

# Bhupesh Sehgal & Ors vs Delhi Development Authority & Ors on 29 April, 2022

**Author: Subramonium Prasad**

**Bench: Subramonium Prasad**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 6771/2022

BHUPESH SEHGAL & ORS

Through:

Ms. Vandana Sehgal and  
Anand

versus

DELHI DEVELOPMENT AUTHORITY & ORS

Through:

Ms. Sangeeta Bharti,  
Counsel DJB/R-2  
Mr. Rijul Taneja, Advocate  
of NCT. Delhi  
Mr. Kush Sharma with  
Khan, for DPCC R-3

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 29.04.2022 CM APPL. 20578/2022 (Exemption) Allowed, subject to all just exceptions. W.P.(C) 6771/2022 & CM APPL. 20577/2022

1. This petition under Article 226 of the Constitution of India has been filed with the following prayers:

"A. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing respondent no. 1 & 2 to stop illegal constructions of the open rain water drain behind the Petitioners flats no. C6/6589 to C6/6596 Vasant Kunj, where the construction activity is being undertaken by the Respondents.

B. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing respondent no. 1 & 2 to stop illegal activity of replacing the underground rain water pipe with the open rain water drain behind the Petitioners flats no. C6/6589 to C6/6596 Vasant Kunj, where the construction activity is being undertaken by the Respondents.

C. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing respondent no. 1 & 2 to construct underground rain water drain behind the Petitioners flats no. C6/6589 to C6/6596 Vasant Kunj as it was earlier and not construct an open rain water drain as is proposed to be constructed by them.

D. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing Respondent no. 1 & 2 to close the illegal open sewage drain running through the green belt, for the Ekta camp slum which is shown in photos marked as Annexures;

E. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing Respondent No. 3, Respondent No. 4 to impose exemplary costs on Respondent No. 1 and Respondent No. 2 for carrying out this illegal activity in defiance of the law as laid down by this Hon'ble Court and Hon'ble NGT for the city of Delhi.

F. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing Respondent no. 1 & 2 to strengthen the boundary wall separating the green belt from Ekta camp Slum by using RCC and to increase the height of the boundary wall of the green belt with Ekta Camp slum, so that the Slum's illegal sewage drains are not opened into the green belt and into rain water systems provided for the Pocket C6 Vasant Kunj by the occupants of the slum or the officers of Respondent No. 1 & Respondent No. 2;

G. For issuance of writ of Mandamus or any other appropriate writ, direction or order directing Respondent no. 1 & 2 to maintain the green belt, garden by providing a plan to this Hon'ble Court, about planting trees and improving and maintaining its green cover;

H. Any other appropriate direction or order may also be kindly passed as may deemed proper in the facts and circumstances of the present case."

2. Let a Status Report be filed by the DDA stating as to whether the residents of JJ Colony have connected the sewage drain to the storm water drain and if so what are the steps being taken to ensure that sewage water does not flow into the storm water drain.

3. List on 28.07.2022.

SUBRAMONIUM PRASAD, J APRIL 29, 2022 Rahul