



\$~1(SDB) to 8(SDB)

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

Date of decision: 17th April, 2025

+ **W.P.(C) 7594/2018 & CM APPLs. 30022/2018, 41886/2024, 42188-42189/2024, 47142/2024, 48597/2024, 57187/2024, 62545/2024, 69901/2024**

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

UNION OF INDIA & ORS.

..... Respondents

Through:

Mr. Manish Mohan, CGSC and Mr. Jatin Teotia, Ms. Aishani Mohan, Advs.

Ms. Prabhsahay Kaur (Standing Counsel DDA) with Ms. Deeksha L. Kakar (Panel Lawyer, DDA), Mr. Aditya Verma, Ms. Kavya Shukla, Mr. Rashneet Singh & Mr. Viral Vaibhav, Advs. with Officers Present: Mr. Harish Chandra Sharma (Deputy Director PMAY), Mr. Vishwajeet Gahlot (AD PMAY), Mr. Ashutosh (Executive Engineer), Mr. Anand (Patwari), Mr. Gaurav Meena (AE) & Mr. Nipun (AE), Mr. Vipin (SO).

Ms. Puja S. Kalra, Standing Counsel with Mr. Virendra Singh, Adv. with Mr. B.B. Sah, EE & Mr. K.P. Yadav, AE, MCD. (M: 9312839323)

Ms. Sangeeta Bharti, Standing Counsel, DJB, with Mr. Shreesh Pathak, Adv.

Ms. Preeti Sirohi & Mr. Sudhanshu Tiwari, Advs. for Applicant in **CM APPL.62545/2024**. (M: 7838889995)

Mr. Ripu Daman Bharadwaj, CGSC.



(M: 9818030700)

Ms. Kanika Singh, Mr. Nikhil Saini
and Mr. Aridaman Raghuvanshi,
Adv.

Mr. Yogesh Mahajan, Applicant in
person in **CM APPL.48597/2024**.

1(SDB) WITH
+ **W.P.(C) 8035/2024 & CM APPL. 52659/2024, CM APPLs.
52660/2024, 52780/2024, 52897/2024, 59162/2024, 59163/2024,
59345/2024, 59346/2024, 61322/2024, REVIEW PET. 373/2024**
SHABNAM BURNEY Petitioners

Through:
versus

UNION OF INDIA & ORS.

..... Respondents

Through:

Ms. Prabhsahay Kaur (Standing
Counsel DDA) with Ms. Deeksha L.
Kakar (Panel Lawyer, DDA), Mr.
Aditya Verma, Ms. Kavya Shukla, Mr.
Rashneet Singh & Mr. Viral Vaibhav,
Adv. with Officers Present: Mr.
Harish Chandra Sharma (Deputy
Director PMAY), Mr. Vishwajeet
Gahlot (AD PMAY), Mr. Ashutosh
(Executive Engineer), Mr. Anand
(Patwari), Mr. Gaurav Meena (AE) &
Mr. Nipun (AE), Mr. Vipin (SO).
Mr. Sumit K Batra, Adv. for R-5. (M:
9911211000).

3(SDB) AND
+ **W.P.(C) 8489/2024 & CMAPPLs.34941/2024 and 63347/2024,
12263/2025**

KRISHAN KUMAR & ORS.

..... Petitioners

Through:

Mr. Anand Varma and Ms. Adyasha
Nanda, Advocates. (M:9668635939)

versus

DELHI JAL BOARD & ORS.

..... Respondents



Through: Mr. Raghvendra Upadhyay - Panel Counsel GNCTD alongwith Ms. Purnima Jain and Mr. Vaibhav Tripathi, Advs. for R-2 to 4. (M:9818720615)

4(SDB)

