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

Date of decision: 26th May, 2025

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+ **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, Ms. Seekha Vyas, Advocates

versus

UNION OF INDIA& ORS. Respondents

Through: Mr. Amit Gupta & Mr. Vidur Dwivedi, Advs. For UOI.

Mr. Tushar Sannu Dahiya, Mr. Aman Kumar & Mr. Shivam, Advs. 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 with Officers Present: Mr. Durga Prasad (Executive Engineer), Mr. Nipun Kumar (AE), Mr. Vinay Rawal (SO), Mr. Sukhdev Singh (AD), Mr. Vishnu Kumar JSA PM-UDAY, Mr. Vimal Kumar JSA PM-UDAY.

Mr. Dhruv Rohatgi, Mrs. Chandrika Sachdev & Mr. Dhruv Kumar, Advs. For GNCTD.

Mr. Ripudaman Bhardwaj CGSC with Mr Kushagra Kumar Mr Amit Kumar Rana Advs.

Mr. Tarveen Singh Nanda, Adv. For Delhi Cantonment Board.

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WITH
W.P.(C) 5950/2025 & CMs 27263/2025
SURENDER SINGH & ORS. Petitioners
Through: Mr. A.N. Haksar, Senior Advocate
with Mr. Udayan Jain, Mr. Ranjan
Mishra, Mr. Harsh Jaiswal, Advocates

versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Tushar Sannu
Dahiya, Mr. Aman Kumar & Mr.
Shivam, Advs. 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 with Officers Present:
Mr. Durga Prasad (Executive
Engineer), Mr. Nipun Kumar (AE),
Mr. Vinay Rawal (SO), Mr. Sukhdev
Singh (AD), Mr. Vishnu Kumar JSA
PM-UDAY, Mr. Vimal Kumar JSA
PM-UDAY.
Mr. Gautam Dhamija, Adv. for Delhi
Jal Board/R-5. (M:98998 09187)
Mr. Ajay Arora, Senior Advocate with
Mr. Tushar Sannu Advocate for MCD.
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan & Ms. Harshita Maheshwari,
Advs. for DUSIB.
Mr. Farman Ali, SPC.
Mr. Tarveen Singh Nanda, Adv. For
Delhi Cantonment Board.

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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)

Mr. Siddhant nath (Standing Counsel
for MCD) Mr. Bhavishya Makhija,
Mr.Aman Khan Adv.

Ms. Pratima Lakra, CGSC with Mr.
Shailendra Kumar Mishra, Advs.

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WITH

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

SHAIENDRA BHATNAGAR Petitioners

Through: Mr. Pranav Raj Singh & Mr. Sambhav
Jain, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS Respondents

Through: Mr. Shailendra Bhatnagar, Adv.
Mr. Tarveen Singh Nanda, Adv. For
Delhi Cantonment Board.

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) 13190/2024 & CMs APPLs.22480/2025, 22481/2025, 22482/2025

Taimoor Nagar Drain

2. *Vide* order dated 28th February, 2025, this Court had empowered and directed the Special Task Force (hereinafter 'STF'), to remove all illegal encroachments and constructions, including the five storey building, that are obstructing the natural flow of the *Taimoor* drain (hereinafter '*the drain*'). Further *vide* the subsequent order dated 28th April, 2025, the demolition drive



of encroaching structures were fixed to start on 5th May, 2025. However, today, it is the contention of Mr. A.N.Hakser Id. Senior Counsel appearing for the Petitioners in *W.P.(C) 13190/2024*, that the five-storey building remains standing and continues to be occupied by residents.

3. In this regard, Ms. Prabhsahay Kaur, Id. Standing Counsel submits on behalf of the Delhi Development Authority (hereinafter 'DDA') that the demolition drive had to be carried out in three phases. The first and the second phase are complete and about 90 structures have been demolished. In the third phase, the demolition of 5 five-storied buildings and 1 three storied building is to take place. The said categorisation is stated to have been made considering the fact that the demolition of the said structures are to be done in a controlled manner.

