damaged at many places which restrict the free flow of drain water and resulting in water logging. Hence it was essential to improve the drainage system so that free flow of drain water may be maintained and water logging may be avoided in the area. Keeping in view the necessity of work the tender of improvement of the drainage system with RCC box drain has been floated.

Accordingly, the work was awarded to the agency vide no. 54(2522)/North Road Divn/PWD/NR-12/3057 dated 01.11.2022 with date of start 04.11.2022 and date of completion 03.03.2023. The work was started by the agency with dismantling of existing brick drain. During excavation / dismantling work the entry point of petitioner House No. A-115 Model Town was dismantled with prior intimation to the owner. The status report as per order dated 16.01.2023 is as under: -

- 1. No comments*
- 2. No comments*
- 3. The work was carried out in phases i.e., only 50-meter drain was*



dismantled and reconstructed at a time. Once this 50-meter drain completed only after that next 50-meter drain was taken up.

4. *The residents in front of whom drain to be digged were inform three days in advance before digging of drain.*

5. *Assistant Engineer and contractor inspected the property and it was noticed that no major damaged has been caused to his property. Still the petitioner has been assured to get repair the damaged, if occurs during further execution. The permanent ramp has been constructed not even in front of petitioner's property but in front of all other properties. The drain work has been completed. The footpath work is in progress. There was shortage of fund in Division Office and PWD was unable to make the payment to contractor. His bill is pending and shall be paid after receipt of budget. The work shall be completed within one month after payment made to contractor. The photographs showing current position are attached herewith.*

6. *The DMRC was approached physically as there is regular interaction with DMRC Official due to there working on road under the jurisdiction of this office. They told that they only construct new Metro Corridor and only dig pits for Metro Pillars and they take over the entire area where they work. They also told that they are not executing any maintenance type of work directly effecting services of residents."*

4. In light of the above, the relief as sought by the Petitioner has been redressed and no further directions are required in this regard.

5. Accordingly, the present writ petition is disposed of, along with pending applications.

SANJEEV NARULA, J

DECEMBER 3, 2024

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