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

+ **W.P.(C) 15399/2024 & CM APPLs. 4918/2025 & 8786/2025**

SHAILENDRA BHATNAGARPetitioner

Through: Petitioner in person.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Rajbala, Adv. for Mr. Tushar Sannu, ASC for NDMC. (M: 9958770964)

Ms. Sangeeta Bharti, Standing Counsel for DJB with Mr. Vineet Dwivedi, Zonal Engineer.

Dr. Harsh Pathak, Mr. Mohit Choubey, Advs. with Mr. Devender Kumar, Executive Engineer, AIIMS. (M: 8510003041)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **18.06.2025**

1. This hearing has been done through hybrid mode.
2. The present petition filed by the Petitioner under Article 226 of the Constitution of India relates to the waterlogging problem in Green Park Extension and surrounding areas. On the previous hearing *i.e.*, 29th May, 2025, All India Institute of Medical Sciences (hereinafter '*AIIMS*'), had opposed the proposal of laying a sewer line across the AIIMS premises to control the waterlogging in Green Park Extension and surrounding areas (hereinafter '*concerned areas*') *inter alia* on the ground that the line was proposed to be laid on land owned by New Delhi Municipal Council



(hereinafter '*NDMC*') which was, then, not a party to the petition. Further, AIIMS had also raised an objection to the proposed laying of a sewer line across its premises, contending that the waterlogging in the concerned area is not attributable to any inadequacy in the existing sewer infrastructure. Instead, it was submitted that the primary cause of waterlogging in the concerned areas is the ineffective functioning of the rainwater drainage system. However, the Court had noticed the following:

- (i) the status report of the Municipal Corporation of Delhi (hereinafter '*MCD*') dated 27th February, 2025 was clear that the existing sewer line was old and insufficient to take the load during the rainy season and the same needs to be replaced; and
- (ii) the status report of the Delhi Jal Board (hereinafter '*DJB*') dated 15th April, 2025 was also clear that a new sewer line would now need to be laid across the AIIMS.

3. In view of the contradicting submissions made, this Court,
 - *vide* order dated 29th May, 2025, had impleaded NDMC; and
 - subsequently *vide* order dated 30th May, 2025 directed NDMC to hold a meeting chaired by the Secretary, NDMC in presence of various authorities including the I&FD, DJB, MCD, NDMC, PWD, AIIMS and the residents participated in the meeting on 4th June, 2025 to ascertain the feasibility of providing NDMC land within the AIIMS premises for laying down the sewer line. The participating authorities were also permitted to conduct a joint inspection in the relevant areas within the AIIMS premises, if so required and place a report on record in this regard by the next date of hearing.



4. Today, the status report of the NDMC has been filed by Mr. Tushar Sannu, Id. ASC. As per the said status report, pursuant to the order dated 30th May, 2025, the Hon'ble Secretary, NDMC held a meeting on 4th June, 2025 at NDMC Palika Kendra. Various submissions made on behalf of all the authorities were considered and a joint inspection was also conducted on 5th June, 2025. After the deliberations and joint inspection, the following observations have been recorded.

“5. Thereafter, pursuant to the meeting held on 04.06.2025, a joint site inspection was conducted on 05.06.2025 by the officials of both the NDMC and DJB at 2:00 pm. During the course of the inspection, the following observations were recorded:

- (i) No. instances of Sewage Overflow was identified during inspection:*
- (ii) The 300 mm diameter outfall sewer line running from Aurobindo Marg to the Green Park Extension Gate was found to be functioning efficiently and without any blockage;*
- (iii) The sewer lines were suitable for cleaning through mechanized means;*
- (iv) A separate internal storm water drainage system exists to manage the rainwater discharge within the Green Park Extension;*
- (v) It was also observed that there is currently no storm water drainage on the road segment connecting the Green Park Extension Gate to Aurobindo Marg via Yusuf Market.*

6. That based on the inspection and deliberations, the following technical recommendations were made unanimously:

(a) CCTV Survey: the Delhi Jal Board (DJB) was advised to undertake a CCTV inspection of the sewer lines to assess silt accumulation and the



- overall condition of the existing infrastructure;
- (b) Preventive Maintenance: DJB should carry out regular preventive maintenance of the Green Park Extension sewer network, including its out fall lines.**
- (c) The Delhi Jal Board (DJB) should check sewerage network of the Green Park Extension to evaluate the adequacy of the current pipe diameters to ensure the requirements of the alternate arrangements.**
- (d) After checking the adequacy and condition of the existing sewer line possibility shall be explored to lay the bypass line along the alignment through AIIMS for which survey has already been conducted.**

A copy of the Minutes of Meeting of inspection of Green Park Extension held on 05.06.2025 to resolve the problem of sewage in present of officials of both NDMC and DJB is annexed for the kind perusal of this Hon'ble Court as Annexure R-4/B."

