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

Date of decision: 19th August, 2025

+ **W.P.(C) 13190/2024 & CM APPLs. 22480/2025, 22481/2025 & 22482/2025, 45268/2025**

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

Through: Mr. A.N. Haksar, Sr. Adv. with Mr. Udayan Jain, Mr. Ranjan Mishra, Mr. Harsh Jaiswal and Ms. Geetika Vayas, Advs. (M:8858974684)

versus

UNION OF INDIA& ORS.Respondents

Through: Ms. Prabhsahay Kaur (Standing Counsel DDA), Ms. Deeksha L. Kakar (Panel Lawyer, DDA), Mr. Aditya Verma, Adv., Ms. Kavya Shukla, Adv., Mr. Rashneet Singh, Adv. Ms. Sana Pareevn, Adv. Officers Present: Gaurav Meena (AE). for DDA. Mr. Tushar Sannu, SC with Mr. Shivam, Adv. for MCD with Mr. B.K. Shah, EE, MCD. Mr. Amit Gupta, Mr. Vidur Dwivedi, Mr. Atik Gill & Mr. Varun Singh Rawal, Advs. for Union of India. Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar & Mr. Amit Kumar Rana, Advs. (M: 8178303621) Mr. Gautam Dhamija, Adv. for R-5. (M: 9899809187) Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and Mr. Dhruv Kumar, Advs. for GNCTD with Mr. Ratnaker Pandey, AE.



CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. *Vide* Order dated 28th July, 2025, this Court directed the Public Works Department (hereinafter, ‘PWD’), Municipal Corporation of Delhi (hereinafter, ‘MCD’) and the residents of the Maharani Bagh to hold a meeting on 2nd August, 2025. A joint inspection of the bell mouths was also directed *vide* the said order. Pursuant to the same, Mr. Rohatgi, Id. counsel, on behalf of both, MCD and PWD was directed to file a joint status report on how they intend to resolve the situation in Maharani Bagh Colony. The relevant portion of the said order reads as under:

“11. Insofar as the recent issue in Maharani Bagh, which is highlighted in this application, is concerned, let the PWD and MCD hold a meeting with the residents immediately on 2th August, 2025 at 11:30 AM in the Community Centre, in the Maharani Bagh colony itself. A Joint inspection of the bell mouths, if needed, can also be conducted. After conducting the said inspection with the residents, a joint status report shall be filed by Mr. Rohatgi on behalf of both MCD and PWD as to how they intend to resolve the situation. In the said meeting, the proposal for the construction of a peripheral drain shall also be discussed.”

3. Pursuant to the said order dated 28th July, 2025, fresh images have been filed on behalf of the Petitioners. An inspection report has also been filed by Mr. Dhruv Rohatgi, Id. Panel Counsel on behalf of the PWD. The said inspection report is signed by Mr. Ratnaker Pandey, Assistant Engineer, PWD, South East Road-1/13. The relevant images filed by the Petitioners are



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produced hereinbelow:



New Delhi, Delhi, India
187, Block A, Maharani Bagh, New Friends



4. The Court has also heard Mr. Haksar, Id. Sr. Counsel as also Ms. Chandrika Sachdev, Id. Counsel for the PWD with Mr. Ratnaker Pandey, Assistant Engineer, PWD. Mr. Tushar Sannu, Id. Standing Counsel has also



appeared for the MCD with Mr. B. K. Shah, Assistant Engineer, Central Zone, MCD.

5. The inspection report filed on behalf of the PWD has various observations in respect of the manner in which water flow from the bell mouths can be dealt with. It is, firstly, submitted that the construction of a stormwater drain or the peripheral drain from Ashram Chowk to C.V. Raman Marg on Ring Road is not feasible due to various reasons. The same is captured hereinbelow:

“• There is a chronic and persistent problem of water accumulation on Ring Road near Maharani Bagh, causing traffic disruptions.

• Construction of Storm water drain from Ashram Chowk to C. V. Raman Marg on Ring Road is not feasible as DJB Sewer Line exists on this stretch parallel to footpath on the edge of the carriageway. Storm water drain underneath of the footpath is also not feasible due to the existing old and grown up trees of large girth. Storm water drain is also not feasible on the stretch where underground Metro Station exists.

