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

+ **W.P.(C) 14826/2022 & CM APPL. 69807/2024**

RAJEEV SURI

.....Petitioner

Through: Mr. Shikhil Suri, Senior Advocate
alongwith Mr. Saurabh Jha, Ms. Madhu
Suri and Ms. Jyoti Suri, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI (MCD) & ORS.

.....Respondents

Through: Ms. Beenashaw N. Soni, Standing
Counsel, MCD alongwith Ms. Ann
Joseph and Ms. Mansi Jain, Advocates
for MCD.

Ms. Shahana Farah and Ms. Sanna
Harta, Advocates for DDA.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

15.01.2025

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1. The petitioner has filed the present petition, *inter alia*, pointing out that certain *dhalaos*, which are used for collection of solid waste are being diverted for other purposes.

2. Municipal Corporation of Delhi (hereafter *MCD*) has filed a status report as well as one additional affidavit, *inter alia*, stating that in terms of the Master Plan for Delhi, 2021 (MPD 2021), the word '*dhalaos*' has been replaced by "*Area for segregation of waste and parking of utility vehicles*". MCD states that the object is to discourage storage at secondary collection points and encourage sorting and segregation. Paragraph 5 of the status



report reads as under:

“5. That as per Master Plan for Delhi 2021 infrastructure requirement for layout at Residential Neighbourhood level [Population of 10,000]: Area for segregation of waste and parking of utility vehicles. The word ‘dhalao’ has been replaced by ‘area for segregation of waste and parking of utility vehicles’ in order to discourage storage at secondary collection points and encourage sorting and segregation. The facility should include space for segregation of biodegradable and recyclable solid waste. Local bodies to ensure removal of existing dhalaos in phases. Waste to be segregated and collected in separate chambers at dhalaos. For this, the involvement of rag pickers with RWAs, CBOs and NGOs is to be encouraged.”

3. It is contended on behalf of MCD that the requirement of a number of *dhalaos* is reduced as a *compactor* is now being used, which would multiply the handling capacity of old *dhalaos*. Consequently, capacity of four number of old *dhalaos* can be handled by a single *dhalao*.

4. An affidavit has been filed on behalf of respondent no.3(DDA), *inter alia*, stating as under:

“2. That regarding the permissibility of Dhalao/Area for segregation of waste and parking of utility vehicles the following is required to be brought on record:

2.1 ***

2.2 Thereafter, the provisions/norms under Table 4.2 were reviewed during the mid-term review of MPD 2021 in Management Action Groups (MAG). As per Minutes of the 8th meeting of MAG on “Common Platform For Building Approvals” held on 08.03.2013, it was informed that DSIIDC has suggested that area for Dhalao be 0.002 Ha. In this regard, MAG observed that local bodies shall encourage door to door collection system; and **the land for Dhalaos shall be utilised mainly for segregation of waste and parking of utility vehicles**. Also the local bodies to ensure removal of existing ‘Dhalaos’ in phases.



2.3 That subsequently the following modification were notified in MPD 2021 vide S.O. 2895(E) dated 23.09.2013 (instead of Dhalao).

i. “Table 4.2 Infrastructure Requirement for layout at Residential Neighbourhood Level

S. No.	Use Premises	No. of units	Unit Area (ha)	Total Land (ha)
(e)	Utilities 15 Area for segregation of waste and parking of utility vehicles.	1	0.02	0.02

ii. Foot note (viii) was added to Table 4.2.

(viii) Local bodies to ensure removal of existing Dhalaos in phases.”

iii. MPD 2021 presently does not permit new Dhalaos and provisions for removal of existing Dhalaos in phases which is to be done by the local bodies and the said areas to be utilised for segregation of waster and parking of utility vehicles.

iv. In case the said area under Dhalaos is to be utilised for other purposes like Milk Booth/Retail outlet, local body to ensure the provision for area for segregation of waste and parking of utility vehicles in the neighbourhood area/Layout Plan.”

5. In view of the above, the principal question which needs to be addressed is whether MCD is complying with the norms as set out in MPD 2021 and the reduction in *dhalaos* is in conformity with the modification as notified on 23.09.2013 and as referred to in the abovementioned paragraph No. 2.3 of the additional affidavit filed by DDA.

6. Let a status report, to the aforesaid effect, be filed before the next date



of hearing. The status report will also indicate the flow chart indicating the waste management as is currently being implemented.

7. List on 11.02.2025.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 15, 2025

Kct/ms

Click here to check corrigendum, if any