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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 13397/2021 and CM APPL. 42235/2021.**

Date of Decision: **23.02.2026**

**IN THE MATTER OF:**

AMIT GUPTA

.....Petitioner

Through: Ms. Jasmine Damkewala, Advocate.

versus

PUBLIC WORKS DEPARTMENT,

.....Respondent

Through: Ms. Harshita Nathrani, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petitioner claims to be resident of Paschim Vihar and is aggrieved by the manner in which the road of the society was constructed. It is his case that the respondent is adopting two parameters in the construction of the road of residential society.
2. It is submitted that there are six blocks in the residential society and in periphery of two blocks old concrete slab roads are being dismantled and in rest of four blocks concrete slabs road to be laid on old concrete slab.
3. Resultantly, in the four blocks flats on ground floor their level will come down and rain water shall enter into their houses. It is also submitted that one road is being laid without even dismantling old road due to which



the road level raises and level of houses at such road come down. The petitioner therefore has prayed for the following relief:

*“(a) Issue a writ, order and direction in the nature of Mandamus thereby directing the respondents to immediately stop the construction of road in the four blocks by relaying the road on the existing road; and*

*(b) Issue a writ, order and direction in the nature of mandamus thereby directing all the respondents to make reparation upon the principles of restitution; and*

*(c) Directing the respondents to construct the roads in the four blocks by dismantling the existing road and then laying new road.”*

4. Learned counsel appearing for the petitioner submits that the authority of the PWD is also challenged as they do not construct the road in question and the veracity of the reports are also being challenged by the petitioner. It is submitted that even no reports have been placed on record.

5. The respondent in their reply have stated that the Public Works Department had floated the tender for improvement/resurfacing of the inner roads in the Shiva Enclave, A-4, Paschim Vihar, New Delhi. The decision to float the tender and the terms and conditions stipulated therein is a policy decision taken by the respondent. The entire improvement of the road work has been carried out as per the tender with the full consultation and coordination with the Managing Committee of the Society.

6. It is submitted that the Managing Committee of the Society is duly satisfied with the work being done by the respondent. The road has been constructed except a small patch thereof. It has also been stated that before floating of tender during the survey of the Society it was found that the road level of the Society are not at par equal as at some places the level is very low due to which the water is logged and at some places which are at high in



position and are not having uneven surface. Thus, as per the standard practice and procedure, water levelling marking of the society were made so that the water should not be logged anywhere in the complex should go into drain straight forwardly. Various other submissions have been made by the respondent to justify their action. It is however stated by the respondent that the road has been constructed as per the tender document and the same is in order to maintain uniform level of the road.

7. Having considered the nature of the grievance raised by the petitioner and the submissions made by the respondent in their counter-affidavit, the Court finds that no interference under Article 226 of the Constitution of India can be made in the instant writ petition. The manner of construction of the road and the *bonafides* of the department to carry out the said work cannot be doubted merely on the complaint made by the petitioner.

8. If the petitioner has any personal grievance, the petitioner shall be at liberty to take appropriate recourse in accordance with law. The policy decision of the department in order to deal with the water logging situation does not seem to be illegal and improper. If the petitioner is suffering any damages or if the petitioner is facing any water logging problem, he can always make the necessary representation to the concerned authority and thereafter to take appropriate recourse in accordance with law.

9. With these observations, the petition stands disposed of. Pending application also stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**FEBRUARY 23, 2026**

*Tr/mj*