4. Elaborating on this aspect, Ms. Kaur, submits that given the size and scale of the structures, and the fact that some of these illegal constructions share common walls with adjoining buildings, the demolition is to be conducted in a manner that ensures the safety of the adjoining structures as well as the drain itself. She further submits that, in light of the specialised nature of the work involved herein, a tender has been floated, and the same is scheduled to be opened on 28th May, 2025. Upon finalisation, the demolition work is proposed to commence on 10th June, 2025 and is expected to be completed by 30th June, 2025.

5. Parallely, Mr. Haksar, Id. Senior Counsel submits that pursuant to the directions in order dated 28th April, 2025, the joint inspection was conducted in his presence and he affirms that the drain is getting cleaned. However, it is his grievance that the garbage is again being thrown into the drain on a daily basis leading to congestion in the drain. He places reliance on photographs



that are placed on record.

6. On behalf of the Municipal Corporation of Delhi (hereinafter 'MCD'), Id. Senior Counsel submits that the budget approval for construction of Fixed Compactor Transfer Station (hereinafter 'FCTS') has already been granted. In the next ten days, the construction of the same shall commence by 15th June, 2025.

7. Heard the parties. Insofar as the demolitions are concerned, there were several structures which were blocking the drain which were completely unauthorised. The said structures were encroachments and were impeding the flow of the drain as well. Accordingly, the court had directed demolition of the unauthorised and encroaching structures vide orders dated 17th April, 2025 and 28th April, 2025. The said order was challenged by some of the occupants. Vide order dated 02nd May, 2025 the Supreme Court has dismissed the SLP in the following terms:

“1. Heard Mr. Gaurav Agrawal, the learned senior counsel appearing for the petitioners.

2. We have looked into both the orders passed by the High Court dated 17.04.2025 and 28.04.2025 respectively. We firmly believe we should not come in the way of the public project. High Court is right in its action.

3. If for the purpose of laying underground drain few unauthorised structures have to be removed the same would be in public interest.

4. We can understand the plight of the petitioners whose houses are to be demolished but it shall be open for the petitioners to either pray before the High Court or before any other authority to provide them with some alternative accommodation, if at all permissible in law.

5. With the aforesaid, the petitions stand dismissed.

6. Pending application(s), if any, stand disposed of.”



Thus, the demolition and expansion of the Drain has to continue in right earnest.

8. Insofar as cleaning is concerned, the Court has also perused the photographs placed on record by Petitioners as well as DDA. A perusal of the same makes it clear that the cleaning of the drain must be undertaken as a continuous exercise, with operations being carried out at least twice daily – in the morning and evening. This direction becomes necessary in view of the ongoing cleaning of parallel drains across the city, as well as the debris and *malba* accumulating in the vicinity of the drain due to the demolition of encroachments currently underway.

9. It is made clear that the cleaning of the garbage in the vicinity of the drain, shall be the responsibility of the MCD. The concerned Deputy Commissioner, MCD of the area shall be responsible for the said cleaning work. Insofar as cleaning of the drain to ensure water flow is concerned, the same shall be the responsibility of the DDA. Upon the demolition by DDA being concluded, the debris and all the concrete, *etc.* shall all be removed and the construction of the drain shall also be completed in an expedited manner.

10. Some photographs have been placed by the STF to show how the construction of the boundary wall has also commenced parallelly. A perusal of the said photographs would also show that a substantial work of the construction is remaining.

11. In light of the foregoing submissions, it is clarified that all three tasks shall proceed simultaneously, without any one job being contingent upon the completion of the other, particularly in view of the imminent onset of the monsoons. The said three tasks are:



- i) Daily lifting and management of the garbage by the MCD and regular cleaning of the drain by the DDA;
- ii) Parallel construction of the drain and boundary wall except in the place where the demolition has to take place. Post demolition completion of the drain;
- iii) Removal of *malba* and demolition of the remaining structures in phase three of the demolition by DDA.

12. The Court has also seen some photographs which show that temporary planks have been put across the drain to enable people to move on the same. Such planks would not be permitted as it may be a safety hazard for the residents of the area as well or for the persons walking on the plank. Therefore, DDA shall remove such planks that are presently placed across the drains.