+

WITH
W.P.(C) 9617/2022

COURT ON ITS OWN MOTION

..... Petitioners

Through:
versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Prabhsahay Kaur (Standing Counsel DDA) with Ms. Deeksha L. Kakar (Panel Lawyer, DDA), Mr. Aditya Verma, Ms. Kavya Shukla, Mr. Rashneet Singh & Mr. Viral Vaibhav, Advs. with Officers Present: Mr. Harish Chandra Sharma (Deputy Director PMAY), Mr. Vishwajeet Gahlot (AD PMAY), Mr. Ashutosh (Executive Engineer), Mr. Anand (Patwari), Mr. Gaurav Meena (AE) & Mr. Nipun (AE), Mr. Vipin (SO).
Ms. Sangeeta Bharti, Standing Counsel, DJB, with Mr. Shreesh Pathak, Adv.
Mr. Manish Mohan CGSC with Mr. Teotia, Adv. for UOI. (M: 8851336904)
Ms. Kanika Singh, Mr. Nikhil Saini and Mr. Aridaman Raghuvanshi, Advs.

5(SDB)

+

WITH
W.P.(C) 10480/2024 & CM APPL. 43099/2024

AMITA SACHDEVA & ANR.

..... Petitioners

Through: Ms. Amita Sachdeva, Adv. for P-1.
versus



GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms Latika Malhotra, Adv. for DDA.
(M:9811895162)

Ms. Sangeeta Bharti, Standing
Counsel, DJB, with Mr. Shreesh
Pathak, Adv.

6(SDB)

WITH

+ **W.P.(C) 13190/2024 & CMs APPLs.22480/2025, 22481/2025,
22482/2025**

MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND
WELFARE SOCIETY LTD., & ANR.

..... Petitioners

Through: Mr. A.N. Haksar, Senior Advocate
with Mr. Udayan Jain, Mr. Ranjan
Mishra, Mr. Harsh Jaiswal, Advocates
(Mob. 8858974684)

versus

UNION OF INDIA& ORS.

..... Respondents

Through: Mr. Ajjay Aroraa, Sr. Adv. with Mr.
Tushar Sannu Dahiya, Adv. Mr.
Sanjay Mudgal, ExEn, for MCD.
(M:9582997768)

Ms. Prabhsahay Kaur (Standing
Counsel DDA) with Ms. Deeksha L.
Kakar (Panel Lawyer, DDA), Mr.
Aditya Verma, Ms. Kavya Shukla, Mr.
Rashneet Singh & Mr. Viral Vaibhav,
Adv. with Officers Present: Mr.
Harish Chandra Sharma (Deputy
Director PMAY), Mr. Vishwajeet
Gahlot (AD PMAY), Mr. Ashutosh
(Executive Engineer), Mr. Anand
(Patwari), Mr. Gaurav Meena (AE) &
Mr. Nipun (AE), Mr. Vipin (SO). (M:
8858999883)

Mr. Gautam Dhamija, Adv. for Delhi
Jal Board/R-5. (M:98998 09187)

Mr. Samrat Nigam, Adv.

7(SDB)

WITH



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

SHAILENDRA BHATNAGAR

..... Petitioners

Through:

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Sangeeta Bharti, Standing Counsel, DJB, with Mr. Shreesh Pathak, Adv. (M: 9953253678)

Mr. Srinivasan Ramaswamy, Adv. for R-4. (M:8750541571)

Ms. Beenashaw Soni (SC, MCD) with Ms. Mansi Jain and Ms. Ann Joseph, Advs. for MCD. (M: 9810046611)

8(SDB)

WITH

+

W.P.(C) 17064/2024

RAVINDER YADAV

..... Petitioners

Through: Ms. Vrinda Grover, Mr. Prasanna, J., Mr. Soutik Banerjee, Ms. Devika Tulsiani and Ms. Rupali Samuel, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Manu Chaturvedi, Standing Counsel for MCD.

Mr. Dhruv Rohatgi, Mrs. Chandrika Sachdev & Mr. Dhruv Kumar Advs. for R-1 &6.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.



W.P.(C) 8035/2024 (Madrasi Camp)

2. Pursuant to the directions *vide* order dated 28th March, 2025, a status report is stated to have been prepared by Delhi Urban Shelter Improvement Board ('DUSIB'). The same shall be served upon all the relevant Counsels and shall be placed on record by 23rd April, 2025.

