



2024:DHC:5977-DB



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

+ **W.P.(C) 11078/2024, CM APPLs. 45775-45776/2024**

VEDPAL SHEETAL CHAUDHARY

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Ms.
Shivani Verma, Ms. Snigdha Anand,
Ms. Renu and Ms. Chandana,
Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS...Respondents

Through: Ms. Hetu Arora, ASC for GNCTD
Ms. Beenashaw Soni, SC with Ms.
Mansi Jain and Ms. Ann Joseph,
Advocates for R-1
Mr. Mokesh Arora, Ms. Santosh and
Ms. Nandini Sharma, Advocates for
R-7

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Date of Decision: 09th August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present public interest litigation has been filed seeking directions to the Respondents to *inter alia*, assess the structure and slope of the drain constructed in Sunday Market Area, Aya Nagar, Delhi and rectify the said slope by demolishing the newly laid bed near the outfall in the area. The Petitioner, who is a Municipal Councillor, seeks further direction to



constitute a Joint Committee comprising the Deputy Commissioner, Municipal Corporation of Delhi, an officer appointed by this Court and the respective officials of the concerned departments to ensure that the correct design of the slope of the drain is constructed.

2. Learned counsel for the Petitioner states that the Respondent No. 2/ IFCD had initiated construction of a drain in the Aya Nagar area in February 2024, which is still in the process of construction. He states that respondent no.2 constructed a flawed slope for the said drain which has resulted in water flowing back to the roads and the entire area being waterlogged. He further states that the drain from the forest area and the air force station also join the same drain and the pipeline at the outfall is not sufficient to carry the contents of the drain. He emphasises that the area known as Sunday Market Main Road, in Aya Nagar is a low-lying area and hence is prone to water logging and flooding even in the non-monsoon season. He further states that water has been entering the shops and homes of the residents causing immense damage to goods and property.

3. He states that several representations have been made by the Petitioner and the Respondent No. 1 to the Respondents herein, but they have not even examined the matter.

4. Keeping in view the aforesaid, especially in view the fact that a number of representations have been made by the petitioner as well as the officials of the MCD, this Court directs the Chief Secretary, GNCTD to treat the present writ petition as a representation and decide the same by way of a reasoned order, after hearing the officials of the MCD and IFCD, as expeditiously as possible preferably within two weeks.



2024:DHC:5977-DB



5. With the aforesaid directions, the present writ petition stands closed. The rights and contentions of all the parties are left open. This Court clarifies that it has not commented on the merits of the matter.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 9, 2024/ms

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 16.08.2024
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W.P.(C) 11078/2024

Page 3 of 3