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

+ **W.P.(C) 5569/2021**

COURT ON ITS OWN MOTION

..... Petitioner

versus

NORTH DELHI MUNICIPAL
CORPORATION AND ORS.

..... Respondents

+ **W.P.(C) 14790/2021**

COURT ON ITS OWN MOTION

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

MEMO OF APPEARANCE:

Mr. Rajat Aneja (Amicus Curiae) and Ms. Rajula, Advocates.

Mr. Divya Prakash Pande, Standing Counsel for respondents/
Nr.DMC& SDMC.

Mr. Tushar Sannu, Standing Counsel with Ms. Ankita Bhadouriya,
Advocate for respondent/ EDMC.

Mr. Satyakam, ASC for respondent/ GNCTD.

Ms. Sakshi Popli, Advocate for respondents/ DJB & NDMC.

Mr. Tarveen Singh Nanda, Standing Counsel for respondent/ Delhi
Cantonment Board.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE JASMEET SINGH



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ORDER
25.03.2022

1. A common status report cum compliance affidavit has been filed by Mr. Pande, Standing Counsel for Nr. DMC and SDMC. Some parts thereof have also been read, including the minutes of the meeting convened under our orders on 15.03.2022. We find that the Delhi Development Authority has, somehow, not been noticed in these proceedings. In our view, the participation of DDA is necessary since suggestions have also been received with regard to the amendment of the Building Bye-Laws to make buildings mosquito proof.
2. Accordingly, we direct issuance of notice to the DDA, including through their Standing Counsel electronically. The complete paper book with all documents, annexures and filings be served on the DDA.
3. The minutes of the meeting have been read out in part. It appears that various departments such as the Flood & Irrigation Department of the GNCTD, Flood & Irrigation Department of the State of U.P., Headquarters (Prisons), PWD, GNCTD, Delhi Police, etc. were required to file their action taken reports. However, no action taken report has been furnished by any of these bodies. We direct that action taken reports should be filed by all of them with the Nodal Officer i.e the Commissioner of North Delhi Municipal Corporation positively within the next 10 days. They shall be shared by him with the learned Amicus, who may examine the same and place a summary before the Court on the next date.



4. The North Delhi Municipal Corporation has drawn up a document enlisting the roles and responsibilities of GNCTD, local bodies, house/building owners, intersectoral departments, institutions and organisations for prevention and control of Vector Borne Diseases in the NCT of Delhi. The said document has been placed on record at Page No. 1189 of the record. This document also stands circulated to all the local bodies and organisations responsible to look into and control of Vector Borne Diseases. The same be also shared with the DDA. The North Delhi Municipal Corporation has also evolved and placed on record an action taken plan for the year 2022-23 on the subject of Prevention and Control of Vector Borne Diseases in East Delhi Municipal Corporation. Mr. Pande states that the said action plan is applicable in respect of all the three Municipal Corporations. This document shall also be shared with all the other local bodies and organisations who attended the last meeting held as well as with the DDA. We direct all the local bodies and all other organisations who attended the meeting, as well as the DDA, to similarly formulate their own respective guidelines keeping in view the hierarchy of the organisation concerned, and the scope of their respective roles and responsibilities.
5. We find that the responsibilities assigned in the said document by the Municipal Corporations are at a very low level. Mr. Pande states that the said document shall be improved, so that there is better implementation of the action taken plan. All the other Local Bodies and organisations shall also ensure to assign the responsibilities to relatively senior officers.
6. Mr. Raja Singh, Research Scholar and Visiting Faculty, Department of



Architecture, School of Planning and Architecture has circulated a communication dated 01.03.2022, containing suggestions for making buildings and structures in the NCT of Delhi mosquito free. He submits that if his suggestions are incorporated in the Building Bye-Laws itself, they would help to prevent mosquito breeding in the buildings. He has also suggested that mosquito nets should be made mandatory in the buildings, to prevent mosquitoes from entering the buildings which are inhabited.

7. These suggestions appear to be useful. We direct the local bodies as well as the DDA to examine the same, and if found feasible, they should be incorporated in the Building Bye-Laws.
8. We have requested the learned Amicus to, firstly, understand the roles and responsibilities of the organisations and the hierarchy of their respective organisations, and on that basis, to suggest to the Court the officers who should be made responsible for execution and implementation of the responsibilities of the respective organisations. For this purpose, we direct the relevant officers of the local bodies and other organisations – who have been noticed in these proceedings, to make themselves available for interaction with Mr. Aneja, the learned Amicus.
9. We direct all the local bodies and other noticed by us in these proceedings, to cooperate with Mr. Aneja, and answer all questions that Mr. Aneja may have in this regard, so as to enable him to formulate his report.
10. Mosquito breeding in NCT of Delhi takes place even in residential and other built-up areas, and on construction sites. Unfortunately, due to minimal fines, there is hardly any deterrence, and the public does not view the menace



with the seriousness it deserves. In this background, in our order dated 25.02.2022, we had directed the Chief Secretary, GNCTD to personally look into the aspect of increasing the fines for violation of the law in relation to mosquito breeding by amending Section 482 of the Delhi Municipal Corporation Act, 1957 and Section 390 of the New Delhi Municipal Council Act, 1994. Unfortunately, nothing seems to have been done and our requests have fallen on deaf ears.

11. We are, therefore, compelled to direct the Chief Secretary, GNCTD to file his own specific affidavit in this regard within 2 weeks failing which; he shall personally remain present in Court. For this limited purpose, list the matter on 22.04.2022.

12. We direct a further meeting of all the bodies who had attended the last meeting held on 15.03.2022, as well as a senior representative of the DDA to join the meeting to be convened by the Commissioner, North Delhi Municipal Corporation on 12.04.2022 at 04:30 P.M. The Commissioner, North Delhi Municipal Corporation shall communicate this order for compliance to all the noticees bodies and the DDA for compliance.

13. List the matter before Court on 06.05.2022.

VIPIN SANGHI, ACJ

JASMEET SINGH, J

MARCH 25, 2022

N.Khanna