3. List for hearing on **23rd April, 2025 at 4:00 PM.**

CMs APPL. 22480/2025 & 22482/2025 (by Intervenors) and W.P.(C).13190/2024 - Taimoor Nagar Drain

4. Pursuant to the directions *vide* order dated 28th February, 2025, Mr. Anil Kumar, the Chairperson of the Special Task Force constituted by this Court (hereinafter '*STF*'), has presented the Topographical Alignment Plan of the Taimoor Nagar drain (hereinafter '*Alignment Plan*'). A perusal of the Alignment Plan shows that substantial unauthorised encroachments have taken place along the entire stretch of the drain owing to the complete neglect by the concerned authorities including the Delhi Development Authority ('DDA'), Government of National Capital Territory Delhi ('GNCTD'), Municipal Corporation of Delhi ('MCD') and Delhi Jal Board ('DJB') *etc.*, The free flow of the Taimoor Nagar Drain is absolutely essential to avoid flooding in various colonies in Delhi especially the areas falling within the Southern part of Delhi. Such areas include various residential areas, commercial areas, roads, fly-overs, under-passes, densely populated colonies *etc.*,

5. It is noticed that DDA has not signed the Alignment Plan. Ms. Prabhsahay Kaur, Id. Counsel for the DDA submits that the DDA has participated in the meeting of the STF and has no disagreement to the Alignment Plan, which has been presented.



6. Let the Alignment Plan be also signed by the DDA today and be given to Mr. Anil Kumar, Chairperson of the STF.
7. **CMs APPL. 22480/2025** is filed by the Applicants/building owners under Order 1 Rule 10 read with Section 151 of CPC seeking to implead them in **W.P.(C).13190/2024**. **CMs APPL. 22482/2025** is an application by the above Applicants seeking to modify the order dated 28th February, 2025 to the extent of removing/excluding the subject properties (*i.e.*, the five storey building and the property adjacent to it situated at Taimoor Nagar Extension) from the scope and ambit of this Petition and further direct the authorities concerned/STF *etc.*, not to take any coercive actions.
8. On the last date *i.e.*, 28th February. 2024, upon extensively hearing various parties and perusing the photographs placed on record, the Court had directed as under:

*“8. It is clear from the photographs above that the drain is being severely blocked by this construction. **Ld. counsel appearing for the MCD submits, under instructions from Mr. Sanjeev Mudgal, Executive Engineer that there is no plan sanctioned for this building and this land belongs to the DDA. Ms. Prabhsahay Kaur, ld. Counsel appearing for the DDA, under instructions from Mr. Ashutosh Upadhyay, Civil Engineer submits that this is DDA land and that the entire building is unauthorized.***

9. In view of this position, for finalization of the design of the Taimoor Nagar Drain, let a joint meeting be held between the officials of STF, DDA, MCD including the officials, who are present today. The meeting shall be held on 6th March, 2025 in the office of Mr. Anil Kumar, the Chairman, STF at 11:30 A.M. Upon the design being finalized, let the tender be called for the renovation/re-construction of the Taimoor Nagar Drain. The STF is fully empowered to remove any obstructions, encroachments, including any construction which is unauthorized and which would hamper the renovation/re-



construction of the drain.

10. The STF shall submit a report by the next date of hearing on all the aspects including removal of encroachment, demolition of unauthorized construction including the five storey building, which is set out above so as to ensure that the drain can be properly re-designed and the area is also properly maintained so that further dirtying of the drain can also be prevented.”

9. It is pursuant to this direction that the Applicants/building owners have filed the present applications. Mr. Samrat Nigam, Id. Counsel has entered appearance on behalf of the Applicants, who are the owners-cum-occupants of the five storey building and the adjacent property, which are almost abutting to the drain and are in fact blocking the drain itself. He submits that the Taimoor Nagar Drain Extension is a part of one of the notified colonies under PM UDAY Scheme and that there are several other similarly created constructions standing on the drain. He fairly submits that if the present building is to be removed/demolished, the same treatment ought to be meted out in respect of all other constructions situated on the drain, so as to ensure uniformity and non-discriminatory treatment.

10. Mr. Manu Chaturvedi, Ld. Counsel appearing for MCD, even today, submits that no plan has been sanctioned for the five storey building and that the said building is in fact completely unauthorised.