13. The Chairperson, STF - Mr. Anil Kumar has assured the Court that continuous meetings are taking place between the agencies for all necessary purposes. The Chairperson has highlighted the fact that though the widening of the drain would be continued, the removal of the *malba* on the sides would take some time. However, the DDA has assured that the *malba* would also be removed on a continuous basis.

14. During the month of June, 2025, owing to the partially working Court days, let meetings be continuously held including with the residents on every Friday at about 12 noon in the Maharani Bagh Community Centre, New Delhi.

15. It is further contended by the DDA that Delhi Jal Board (hereinafter '*DJB*') has not sanctioned the funds for shifting the water pipeline in terms of the directions in order dated 28th April, 2025 and this could cause delay in the progress of clearing the drain. Upon a query from the Court, Id. Counsel



for the DJB assures the Court that there was a fund crunch due to which the pipe could not be shifted. However, he informs that, now the budget is in the process of approval.

16. In order to ensure that moving of the pipe does not become an impediment in the clearing/widening of the drain, let a joint meeting with

- Chief Executive Officer, DJB
- Secretary, Finance, GNCTD and
- a responsible official from Finance Department, DJB

be held in the office of either Secretary, Finance, GNCTD or Chief Executive Officer, DJB on 30th May, 2025 to expedite the process of sanction of funds. The DJB shall ensure that the movement of the pipeline starts immediately.

Drain in Delhi Cantonment Area

17. This Court takes judicial notice of a report in the Hindustan Times today i.e., 26th May 2025, wherein it states that over 3,000 soldiers of the Rajputana Rifles have to pass through a drain which is foul smelling and filthy when they move out of their barracks and go to the parade ground. The soldiers are required to pass through this culvert four times a day and the said drain is stated to be flooded and is slick with sludge and sometimes near waist-deep in places. The said article is extracted below:



A smelly trail from barracks to grounds: Regiment's daily battle

For decades, soldiers have trudged through sewage four times daily in south Delhi. No bridge has been built despite repeated requests

Snehl Sinha

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NEW DELHI: Every morning, like clockwork, over 3,000 soldiers of the Rajputana Rifles march out of their barracks and head for the parade ground. But to get there, they must first duck under a narrow, crumbling culvert, entirely covered in garbage, that straddles a foul-smelling drain. Four times a day—twice before breakfast and twice after dusk—this is the path they must cross, navigating muck and stench.

This isn't an image from a neglected outpost or a border camp.

It's the daily reality inside the headquarters of the Rajputana Rifles, the oldest rifle regiment of the Indian Army, located in Delhi Cantonment, a short walk from the bustling Delhi Cantonment Metro Station.

Every year, as the rains swell the muck, the already-difficult crossing becomes a hazard. Flooded, slick with sludge, and nearly waist-deep in places, it forces soldiers to roll up their fatigues and wade through water. They do this till the water reaches a level when it is hazardous to even try crossing the culvert.

Locals said that the culvert was flooded again on Sunday morning after heavy rains, disturbing the morning training session of the soldiers. The water drained out only by early afternoon. "Today was not an exception. This is the ordeal that the soldiers have to face every single time it rains. The pur-



(Above) Soldiers of the Rajputana Rifles use the culvert under the Ring Road near Dhaula Kaaan to go from the parade ground to their barracks on May 18 (top right) soldiers inside the culvert. The crossing becomes hazardous during the monsoon when the culvert gets flooded, forcing soldiers to roll up their fatigues to wade through the water.



AFTER SUNDAY'S RAINFALL



(Left, above) The culvert flooded after rainfall on Sunday. The water drained out only by early afternoon. It disrupted training session of soldiers.

pose of the culvert actually is to drain out water and to provide passage to the men. They use it as there is no other way," said Aditya Tawar, a local activist.

"I was recruited in 1990, and we had to use the same drain crossing for training even back

then. It got dangerous at night and during the rains. Now, 35 years later, when I'm posted here again, I find the situation hasn't changed," said a soldier who asked not to be named.

