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

+ W.P.(C) 7000/2025 & CM APPL. 31564/2025

POONAM SHARMA

.....Petitioner

Through: Mr. Utkarsh Singh, Mr. Mayank Gupta, Mr. Thakur Nishant Kumar, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Gupta, CGSC with Mr. Atishay Jain, Mr. Samsul Alam, Ms. Khyati, Advocates for R-1.
Mr. Sanjay Poddar, Sr. Adv. with Mr. Shival Goel, Mr. Anil K. Goyal, Ms. Rosy, Advocates for R-2 with Mr. Shubham Tyagi, Site Engineer.
Ms. Avni Singh, Mr. Gourav Mudia, Advocates for R-4 and 5 with Mr. Hemant Yadav, AE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.05.2025

1. Further to the order dated 22.05.2025, Irrigation and Floor Control Department [I&FC], Government of National Capital Territory of Delhi ["GNCTD"], has filed a status report dated 25.05.2025. As the status report is not on record, a copy has been handed over to the Court and is taken on record.



2. The status report reads as follows:

“A site inspection was done by the officials of NHAI & I&FC on 23.05.2025 on Bijwasan Bund in the matter of Poonam Sharma Vs. Union of India & Ors.

The Bijwasan bund drain runs along the Bijwasan Bund and starts from the railway track (Delhi Rewari Line) and trapped by NHAI in their culvert at Dwarka Expressway. This drain catered to storm water discharge of nearby colonies of Bijwasan, Kapasheda, Rajokri, Dhundaheda and some parts of Gurugram.

At present, the Bijwasan Bund drain is filled with earth by NHAI after the construction of the Dwarka expressway. It was covered and compacted with earth by NHAI during the course of construction of Dwarka expressway and has become an earthen path. The land parcel of the Petitioner runs along this unpaved earthen path through which Light motor vehicles can easily pass.

The petitioner’s land parcel has two numbers of gates, one opens towards the earthen path and the other opens towards Dwarka expressway.”

3. Mr. Sanjay Poddar, learned Senior Counsel for the respondent No. 2 – National Highways Authority of India [“NHAI”], instructed by Mr. Shubham Tyagi, Site Engineer, and Ms. Avni Singh, learned counsel for the GNCTD, state that the status report has been filed upon joint inspection by NHAI and I&FC. They confirm that the report is intended to satisfy the requirement that the petitioner has safe and motorable access to her property. They submit that the access presently being used by the petitioner has been inspected from the standpoint of safety and is suitable for regular access by Light Motor Vehicle [“LMV”].

4. Mr. Utkarsh Singh, learned counsel for the petitioner, however, submits that it is evident from the status report itself, that the access has been created by filling the drain with compacted earth and forming an unpaved path. He apprehends that in unsuitable weather conditions, the access may become unusable.



5. As far as this aspect is concerned, I am of the view that the petitioner's apprehension can be allayed by directing the I&FC, which admittedly owns and controls the said access, to designate a Nodal Officer and provide his/her contact details to the petitioner. If the petitioner's property is rendered inaccessible, she will be at liberty to approach the said Nodal Officer, and the I&FC will take remedial measures as expeditiously as possible.

6. The writ petition is disposed of with these directions.

PRATEEK JALAN, J

MAY 26, 2025

"Bhupi/SD"/