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

+ **W.P.(C) 11650/2018 and CM APPL. 45009/2018**

NARESH KUMAR SHARMA AND ANR.Petitioners

Through: Mr. Vishal, Advocate.

versus

CHAIRMAN, DELHI JAL BOARD AND ANR.Respondents

**Through: Ms. Kanika Agnihotri, ASC with
Mr.Sachin Sharma and Mr. Himaghu Jain,
Advocates for Respondents/DJB.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

31.01.2025

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1. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India for a direction to the Delhi Jal Board ('DJB') to make arrangement for proper supply of water to the Petitioners and to connect their pipeline from House Nos. 341 to 354 so that water can be supplied in the area and more specifically to House Nos. 298 to 358.

2. In the counter affidavit filed by DJB on 12.04.2019, it is stated that the area in question is an urbanised village where no regular network existed from the beginning on account of pre-existing conditions like topography of the area, narrow lanes, unplanned growth and absence of sanction plan. The road leading to the house of the Petitioner was physically checked and found to be very narrow with a width of 1.5 to 2 feet. There are four to six storied houses on either side of the lane and the lane is about 2 feet higher than the main peripheral lane and is about 80 to 85 meter long with a dead end.



Owing to these factors, all residents have shifted their water connection to main peripheral water line running along the main peripheral lane through which they are getting water during the night hours. DJB peripheral water line has in these limiting circumstances lesser pressure at the tail end as also due to hydraulic loss. It is further stated that the water supply has been checked by field staff for House Nos. 298 to 358 and it was found that there is water supply to these houses during night hours and some of the residents are also taking supply from the local tubewell which has sufficient water for the residents at least twice a day.

3. Be it noted that after the counter affidavit was filed by DJB, Petitioner No.1 filed an affidavit on 18.04.2023, where in paragraph 2, it was stated that DJB has removed the old pipeline but till date no new pipeline has been connected to House Nos. 341 to 354 due to which Petitioners and other residents of the locality are not getting proper water supply. In response to the said affidavit, again a detailed status report was filed by DJB stating that at present water supply of the area is normal and no complaints of water scarcity have been received from the area by DJB.

4. In furtherance of order passed by this Court on 17.11.2023, further inspection was carried out by DJB and compliance affidavit has been filed on 09.04.2024 in which it is stated that Sh. K.K. Meena, Junior Engineer, DJB visited the concerned area on 21.11.2023 at 11:30 A.M. and met Petitioner No.1 to inquire about the difficulties, but he was not able to specifically pinpoint any problem. Before that, the site inspection was carried out *qua* water supply and water connection on 18.11.2023, 20.11.2023 and 21.11.2023. During inspection, it was found that the water supply and connection were available to all the houses and residents of



House No. 342 informed that they had never made any complaint on water issues. Residents of House Nos. 349 and 354 did not co-operate during the inspection.

5. Along with the compliance affidavit, DJB has also placed on record the latest survey report in the concerned area as Annexure R-III which contains a tabular representation of the house numbers and the status of water supply thereto. Specifically with respect to house of the Petitioner No.1 bearing House No. 349, it is recorded that water supply is 'OK'. After the compliance affidavit was filed, writ petition was listed before Court on 06.12.2024 and Court noted the stand of DJB in its status report that Petitioners have taken water connection from the main water line which exists near House Nos. 297 and 298. Counsel for the Petitioners continued to resist the stand and contended that no water connection was taken by the Petitioners and they were still required to collect water from the outlet of the main water line, which is approximately 300-400 meters away. In this context, Court directed the Petitioners to file objections to the status report, in response to which an affidavit has been filed by the Petitioners. However, this Court finds from a plain reading of the affidavit that no objection has been taken in the affidavit.

6. From the reading of various status reports and the counter affidavit as also the compliance affidavit and looking at the tabular representation in Annexure R-III, aforementioned, this Court is satisfied that at present, the water supply is sufficient in the colony in question and Petitioners have access to regular water supply.

7. At this stage, counsel for the Petitioners submits that DJB is not correct in its stand that the lane leading to the house of the Petitioners is



narrow and water pipelines cannot be laid. This Court finds that there is no pleading to this effect in the writ petition or affidavit filed after the status reports filed by DJB. There is no material on record to suggest that the status reports are factually incorrect. In fact, photographs placed on record by DJB supports the plea that the lane in question is a very narrow lane in which barely two persons can walk at one time.

8. Once the DJB has taken a stand before this Court that there is sufficient water supply to the Petitioners and there is no material placed by the Petitioners to falsify this stand, in my view, no further order is required to be passed in this writ petition.

9. Writ petition is accordingly disposed of along with pending application.

JYOTI SINGH, J

JANUARY 31, 2025

B.S. Rohella/shivam