• To drain off the storm water from this stretch bell mouths were already there since many years. Through these bell mouths storm water used to drain off to the MCD drain which runs parallel to Ring Road and around 3 ft. below the level of Ring Road. MCD storm water drain/drain of this area discharge its flow in to the Taimur Nagar Nallah (please see enclosed drawing).

• Reason of water logging on this stretch is plugging the existing bell mouths structures by the residents of Maharani Bagh.

• If the water accumulated on this stretch of the Ring Road is not properly diverted or channelized will not only cause the' traffic disruption but also may cause the collapse of the boundary wall due to the increased earth



pressure on the retaining wall caused by the surcharging of earth by the additional moisture. This wall was collapsed in monsoon season of 2024 due to the same reason.

• As for as Taimur Nagar Nallah is concerned it is approximately 400 mtr. away from the Ring Road stretch and is maintained by I&FC Department.”

6. The solution which has been suggested by the PWD in the said inspection report reads as under:

*“• Its solution has been suggested jointly by MCD and PWD that the bellmouth cannot be closed because, closing the bell mouth will increase the pressure on the outer retaining wall and the chances of collapse will increase. **Therefore, the water from the bell mouths will be brought down through PVC Pipes fixed vertically on the wall and will be connected to the existing MCD drain running along the MCD Road through RCC Pipes, so that the rainwater could not flow on the road and will not enter the houses.**”*

7. After hearing the parties, the solution that appears to be most feasible is not to connect the bell mouth through PVC pipes to MCD drains but rather to construct a drain alongside the wall within the Maharani Bagh colony, wherein the water from the bell mouth may directly discharge into the said drain. These newly built drains can be connected throughout the Maharani Bagh colony to the *Taimoor Nagar* drain. This solution is acceptable both to Mr. Pandey and to Mr. Shah who are present on behalf of the PWD and the MCD as also to the residents of Maharani Bagh.

8. In addition, it has been brought to the notice of this Court that another tender has been floated by the PWD which is to be opened today in respect of improvement of drainage system in Maharani Bagh, New Friends Colony and



Sukhdev Vihar at various locations.

9. It is clear to the Court that the water which is coming out of the bell mouth has to be channelised in a manner so as to not flood the colony in any manner as there is already sufficient waterlogging in the colony itself due to rains.

10. The bell mouth water shall, accordingly, be channelised to the *Taimoor Nagar* drain by creating a drain on the inner periphery of the wall around the Maharani Bagh colony connecting it directly to the *Taimoor Nagar* drain. The newly constructed drain shall be a drain which can be cleaned periodically. It shall also be ensured that it is not an open drain.

11. The PWD and the MCD agree to this solution. Accordingly, this Court directs that the steps be taken for construction of the said drain.

12. Let the sketch for the said drain be prepared and placed on record by the next date of hearing. The timeline for construction of the said drain shall also be placed on record by the next date of hearing.

13. In addition, the PWD and the MCD shall also ensure that the tender which is being opened today in respect of improvement of drainage system in Maharani Bagh, New Friends Colony and Sukhdev Vihar at various locations, if awarded to any contractor, it shall be ensured that the said contractor does not in any manner impede the construction of the drain in the inner periphery of the wall around the Maharani Bagh colony below the bell mouths as is being directed today. The PWD can also consider floating a supplementary tender in respect of today's directions.

14. Mr. Anil Kumar, the Chairperson of the Special Task Force (hereinafter, '*STF*') already constituted by this Court for cleaning of the *Taimoor Nagar* drain is also present in Court today.



15. Some images by the Irrigation and Flood Department of the *Taimoor drain* have been shown to the Court. It is submitted by Mr. Anil Kumar that due to the heavy rains, the construction of the boundary walls of the drain has been delayed.

16. The Court has perused the said images which would show that though the drain is now flowing, considerable amount of work is still to be completed. Let the cleaning work, desilting work, piling work, etc., continue and a status report be filed by Mr. Anil Kumar. He shall also place on record a status report by the next date of hearing giving the complete status of the action taken till now and what are the remaining actions that are yet to be taken.