5. The minutes of the meeting dated 4th June, 2025 have also been annexed as per which it is stated that the Land & Development Officer (hereinafter 'L&DO') has informed the participating Authorities during the meeting that the concerned land formally stands allotted to the AIIMS. This is slightly in deviance with the stand taken by AIIMS before this Court on the last date of hearing. For ease of reference, the relevant portion of AIIMS status report dated 27th May, 2025 is extracted below:

"9. Some additional facts are also required to be brought to notice of the Hon'ble High Court of Delhi and same are as below:-

- a) Ansari Nagar West campus of AIIMS, New Delhi comes under the jurisdiction of NDMC**



and not MCD. Thus, laying of proposed sewer line through the Ansari Nagar West campus would necessitate mandatory involvement/approval of NDMC. It would therefore be prudent to implead NDMC as a party to this case and take its opinion on aspects including feasibility and utility of this proposed sewer line.

- b) Not only MCD, it would have to be seen and confirmed first whether the laying of proposed sewer line would be done by NDMC or DJB. Thus, taking opinion of NDMC is a must.
- c) It has been presented before the Hon'ble High Court of Delhi that the matter of laying of proposed sewer line affects public at large. As briefed earlier however, the proposed laying of sewer line would benefit (if at all) only handful of beneficiaries and is not at all for benefit of public at large as presented.
- d) It has become clear from the proceedings of the Court that DMRC had re-constructed portion of the main drain and has waited for many years for concerned civic authorities to take over the maintenance of the re-constructed portion of main drain. It is very apprehensive therefore that if at all proposed sewer line is laid down by NDMC/DJB (as the case may be) consequent to directions so passed by the Hon'ble Court, its maintenance and repair would become bone of contention in future and ultimately, it will become burden for AIIMS, New Delhi.
- e) Around 17 trees (approx.) will have to be uprooted to lay down the proposed sewer line and thus, necessary clearance from concerned authorities would be required. It would therefore be prudent to implead concerned authority as a party to this case and take its opinion on consequential steps to be taken because of cutting



down of trees.”

6. Today, submissions have also been heard on behalf of the NDMC, DJB, AIIMS and the Petitioner. After considering all the respective submissions by the parties, one thing that has been highlighted to the Court is that during the recent rains in the last week, there has been no waterlogging in the Green Park Extension area owing to consistent and persistent cleaning of the sewer lines by the DJB as agreed in the minutes of meeting dated 5th June, 2025. Further, DJB officials have also confirmed that the sewer line, which needs to be laid across AIIMS, would not be more than 200 meters long and would only require about 130 meters of land within the AIIMS premises.

7. In view of the above circumstances, the Court does not doubt the necessity of laying sewerline across the AIIMS premises to prevent waterlogging in the concerned areas. Further considering the required extent of land and the overarching public interest involved, the Court is clear that the new sewer line is required to be laid across AIIMS Residential complex.

8. However, in view of the fact that the NDMC is stated to be only the sanctioning authority and the land stands allotted to the AIIMS, the following directions are issued -

- (i) For the present monsoon season, the DJB and MCD shall ensure the complete de-silting and cleaning of both the sewer line and the storm water drain on a regular basis so as to prevent any water logging in the concerned areas.
- (ii) A meeting shall now be held by the Chief Engineer, DJB with the following authorities being present.

a. AIIMS



- b. MCD
- c. NDMC
- d. PWD
- e. Any responsible officials from Forest Department, GNCTD so that, if any approval is required for uprooting and replantation of trees that fall in the path of the sewerline, the same can also be obtained.

(iii) The said meeting shall now be called on 8th July, 2025 by Mr. Anil Sharma, Chief Engineer (South), Room No.113, Varunalaya Phase-II, Delhi Jal Board.

(iv) The Chief Engineer, DJB and Commissioner, MCD shall then put up a report on the plan for laying of the sewer line and storm water drain, in consultation with the above authorities and specifically to the satisfaction of AIIMS (Nodal Officer) *i.e.*, Mr. Deepak Bhutale, Superintendent Engineer, AIIMS, New Delhi. The report shall include the proposal for the designing of the sewer line, the manner in which it would be connected from Green Park Extension to the Aurobindo Marg along the AIIMS premises in terms of the DJB letter dated 17th March, 2025 addressed to the Superintending Engineer, AIIMS. The following aspects shall be covered in the report.

- a. Designing of the sewer line
- b. Timelines for the same
- c. Budget
- d. Timeline for calling of tender
- e. Maintenance of the sewer line

(v) The DJB, *vide* the status report, shall also inform the Court, the



position of waterlogging in the Green Park Extension area during the current monsoon season.

9. The report shall be placed on record by the next date of hearing.
10. The Court emphasises upon the fact that the above report shall be prepared in close coordination with the AIIMS so that least disturbance is caused to the residents within the AIIMS residential campus during the laying of the sewer line.
12. List on 28th July, 2025.

PRATHIBA M. SINGH
(VACATION JUDGE)

MANMEET PRITAM SINGH ARORA
(VACATION JUDGE)

JUNE 18, 2025/dk/Ar.