"There have been multiple requests for a foot over-bridge, but the Delhi government has done nothing."

It is a cruel irony. Even as the nation celebrates its military strength with symbolic marches and political speeches lauding the success of Operation Sindoor, the soldiers at its heart are left to wrestle with crumbling infrastructure in the very Capital.

What deepens the irony is the Delhi government's aggressive push to build foot overbridges (FOBs) across the city since coming to power in February. The Public Works Department (PWD) has sanctioned multiple new FOBs over arterial roads and busy markets. Several lie underutilised or locked up, while one of

the city's oldest military institutions continues to be denied a bridge that has been requested for years.

"The proposal has been acknowledged several times. But nothing moves beyond the files. This isn't just about convenience—it's about safety and respect," said a senior official from the regiment who asked not to be named. "Even Olympian Neeraj Chopra used this culvert during his training. The new batch of Agniveers will do the same. We are soldiers—we don't complain. But this is not how it should be."

When the culvert floods over during monsoon, which it invariably does, soldiers are forced to walk nearly 2.5km to a traffic light to cross the six-lane Ring Road. The road above is grime-soaked, painted, flanked by wide walking paths and six-foot-high iron grills to deter jaywalking. Below it, however, the soldiers wade through slush.

Nearly 30 years ago, Delhi witnessed this daily indignity. Civil society activists have raised the issue repeatedly.

"We've written to the Public Works Department (PWD), to the lieutenant governor, to the defence ministry. Everyone agrees that an FOB is needed here. But

there's been no action. We even moved the court, which asked the government to look into it. We met the chief minister—she gave a positive response, but that was a month ago," said Parag Tyagi, founder of the Centre for Youth, Culture, Law and Environment, who has led the campaign.

PWD officials maintain they are "considering the matter" and are assessing financial feasibility. But people familiar with the matter admit the file has moved little in two years—despite a strongly worded recommendation from the Central Road Research Institute (CRRI), which is part of Delhi's subway committee and oversees feasibility assessments.

Velmurugan S, chief scientist, CRRI, said in the letter: "It is understood that a minimum of 1,500 commuters must be using this informal pathway with the peak flow of 400 to 500 RRB commuters/soldiers at any instance of time during each of the morning drills, afternoon lunch and evening dinner timings. Considering the prevailing inhumane condition at the site and inadequate facilities for the soldiers of our nation, the feasibility of the construction of an FOB is fully justified without having the need to conduct any traffic study. This is because of the fact that the

above quantum of commuters is fixed considering the regimental schedule of training every day. The approach of the FOB landing at the RRB Centre side can be oriented to have two landings one on the Ring Road and the other within the premises of the RRB having a gated facility managed by Army."

PWD did not respond to a request for comment. Tawar, the activist, recalled how the initial CRRI inspection happened at 11am—long after soldiers had crossed the culvert. "The team reported that no one used the route. But we requested a second visit at a more relevant time, and they were shocked to see the volume of daily movement," he said.

That second visit changed everything. "I sent a revised letter to PWD, stressing the urgency," said Dr S Velmurugan, chief scientist and head of the traffic engineering and safety division at CRRI. "What I saw was inhumane. Soldiers, who are supposed to be our protectors, being made to crawl through a drain to train. How has no government thought to build a footbridge here in all these years?"

As monsoon approaches again, the need for a decision grows more urgent.



Soldiers enter the culvert which straddles a foul-smelling drain.

VINAY KUMAR PHOTO

18. This Court has, in this petition, given directions from time to time for cleaning of various drains within Delhi since 2024. This particular story



relating to the soldiers who have to march through this drain is indeed an unacceptable situation. The report states that a bridge was requested but has not yet been built.

19. The Nominated Counsel for the Delhi Cantonment Board is present in the Court today and has been requested to accept the notice.

20. Let Delhi Cantonment Board file a brief status report by Thursday *i.e.*, 29th May, 2025 in this regard.

21. List all these matters on 29th May, 2025.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

MAY 26, 2025/Rahul/Ar.