17. At this stage, Mr. Haksar, Id. Sr. Counsel, submits that Mr. Pandey from the PWD should be directed to attend the weekly meetings with the Residents Welfare Associations of the Maharani Bagh Colony. Accordingly, Mr. Pandey from the PWD shall join the weekly meetings with the Residents Welfare Associations until the work can be streamlined.

18. Insofar as the management of civic services in Delhi is concerned, the directions given in the previous order dated 28th July, 2025 are as under:

“8. The present application actually highlights the apathy that exists across Delhi in respect of the effective functioning of essential civic services and utilities, such as drainage systems. With the experience of dealing with these matters concerning waterlogging in Delhi, this Court is of the opinion that the apathy stems from the involvement of multiple agencies which are functioning without effective coordination. In these matters, which relate to waterlogging, the Court has had to call all agencies to the Court in order to enable them to arrive at some consensus and for the directions to be effective. The said agencies include the MCD, PWD, DJB, Irrigation and Flood Control Department, DDA, etc.



Between these agencies, there is enormous confusion that is caused due to improper delineation of responsibilities leading to them 'passing the buck' on most occasions. One glaring example, which has been highlighted in the course of these proceedings, is that stormwater drains are under the management of MCD, and the sewer lines are under the management of DJB. Neither of these pipes is being properly managed by the respective agency, which seems to be shifting the blame to the other agency. This has led to the non-maintenance of either of the lines, leading to excessive flooding in Delhi. However, it is equally important to highlight that the blame does not lie solely with the Government. In most colonies, the stormwater drains are also blocked by the residents themselves, who construct cement pathways on top of the drains, perhaps for parking purposes, which leads to said drains being perpetually clogged.

9. In this view of the matter, the Court deems it appropriate to observe that the time has come for the Delhi Government to take a comprehensive decision as to the manner in which civic services in Delhi need to be managed and administered for better efficiency.

10. This order shall be placed before the Chief Secretary, Delhi Government, for being placed before the concerned senior functionaries of the Government to take a decision on some centralisation of administration and management of the flooding in Delhi. If required, the matter may even be placed before the Hon'ble Lieutenant Governor/ Administrator for Delhi."

19. Ld. Counsel appearing for the Government of National Capital Territory of Delhi (hereinafter, 'GNCTD') submits that the instructions received are that the Integrated Drain Management Cell (hereinafter, 'IDMC') is the authority which oversees all the drains in Delhi.



20. However, this appears to be an inaccurate position as the IDMC does not appear before this Court as a single agency managing all drains including, storm water drains and sewage drains. Multiple agencies i.e., the MCD, PWD, Irrigation & Flood Department, DJB, and sometimes even the L&DO is required to be heard in these matters before effective directions can be passed. The IDMC, as one single agency has not appeared before this Court in any of the hearings for dealing with the issue of waterlogging, clogging of drains etc., The IDMC thus does not appear to have the mandate to deal with these issues in a comprehensive manner.

21. The purport of the order dated 28th July, 2025 was that as in the case of the New Delhi Municipal Council (hereinafter, 'NDMC') which takes care of all civic amenities in the New Delhi area, there ought to be one civic agency which would deal with all issues including construction of roads, management of sewage, management of garbage, management of drain, management of storm water drains, etc. Such agency can have various departments under one management so that the conflicting works undertaken by various agencies as also the budgetary allocations can be streamlined which may make the work more effective and manageable. Presently, it takes enormous effort to ensure that these agencies coordinate with each other and take responsibility for the works being undertaken.

22. Accordingly, let the Chief Secretary, GNCTD file an affidavit after placing this order before the Id. Administrator and the Senior functionaries of the GNCTD so that the stand of the Government can be ascertained and further orders, if any, can be passed in this regard.

23. The order dated 8th April, 2024 in *W.P.(C) 7594/2018* titled '*Court on its Own Motion v. Union of India*' as also the order dated 12th November,



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2024 passed in the present petition shall also be placed before the Chief Secretary, GNCTD who shall then file the affidavit/ updated report by the next date of hearing.

24. List on 3rd September, 2025 at 2:30 p.m.

**PRATHIBA M. SINGH
JUDGE**

**MANMEET PRITAM SINGH ARORA
JUDGE**

AUGUST 19, 2025

dj/ck

(corrected & released on 22nd August, 2025)