



\$~7 (SDB)

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

Date of decision: 28th July, 2025

+ **W.P.(C) 13190/2024 & CM 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. Udayam Jain & Mr. Ranjan Mishra, Advs.

versus

UNION OF INDIA& ORS.

.....Respondents

Through: Mr. Akash Vajpai, Adv. for R-1.
Mr. Dhruv Rohatgi, Mrs. Chandrika Sachdev, Mr. Dhruv Kumar, Mrs. Akanksha Singh Rohatgi, Advs. with Mr. Anil (Chairman, STF, Flood & Irrigation Department), GNCTD. (M:98915 58131)
Ms Deeksha L Kakkar, Ms Prabhsahay Kaur, Standing counsel, with Mr Rashneet Singh, Ms Sana Parveen, Mr Aditya Verma & Ms. Kavya Shukla, Adv. with Officers present Vipun AE for DDA.
Mr. Gautam Dhamija, Adv. for R-5/DJB.
Mr. Ajjay Aroraa, Sr. Advocate with Mr. Tushar Sannu, Adv. for MCD.
Mr. Ripudaman Bhardwaj (CGSC) with Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advocates. (M:9818030700)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA



Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.45269/2025 (for impleadment)

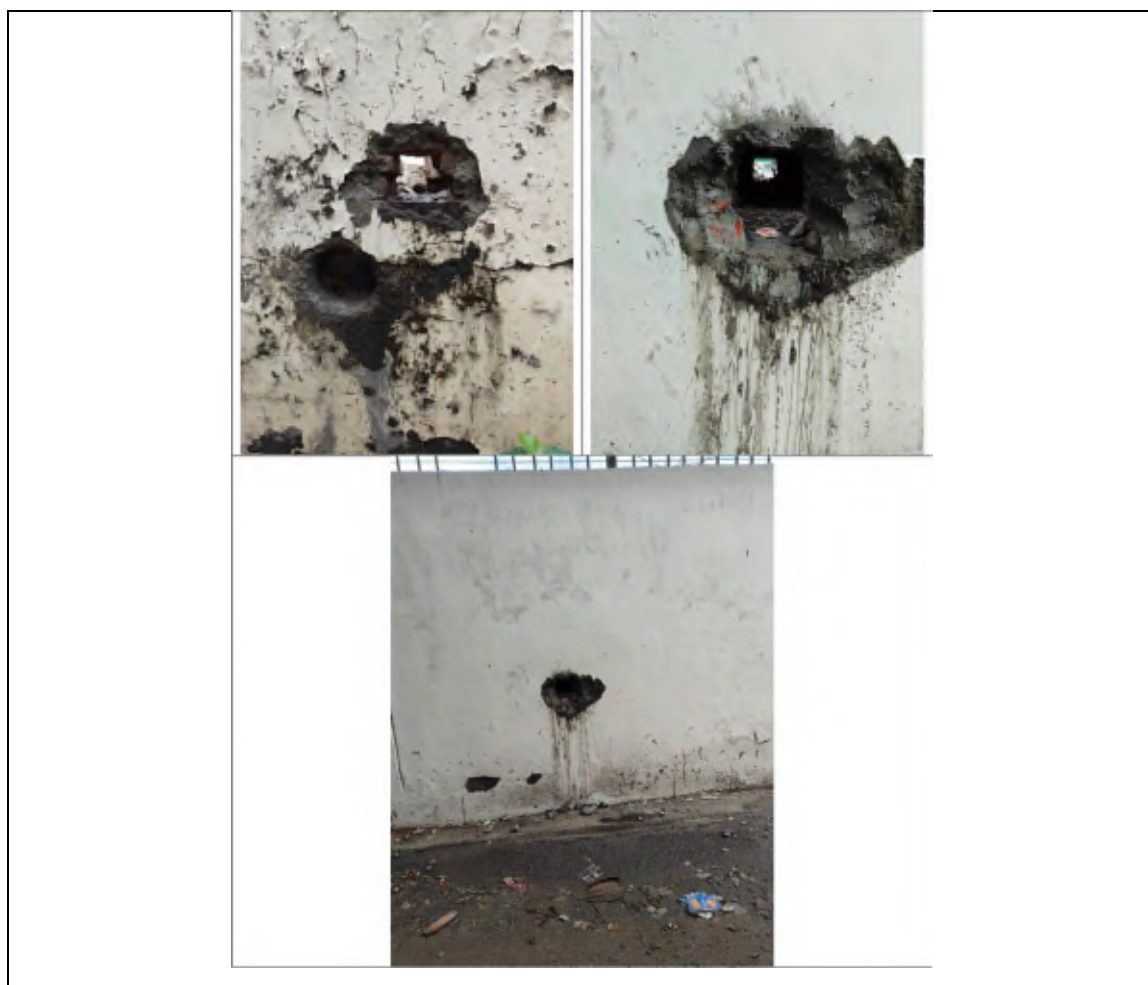
2. The present application has been filed seeking impleadment of the Public Works Department, GNCTD (*hereinafter 'PWD'*) as the Respondent No.6 in the present petition.
3. For the reasons stated in the application, the PWD is impleaded as Respondent No.6 in the matter.
4. The application is disposed of.

CM APPL.45268/2025 (for directions)

5. This is an application filed by the Residents Welfare Association of Maharani Bagh Cooperative Housing Society (*hereinafter 'RWA'*). The Court in the main writ petition, being *W.P.(C) 13190/2024*, has been considering various aspects relating to waterlogging in and around the *Tamoor Nagar* drain, which is adjacent to Maharani Bagh colony and has issued various directions from time to time.
6. However, in this application, a new and recent complication, which has arisen due to the PWD's action, has now been brought before the Court. What appears to have happened, as per Mr. Haksar, Id. Senior Counsel for RWA, is that certain that Bell mouths/holes have been made in the walls of the boundary walls that lie across the ring road. The grievance of the Applicants/RWA is that, on account of the said ring road lying on a raised plain, during rains, rainwater flows from the said road through the bell mouths/holes into the low-lying Maharani Bagh colony, thereby resulting in severe flooding within the colony. This development is alleged to be recent.



7. The PWD engineer is present in Court. He disputes the above stand. He, on the contrary, submits that these are not new holes that are made in the walls, but rather are ones which already existed, which were blocked by the residents and have now been opened. He further submits that the bell mouths/holes were installed to prevent waterlogging on the Ring Road, and that the water flowing through these openings ought to be properly drained through the drainage lines laid along the sides of the internal roads (A Road) within the colony. However, the existence and proper functioning of the said drainage line are not evident from the photographs or videos placed on record. Some of the images filed by the RWA are extracted below:





Upon a query by the Court as to the current condition of the said drain, it has been submitted that the Ring Road falls under the jurisdiction of the PWD, whereas the internal 'A' Road within the colony is under the control of the MCD.

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.

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 2nd 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.

12. List on 19th August, 2025 at 2:30 PM.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

JULY 28, 2025/dk/Ar.