11. Insofar as the submission regarding the Taimoor Nagar Drain Extension being a part of one of the notified unauthorized colonies under PM UDAY Scheme is concerned, Ms. Prabhsahay Kaur for DDA prays for some time to seek instructions on the same. However, she submits that in terms of Regulation 7 of National Capital Territory of Delhi (Recognition of Property Rights of Residents in unauthorized Colonies) Regulations, 2019, properties



falling under Zone ‘O’ cannot be conferred any rights over the occupied land.

12. The Court has heard the parties and perused the applications and annexures attached herewith.

13. The Taimoor Nagar drain plays an important role in managing the flow of sewage all the way from C. V. Raman Marg to the River Yanuma. The functioning of this drain is absolutely essential for the movement of the people and traffic in the entire area, which covers various residential colonies, hospitals, ring road and other important areas of Delhi.

14. With that said, this Court is of the view that even if Taimoor Nagar Extension may have been notified as a colony eligible for regularization, under no circumstances can any portion of it be permitted to encroach upon or be situated on the Taimoor Nagar drain. There can be no doubt about the fact that occupation, habitation or residences cannot be permitted on a drain. A position where buildings come up on drains and thereafter rights are claimed on the same, would not be acceptable to the Court, inasmuch as if the free-flowing drain is not created, it can cause enormous destruction to life and property especially during the rainy season and monsoons. The photographs captured in the previous order clearly depict that the drain stands entirely obstructed by the constructions raised thereon, with buildings having encroached upon and effectively covered the drain itself.

15. Regulation 7 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in unauthorized Colonies) Regulations, 2019, specifies as under:

“7. Exclusion. – Under these regulations, no rights shall be conferred or recognised-

(a) over prohibited land, that is, land falling in reserved



or notified forests, land identified as protected or prohibited area by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), land falling in Zone-O, Yamuna Flood Plain, land falling in right of way of existing roads and Master Plan Roads, land under right of way of high tension lines, land falling in ridge area of Delhi and land reserved or protected under any other law for the time being in force;

(b) affluent unauthorised colonies.”

16. Learned counsel for DDA states that the area abutting Taimoor Nagar drain which has to be laid as per the Alignment Plan falls in Zone ‘O’ and no colony or properties can be permitted to be constructed over the said area; and no rights could be recognized for the occupants who have constructed unauthorisedly over Zone ‘O’. Insofar as the five-storey building is concerned, the stand of DDA and MCD makes it clear that no building plan has been sanctioned for the building and therefore it is completely unauthorised.

17. Under these circumstances, it is made clear that the alignment of the drain, as presented today and agreed upon by the following authorities, stands approved by the Court:

- a) Municipal Corporation of Delhi
- b) Government of National Capital Territory of Delhi
- c) Delhi Jal Board
- d) Irrigation and Flood Control Department (‘I&FC’), GNCTD
- e) Delhi Development Authority (DDA)

18. The STF shall immediately start the work for laying of the drain in terms of this Alignment Plan. For the larger interest of all the inhabitants of



the area, any obstructions which come in the way of the construction of the drain shall be removed.

19. The Secretary, Irrigation and Flood Control Department shall hold a meeting with all the authorities and draw up a stage-wise plan in a manner so as to ensure that the obstructions are removed within the next one month and the cleaning, laying and construction of the drain can be commenced.

20. Accordingly, let the meeting be held by the Additional Chief Secretary, Irrigation and Flood Control Department on 23rd April, 2025 at 11:30 AM. All the authorities including the MCD, DDA, DJB, Electricity generation and distribution companies, other relevant authorities of the UOI or GNCTD, Delhi Police, Revenue Department and any other relevant authorities who may be required, shall participate in the meeting and the plan shall be placed before the Court on the next date of hearing.

21. List on **28th April, 2025 at 3:30 PM.**

22. There is a prayer for replacement of the head of the STF owing to change in postings. It is made clear that Mr. Anil Kumar shall continue to head the present STF irrespective of his posting. Any other officer who may be posted in the said Zone where the Drain is located may also work on this project and assist the STF.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

APRIL 17, 2025/dk/Ar.